

## **LAND CODE OF THE REPUBLIC OF ARMENIA**

(Passed on 2<sup>nd</sup> of May, 2001)

Taking into account the nature protection, economic and social significance of the land, for which it is used and protected as the warranty of vital activity of the population of the Republic of Armenia, the Land Code defines the basic directions of State regulatory system improvement concerning land relations, development of various organizational and legal forms of land economy, fertility of land, land use efficiency raise, protection and improvement of an environment – favorable for human vitality and health and the legal framework concerning the protection of the rights on land.

Ownership, use and disposition of land must not harm the environment, security and defensibility of the State; must not violate rights and legally defined interests of citizens and other entities.

### **GENERAL PART**

#### **CHAPTER 1.**

#### **GENERAL PROVISIONS**

##### **Article 1. Land legislation and other statutory legal acts that regulate land relations**

1. Land legislation includes the corresponding provisions of the Constitution of the Republic of Armenia, the Civil Code, the Land Code and other laws (Hereinafter: laws) of the Republic of Armenia on regulation of land relations, passed according to the Land Code.

2. In cases envisaged by the Land Code and other laws regulating land relations, the State governance bodies and the institutions of local self-governing obtain the right to accept statutory legal acts on the regulation of land relations.

3. The laws and statutory legal acts on regulation of land relations, as well as those envisaged by the Land Code must be of strict correspondence to it.

4. In the chapters referring to land and concerning land relations the Civil Code of the Republic of Armenia (Hereinafter: Civil Code) is enabled through consideration of provisions of the Land Code.

5. If international agreements of the Republic of Armenia under see norms other than mentioned in the Land Code, then the norms of the international agreements will be enabled

##### **Article 2. State regulation of land relations**

1. The State regulation of land relations includes:

1) Definition of directions of the State policy concerning management, ownership, use and disposition of land resources

2) Adaptation and control over the implementation of laws and statutory legal acts on the regulation of land relations

3) Definition of procedures on land reforms

4) Definition of the available land in accordance to appropriation, operational importance and type

5) Implementation of projects and integrated investment policies concerning increase of land fertility, land-use, protection and agricultural utilization

6) Definition of integrated principles of licensing of activities aimed at land monitoring, earth engineering and land investigation

7) Regulation and disposition of State propriety land, definition of procedures on alienation and use of land belonging to the State by the rights on property and on allowable use and alienation of land

8) Alienation of the land, belonging to the citizens and legal entities by the right on property, and use for public needs

9) Definition of a special legal regime and restrictions on use of land of special appropriation

10) Implementation of the international cooperation concerning use, protection and increase of fertility of the land

11) Definition of authorities and performance procedures of State authorized bodies on management of land resources (Hereinafter: authorized management bodies), other bodies of State governance and local self-governing bodies, and their interrelations

12) Adaptation of land zoning and use mechanisms

13) Adaptation and publication of the annual State report on land

14) Maintenance of the integrated State cadastre on real estate

15) Definition of land chargeability principles, land tax quotas and tax privileges

16) Adaptation of administrative divisions of communities and marzes (administrative unit)

2. The Government of the Republic of Armenia (Hereinafter: Government) directly or by means of the authorized management bodies implements the State management of the land resources of the Republic of Armenia

3. The authorized management bodies enact their authorities directly and/or by means of their administrative divisions

### **Article 3. Authorities of the local self-governing bodies on regulation of land relations**

Concerning the regulation of land relations the local self-governing bodies

1) According to defined procedures, develop the basic settlement plans and implement land zoning and use mechanisms within the administrative territory of the community,

2) According to basic settlement plans, within the administrative territory of the community and according to defined procedures, provide and take away land belonging to the community and the State due to the Law on Property

3) Dispose the land belonging to the community due to the Law on Property, according to defined procedures

4) Implement:

- Contiguous registration of the land

- Charges of land taxes and rent for the use of community land

- Control over use of the land and maintenance of the restrictions on use

- Other authorities defined by the law

5) Support:

- State registration of the land

- Provision of protection of the land located to administrative territories of the communities

- Performance of nature protection and historical-cultural norms and implementation of measures directed to that

- Implementation of Republican and regional plans of the mechanisms for the utilization of forestland

### **Article 4. Land relations**

1. Relations concerning ownership, use and disposition of land, as well as management of land resources; and arising among the State governance, local self-governing bodies, citizens and legal entities are called land relations

The regulation of land relations is based upon:

1) Combination of land-use as a natural and real estate object, the main industrial instrument, and use of the territorial basis

2) Variety of subjects owning and using the land and definition of authorities of State governance and local self-governing bodies on regulation of land relations in the Republic of Armenia

3) The principle of legal equality among the landowners concerning land relations

4) On the impermissibility of illegal State interventions in the activities of citizens and legal entities concerning disposition and use of the land

The Civil Code, laws containing civil norms and statutory legal acts regulate property relations arising concerning the disposition of land, if the Land Code envisages no other provisions

2. The communities of the Republic of Armenia, citizens and legal entities of the Republic of Armenia and other countries, international organizations and persons of other status are considered the subjects of land relations

3. According to the Constitution of the Republic of Armenia, the foreign residents, and non-citizens of the Republic of Armenia cannot obtain property rights on land. They can only be land-users

The exceptions are the entities obtaining special status in the Republic of Armenia.

4. The objects of land relations are the land and the rights on land

#### **Article 5. Land**

1. Land is the surface area of the earth that has defined borders, area (surface, cover), location, a legal status, on hand with legal restrictions, registered in the State integrated cadastre on real estate

2. The borders of the land are defined in cadastral maps and documents proving the right on property, and are described in the field

3. The legal status of the land includes the defined procedures on property registration and other rights and restrictions

4. The land, the right on it, restrictions on its use and the objects attached to the land (Land covers, separated water objects, forests, perennial forest plantations, buildings, constructions) that are impossible to remove without harming them are in estate turnover, if no other provisions are envisaged by the law

5. The land can be separable and inseparable

The land that, despite its target position and changes in the process of permitted use can be divided into parts, each of which can become a separate subject to State registration, is considered separable

The land that cannot be divided into separate parts because of its target position and permitted use is considered inseparable.

Land can be proved inseparable by the law and other legal acts

### **CHAPTER 2.**

#### **LAND OF THE REPUBLIC OF ARMENIA**

##### **Article 6. Available land of the Republic of Armenia**

1. Due to its target position, the available land of the Republic of Armenia is classified:

- 1) Agricultural
- 2) Settlement
- 3) Industrial, for entrails-use and production
- 4) Energetic, transport, communicational, public structural
- 5) Specially protected areas
- 6) Special importance
- 7) Forestry
- 8) Water
- 9) Reserved land

2. Land of any target position is classified into soil types or operational importance, according to the type of use

##### **Article 7. Target position, soil types and operational importance of the land**

1. The target position of the land is a complex of properties and specialties, conditions of land-use and exploitation in certain purposes

2. The Government defines and changes the target position of the land on the basis earth engineering, civil engineering projects and registration documents

3. The soil type is the complex of those properties of agricultural and forestry land that describes its operational use

4. The operational importance of the land is the complex of physical, qualitative and normative properties defined by statutory legal acts, earth engineering and civil engineering projects that include the framework of permitted use and alienation of the land

5. The target position of the land, soil types and operational importance, and the restrictions on land-use are mentioned in:

1) Decisions of State governance and local self-governing bodies on provision (allocation) of land, use of specially protected lands and land area of other significance

2) Certificates, contract and other documents proving the right on land

3) Files of the State real estate cadastre

4) State registration files

5) Land zoning and use mechanisms, basic settlement maps

6. The legal regime on land is defined on the basis of laws and statutory legal acts

State authorized bodies implement the classification of soil types and land of operational importance.

7. Alteration of land target position and operational importance, defined by the Land Code, other laws and statutory legal acts adapted on their basis, serves as a basis for

1) Judicial invalidation of acts and accepted land operations carried out by State governance and local self-governing bodies

2) Denial of State approval of the rights on land

#### **Article 8. Permitted use of lands**

1. Permitted use of lands is the use in accordance to the target position and operational importance of the land, including the defined rights and restrictions

The statutory legal acts, land zoning and use mechanisms, and civil and earth engineering projects define the permitted use of lands.

2. The permitted use of lands can impose responsibilities that are aimed at:

1) Prohibition of land-use tools that result in decrease in the quality and fertility of the land or contamination of the environment

2) Density of construction performed in accordance with civil engineering projects, norms and rules, the height of the buildings, constructions and fundamental specialties

3) Installation of socio-cultural, public-economical, industrial and other buildings, construction in corresponding zone or land area

4) Types of land-use harming human health or endangering it

5) Allowable norms of environmental impact

6) Maintenance of green plantations

7) Implementation of measures on prevention of desertion, alteration, swamping and salination of lands

8) Implementation of measures aimed at land protection and rehabilitation of altered lands

9) Implementation of measures for protection of environmental systems, integrity of sanitary hygienic integrity, and biological diversity

10) Implementation of measures aimed at protection of agricultural, civil engineering, nature protection, historical and cultural values, according to laws and statutory legal acts of State governance and local self-governing bodies

3. The requirements for permitted use of allocated land are defined independently from the rights and properties on the given land

### **CHAPTER 3. AGRICULTURAL LANDS**

#### **Article 9. Concept and definition of agricultural land**

1. The lands envisaged for use on agricultural purposes, processing of plants, creation of long-term plantations, harvesting, cattle livestock provision and other agricultural activities are considered agricultural lands

2. According to soil types, agricultural lands are divided into:

- 1) Cultivated lands
- 2) Long-term plantations
- 3) Hayfields
- 4) Pastures
- 5) Other soil types

3. The agricultural soil types are subject to special protection. Transfer of those lands to not agricultural areas is permitted in exceptional cases, according to procedures defined by the 7<sup>th</sup> article of the Land Code

The procedure for use of agricultural lands is defined by landowners and users, according to mechanisms of natural agricultural division of lands, land zoning and use schemes, other projects for earth engineering and statutory legal acts.

4. Transfer of valuable agricultural soil types into less valuable areas is performed by an agreement from the Community Leader and in accordance to procedures defined by the Government

### **CHAPTER 4. RESIDENTIAL LANDS**

#### **Article 10. Conception and definition of the residential land**

1. Lands envisaged for creation of favorable environment, constructions and welfare for the development of residential areas are called the residential lands

2. According to operational significance, the residential lands are classified:

- 1) For residential constructions
- 2) For public constructions
- 3) For various constructions
- 4) For general use
- 5) Other lands

3. The classification of residential lands in accordance with operational significance is defined by land zoning and use schemes and the basic settlement plans

4. Lands envisaged for individual residential buildings, auxiliary constructions attached to them, multi-apartment residential buildings, separate structures and constructions under seen for gardening, construction and performance of separate buildings and structures of residential significance are considered the lands for residential construction

5. Lands provided or envisaged for constructing and serving buildings and constructions for satisfying the social needs of the population, State and non-governmental organizations and other facilities are considered the lands of public construction

6. Areas of residential, public and general use and construction formed in such a combination that none of them is of higher priority are called the various construction lands

7. The residential land areas occupied by streets, squares, parks and other public areas are considered the lands of general use

8. The free lands envisaged for residential, public and various constructions and general use but not yet constructed are called the other lands

#### **Article 11. Borders of residential areas**

1. The borders of the residential areas are defined on the basis of civil engineering and earth engineering projects

2. All lands registered in the land fund can exist within the borders of residential areas

3. Lands located to residential areas are used on civil engineering purposes according to basic settlement plans and the order and objectives of land zoning and use schemes

4. Inclusion of lands in the borders of residential areas does not result in changes or abortion of the rights of landowners and users

5. The legal regime defined by civil and earth-engineering projects is established for lands located to residential areas

#### **Article 12. Marginal zones**

The law defines the legal regime and borders of the marginal zones.

### **CHAPTER 5.**

#### **LANDS OF INDUSTRIAL, ENTRAILS-USE AND OTHER OBJECTS**

#### **Article 13. Lands of industrial, entrails-use and other objects**

1. Lands providing for the necessary conditions for industry, agricultural production and exploitation of technological equipment, construction and performance of buildings and structures envisaged for use as stocks, and allocated for entrails-use are considered the lands of industrial, entrails-use and other significance

According to operational significance, the lands of industrial, entrails-use and other objects are classified to:

- 1) Industrial objects
- 2) Agricultural production objects
- 3) Stocks
- 4) Areas allocated for entrails-use

2. Zones, defined by civil and earth engineering projects and envisaged for creation of necessary conditions for provision of the protection of the population and exploitation of industrial objects, include special legal regimes (Protection, sanitary and etc) for land-use and restriction on land, as well as servitudes.

Any activity on those lands violating the special legal regime is prohibited.

The lands of landowners within those zones are not taken, except cases when those lands are completely released from economical turnover and cases envisaged by the legislation.

3. Lands released from economical turnover according to sanitary or protection requirements are provided to those legal entities and institutions whose activities demand definition of sanitary belts or located to reserved land funds

4. The special requirements for industrial, entrails-use and other production objects are determined in accordance to procedures defined by the law

The procedure for use of such lands within the area of special regulation objects is defined in the process of land allocation and by the authorized body, with the agreement of the corresponding State governance bodies.

5. The dimensions of provided or purchased lands envisaged for construction and performance of buildings and structures for exploitation of industrial, agricultural and technological equipment are defined by approved norms or by planning and technical documents

6. The lands for extraction of minerals are provided due to documents that prove the right on the entrails-use. New lands cannot be provided to the entrails users, if the lands altered during their use were not rehabilitated by the rehabilitation plans

## **CHAPTER 6.**

### **LANDS OF ENERGY, COMMUNICATION, TRANSPORT OBJECTS AND PUBLIC INFRA-STRUCTURAL FACILITIES**

#### **Article 14. Lands of energy, communication, transport objects and public infra-structural facilities**

1. Lands allocated for construction of energy, communication, transport and infra-structural objects are considered the lands of energy, communication, transport objects and public infra-structural facilities, and according to operational significance they are classified:

- 1) Energetic
- 2) Communication
- 3) Transport
- 4) Public infra structural

2. The special terms of use of lands allocated for energy, communication, transport and infra-structural objects are determined according to procedures defined by the law

3. The dimensions of lands allocated or purchased for construction and performance of energy, communication, transport and infra-structural objects are determined by approved norms or by planning and technical documents

4. According to civil and earth engineering projects, zones, special legal regimes, and servitudes will be defined for the protection of the population and creation of necessary conditions for exploitation of objects. The lands of the landowners located to those zones will not be taken, except cases when those lands are completely released from economical turnover and cases envisaged by the law. Any activities violating the legal regimes within those zones are prohibited

#### **Article 15. Lands of energy objects**

Lands allocated for construction and performance of thermal, nuclear and hydro plants, high voltage cables, gas pipes and use on other energetic purposes are considered the lands of energy objects

#### **Article 16. Lands of communication objects**

Lands allocated for construction and performance of communication, radio-communication, broadcasting stations and other communication objects are considered the lands of communication objects

#### **Article 17. Lands of transport objects**

1. Lands allocated for construction and performance of train stations, railways, highways, tunnels and bridges, auto stations, airports and other transport objects for transportation by trains, vehicles, air and pipes are considered lands of transport objects

2. During allocation of lands for construction and performance of transport objects, protection zones with legal regimes on land-use and restrictions, will be determined

#### **Article 18. Lands of public objects**

Lands allocated for construction and performance of public objects, water supply, water withdrawal, sewage pipes, regulatory water reservoirs for daily supply, purification stations, pumps, waste piles and other objects are considered the lands of public objects.

## **CHAPTER 7.**

### **LANDS OF SPECIALLY PROTECTED AREAS**

## **Article 19. Conception and definition of lands of specially protected areas**

1. Lands of aesthetic, nature protection, and scientific, historical, cultural, leisure, medical and other valuable significance with defined special legal regimes are considered the lands of specially protected areas. They can be fully or partially taken out from economic use and civil turnover, according to defined procedures and by the decisions of State governance and local self-governing bodies

2. According to operational significance, the lands of specially protected areas are classified as:

- 1) Nature protection
- 2) Envisaged for medical purposes
- 3) Envisaged for leisure activities
- 4) Historical and cultural

3. The Government defines the procedure for separation, provision, use and protection of lands of the specially protected areas

4. Bordering of specially protected areas, restrictions on use and the legal regime are defined by the law

5. Any activity located to lands of specially protected areas and violating the defined legal regime is prohibited

6. Zones that determine the special legal regime on use of lands and area restrictions, as well as servitudes will be defined within the specially protected areas. The lands of landowners within those zones will not be taken, except cases when those lands are completely released from economic turnover due to the legal regime and cases envisaged by laws

## **Article 20. Nature protection lands**

1. Lands of natural, scientific, aesthetic and leisure significance; natural monuments, preserves, national parks and arboretums, botanical gardens and green belts under special protection (Except hunting areas) are considered the nature protection lands

2. Any activities not connected with investigation and protection of natural complexes and objects and not envisaged by the law in the nature protection lands is prohibited

Alienation of the nature protection lands for purposes not corresponding to their target and operational significance is prohibited.

3. Enterprises and institutions that obtain lands for use on special terms have to install signs on the borders of their lands

## **Article 21. Lands foreseen for medical purposes**

1. Lands of medical resorts and medical facilities and obtaining favorable climate and natural factors, medical resources (mineral waters, medical sludge and etc) that are used or can be used in medical treatment, are considered the lands foreseen for medical purposes

2. According to the legislation, sanitary (Highland sanitary) protection belts will be defined for implementing the requirements of the sanitary regulation and the environmental protection and preventing the diseases of the population, within the areas of medical resorts and medical facilities

3. The rights of the landowners and users are not aborted within the areas of the sanitary belts, except cases envisaged by the law

## **Article 22. Lands foreseen for leisure purposes**

1. Lands foreseen and used for organization of leisure of the population, tourism, physical training and sport activities are considered the lands foreseen for leisure purposes

2. Lands occupied with cottages, resorts, sport and physical training objects, tourism facilities, permanent and tent, fishing and hunting cottages, child tourism facilities, tourism parks, forested parks, investigative-tourism paths, defined paths for child and sport camps and similar objects are included in the lands foreseen for leisure



3. Parts of land occupied by investigative-tourism paths and defined paths are separated by the agreement of their landowners and users as servitude, and are used as servitude

4. Activities disturbing their target use in the lands foreseen for leisure are prohibited

#### **Article 23. Historical and cultural lands**

1. Lands occupied by protected structures of historical and cultural values, memorial parks, memorial complexes, paleontological and architectural monuments; as well as religious constructions, cultural and historical preserves, historical, cultural and paleontological objects, military and civil cemeteries, mausoleums and other cultural and historical values are considered the historical and cultural lands

According to the legislation, protective zones, with special pointers over the territorial borders, will be established in order to protect the visual, landscape, historical and civil engineering environment of the historical and cultural objects. Laws and other statutory legal acts define the zones for protection and use of historical and cultural lands that are also mentioned in earth and civil engineering projects.

2. Any activity disturbing the target use and operational significance of historical and cultural lands is prohibited

3. The lands of landowners and users within the historical and cultural lands are not taken for the needs of the State and the community, except cases envisaged by the law

Any economic activity, except the one for development and maintenance of objects in the protected zone, performed within the historical and cultural land, as well as at historical and cultural objects that are subject to investigation and conservation is prohibited.

### **CHAPTER 8.**

#### **LAND OF SPECIAL SIGNIFICANCE**

##### **Article 24. Land of special significance**

Land provided for use and performance of legally protected buildings and constructions, as well as land of protective, bordering and military importance is considered the land of special significance.

The Government defines the procedures for use of special significance land, restrictions on it, its protection zones, regulatory provisions, and procedures for implementation of civil engineering.

### **CHAPTER 9.**

#### **FORESTED, WATER AND RESERVED LAND**

##### **Article 25. Forestland**

1. Land allocated or envisaged for protection of forests, flora and fauna, nature protection, as well as land used in forestry but not covered by forests are considered the forestland

The forestland can include agricultural soil types, bushes, forest layers established for land protection and other lands.

2. The Forest Code of the Republic of Armenia and forest use schemes (Forest use plans) define the operational significance of the forestland.

3. According to soil types, the forestland is divided into:

- 1) Forests
- 2) Cultivated land
- 3) Hayfields
- 4) Pastures
- 5) Bushes
- 6) Other lands

4. The scheme of forestland use defines the classification of forestland according to soil types

5. The procedures for allocation of forestland, terms and restrictions on use, as well as the special regime of land-use are mentioned in earth engineering, forest engineering and civil engineering projects and defined by the Land Code, Forest Code, and adapted statutory legal acts

#### **Article 26. Water land**

1. Areas occupied by water objects – rivers, natural and artificial reservoirs and lakes, areas separated for hydro-technical, water economy and other objects necessary for use and protection of water objects

2. Water land can be used for public water supply, on economical, health and other purposes, as well as for construction and exploitation of objects necessary for water economy, agricultural, nature protection, industrial, fishing, energetic and other needs of the State and community

3. According to the legislation, sanitary protection belts will be defined for protection of natural and artificial water objects that demand special sanitary protection and prevention of the impact of other objects on the health of the population. The sanitary protection belts will encounter special restrictions on land-use mentioned in civil and earth engineering projects

4. The Land Code and the Water code define the procedure on land-use

#### **Article 27. Reserved land**

1. Land not allocated to communities, citizens and legal entities due to the rights on appropriation and use, as well as the land released from the economic turnover as a result of conservation and according to the legislation is considered the reserved land

2. The reserved land can include not used lands separated by civil and earth engineering projects, as well as sands, wetlands and non-used lands

3. Alienation of reserved land and its allocation for use are permitted by procedures defined by the Land Code and statutory legal acts, after changes in their target position

### **CHAPTER 10.**

#### **MANAGEMENT OF LAND RESOURCES**

#### **Article 28. Programming of use of the land resources**

1. The land located to the area of the Republic of Armenia is considered the land resource

2. The programming of use of land resources is performed through socio-economic, earth and civil engineering, and nature protection projects in order to define the long-term perspective of the territorial development

#### **Article 29. Schemes of land zoning and use**

1. A land zoning and use scheme includes distribution of land according to target positions, soil type and operational; significance, and defines its legal regime, maintains the directions of efficient use of community and State land within the administrative area

2. The schemes of land zoning and use in residential areas must also include requirements on:

1) Constructional density

2) Main criteria for establishment of architectural, scientific, transport infra-structures, green plantations, footways, real estate and other aspects

3) Dislocation of socio-economical and cultural objects necessary for the population and use of land in residential areas

3. The Government defines the procedure on control over the implementation of the schemes and the technical requirements and criteria for land zoning and use

4. The government adapts the land zoning and use schemes in accordance with procedures defined by the legislation

5. The implementation of land zoning and use schemes is obligatory, independently from the rights on property and any other appropriation rights

#### **Article 30. Natural agricultural zoning and normalization of the land**

1. The natural agricultural zoning of the land is its division according to climate conditions, qualitative properties of the land and assessment of the agro-biological requirements of agricultural plants

The normalization of the land is the complex of rules for use of the land, independently from rights on property and other appropriation rights

2. The agricultural lands of the Republic of Armenia are protected and used in accordance with the natural agricultural zoning accepted by the Government

3. The requirements of statutory acts on regulation of natural agricultural zoning and normalization of the land are legally defined restrictions on land that are included in the terms of allocation of land to citizens and legal entities

4. During the determination and approval of allowable limits and quantity (Maximum and minimum) of land owned and used by citizens and legal entities, the State governance and local self-governing bodies take into consideration the natural, economic, environmental and social requirements of statutory acts on natural agricultural zoning and normalization of the land

### **Article 31. Earth engineering**

1. Earth engineering is the complex of State measures aimed at development of projects (Documents) on organization of land relations, maintenance of the State integrated real estate cadastre, organization of land protection and use, land monitoring, regional and economic earth engineering

2. The earth engineering provides for:

1) Programming and organization of efficient land-use and protection, independently from property subjects and economy types

2) Development of intergovernmental and local projects on protection of the agricultural land

3) Allocation of regional lands, preparation of projects on land allocation and planning

4) Development of plans on republican, regional, community, intercommunity and economic earth engineering, land-use and protection

5) Development of action plans of country and regional projects on rehabilitation of altered land, protection of land layers from water and storm, desertion, sludge, mud sliding, watering, swamping, drying, solidification, salination, contamination by industrial and economical, radioactive and chemical wastes, as well as improvement of agricultural land, ownership of new land, increase of land fertility and maintenance

6) Motivation of distribution of specially protected areas and their bordering

7) Determination, definition and change of borders of Marzes (Regions), community administrative borders, and borders of lands belonging to landowners and users

8) Implementation of setting, geodesic, cartographic, land, agro-chemical, geo-biological, historical and cultural and other investigative works

9) State registration and inventory of the available land (Land fund) and determination of land not efficiently used or used not in correspondence to its target position

10) Development of thematic and cadastral maps of land resources and use conditions

11) Maintenance of State integrated cadastre on real estate

12) Monitoring of land

13) Implementation of measures aimed at formation of new lands, linking and separation of lands and normalization of existing lands

3. Earth engineering is performed by the decisions of State governance and local self-governing bodies or by the initiative of landowners and users

The earth engineering of State and community significance is accordingly performed by the budgets of the State and the community.

4. The earth engineering is performed by scientifically motivated, discussed and adapted earth engineering projects

5. After the procedurally defined adaptation by State governance and local self-governing bodies the requirements for earth engineering are subjected to obligatory implementation by the landowners and users

The plans of inter-economic earth engineering, linking and separation of lands, improvement, protection and efficient use are implemented by the financial measures and initiative of landowners and users.

6. The authorized bodies and specially licensed entities implement the earth engineering works

7. The Government defines the procedure for organization of earth engineering

#### **Article 32. Monitoring of the land**

1. The monitoring of the land is a system of observations, surveys and investigations of the land condition and price. It also includes the monitoring of property located to the land

2. All the lands of the Republic of Armenia are the objects of monitoring

The monitoring of the land is implemented through general and selective observations, within defined time periods.

3. The objectives of land monitoring are:

1) Prompt determination of changes in the condition of the land, prevention of those changes, and development of measures for prevention and elimination of consequences of negative activities

2) Provision of the necessary information for implementation of control over maintenance of State integrated cadastre on real estate, efficient use of the land, earth engineering, land-use and protection

4. The monitoring of the land can be country oriented or regional depending on the objectives of the observations and included areas. The monitoring of the land is performed in accordance with country and regional projects

5. The Government defines the procedure for the monitoring of the land

#### **Article 33. State integrated cadastre on real estate**

1. The State integrated cadastre on real estate is a system of information on and State assessment of lands and real estate located to them, registration of natural, economic and legal status, allocation and quantity, qualitative features, legal regimes, appropriation and other property rights on land, and assessment of the real estate

2. The information of the State integrated cadastre on real estate is taken into consideration during the programming of land-use and protection, land allocation, appropriation of land for State and community needs, implementation of activities concerning land, definition of the fees for land, implementation of earth engineering, evaluation of the economic activity aimed at land-use and protection and performance of other functions

3. The State integrated cadastre on real estate is one integrated interstate system

4. The maintenance of the State integrated cadastre on real estate includes:

1) State registration and cartography of

2) Assessment of lands and real estate located to them

3) State registration of land properties, other property rights and restrictions on them, including servitudes

4) Creation and management of an integrated database on real estate

5. Laws and other statutory legal acts define the maintenance of the State integrated cadastre on real estate

#### **Article 34. State registration of lands and real estate located to them**

1. The land and the real estate located to it (Constructions, buildings) is subject to State registration, independently from the type of property

The registration is aimed at obtainment of complete information on land and quantity, quality, target position, soil types and operational significance, appropriation and use of subjects of real estate located to it.

In order to update and register the State registration information, it is foreseen to perform:

- 1) Initial registration
- 2) Continuous registration

2. The State registration is performed infinitely, on the basis of initial registration and by mentioning the quantity, quality and legal changes made within a year, in text and graphical documents of the registrars

3. The State report (Land balance) of the Republic of Armenia on available land is formed due to State registration of the land, presented on 1<sup>st</sup> of July each year, adapted and published by the Government

The Government defines the procedure on organization of the State registration.

#### **Article 35. Assessment of the land**

1. The assessment of land is the determination of its cadastral price, according to fertility, physical and qualitative properties, natural and economic conditions, zoning, belting and target position of the land

The information from monitoring investigations and observations of the State integrated cadastre on real estate and the condition of the land is used during the assessment of the land.

2. The assessment of land is performed for implementation of various activities concerning the land, and due to cadastral and/or market prices

3. The data on cadastral prices of the land are used in definition of the fees and taxes for land and implementation of other activities

4. The assessment of land is performed on the basis of laws and other statutory legal acts

### **CHAPTER 11.**

#### **PROTECTION OF THE LAND**

#### **Article 36. Goals and objectives of land protection**

1. The protection of land is a system of nature protection, economic, organizational and legal measures, aimed at target and efficient use of the land, maintenance of restrictions on use of the land, its groundless exception from agricultural turnover, prevention of watering and storm consequences, swamping, salination and improvement of fertility

2. The objectives of land protection are:

1) Protection, improvement of land fertility and efficient use of its other useful properties

2) Rehabilitation of altered land, its inclusion into the economic turnover

3) Release, protection and use of the fertile layer of the land, during implementing works concerning alteration

4) Protection of the land from watering and storms, swamping, repeated salination, solidification, contamination by industrial and economical wastes and chemical and radioactive substances, mud sliding, desertion and other aspects that negatively impact the condition of the land

5) Protection of agricultural and other lands from micro-parasitic and quarantine pests, and from other negative phenomena

6) Implementation of measures on protection and use of natural monuments; preserves and green belts

7) Definition of special regulatory provisions on land-use and measures for their implementation

The protection the land is performed in accordance with country and regional projects

3. The landowners and users of land must implement measures for protection of the land according to 1-5 sub-points of Article 36 of the Land Code

4. According to procedures defined by the Government and for the sake of prevention of land alteration, it is permitted to temporarily release the land from economic turnover

5. During constructional and mineral extraction works the fertile layer of the land is released and used for improvement of less fertile lands. Sale of the fertile layer of the land is prohibited.

The Government defines the procedures on use of the fertile layer of the land.

6. The protection and efficient use of the land is performed by country and regional earth engineering and nature protection projects

7. In order to provide for protection of human health and environment, the Government the maximum allowable norms of land contaminative substances, microbes and other biological initiations, weeds, plant pests and diseases

8. The landowners and users undertake measures necessary for land protection on their own finances

Works on State protection of land, implemented in accordance to country and regional programs, are financed from the State (Community) budget.

#### **Article 37. Nature protection, sanitary-hygienic and other requirements for drafting and exploitation of buildings and constructions**

1. Measures aimed at protection, implementation of nature protection, sanitary-hygienic and other special requirements (Norms, rules, statutory acts) must be undertaken in the process of drafting, exploitation of buildings and constructions and installation of new technologies

2. The negative impact on lands and the efficiency of envisaged measures are assessed by both complex and nature protection, sanitary-hygienic and other expertise commissions

#### **Article 38. Use of lands contaminated as a consequence of techno-gene, epidemiological and other disasters**

1. Lands that do not provide for production envisaged by defined requirements (Norms, rules, statutory acts) and subjected to contamination as a result of techno-gene, epidemiological and other negative phenomena will be released from agricultural turnover and can be granted the category of reserved available land for conservation. Agricultural production and realization of the agricultural products from this land is prohibited

2. In accordance to allowable norms of radiation, chemical and other negative influence, the Government defines the procedure on use, establishment of protection belts, residential buildings, industrial and socio-cultural objects and implementation of ameliorative and cultural-technical works in them at lands contaminated as a result of techno-gene, epidemiological and other negative phenomena

### **CHAPTER 12.**

#### **CONTROL OVER THE IMPLEMENTATION OF THE LAND CODE, LAND-USE AND PROTECTION**

##### **Article 39. Objectives of State control over the land-use and protection**

The main objectives of control over implementation of land legislation, land-use and protection, and target use of the available land are provide for the protection of land legislation requirements (Norms, rules, statutory acts), implementation of measures concerning efficient use of the land by State governance and local self-governing bodies, their officials, citizens and legal entities.

##### **Article 40. Bodies controlling the land-use and protection**

1. The corresponding authorized body, regional governance and local self-governing bodies implement control over implementation of the land legislation, land-use and protection. The Government defines the procedures on land-use and protection.

##### **Article 41. Authorities of the State authorized body on implementation of control over land-use and protection**

1. The State authorized body implements control over:

1) Target use of the available land

- 2) Implementation of the requirements of the land legislation
- 3) Land relations of the regional governance bodies
- 4) Obtainment of new land

2. In cases and procedures envisaged by the law, the State authorized body can give obligatory performance orders, assign fines, present reports to the authorized bodies for imposing liabilities on entities violating the land legislation

**Article 42. Authorities of the Marzpet (Head of the administrative division of the Republic of Armenia) on control over land-use and protection**

1. The Marzpet implements control over:

- 1) The activity of Community Leaders concerning the land relations
- 2) Implementation of community land zoning and use schemes and basic plans
- 3) Allocation and removal of State and community owned land, charging of fees and taxes for land, implementation of land protection measures
- 4) Implementation of country and regional projects within the area of the Marz (Administrative division of the Republic of Armenia)
- 5) Target use of the available land, implementation of land legislation requirements by the users
- 6) Maintenance of territorial divisions

2. The Marzpet prevents, anticipates and eliminates illegal land-use outside the areas of the community land; assigns fines, in cases envisaged by the law

**Article 43. Authorities of the Community Leader on control over the land-use and protection**

1. The Community Leader implements control over:

- 1) Implementation of requirements of the land legislation by the land users
- 2) Use of land according to its target position and operational significance
- 3) Maintenance of land-use limits and borders
- 4) Implementation of measures aimed at protection of land
- 5) Removal, protection and use of the fertile layer of the land during land alienation activities

2. The Community Leader prevents, anticipates and eliminates illegal use of the land within the administrative borders of the community, according to cases envisaged by the law, imposes fines on entities violating the requirements of the land legislation, reports to the authorized bodies on imposing liabilities on entities violating the legislation

**SPECIAL PART**

**CHAPTER 13.**

**RIGHTS OF CITIZENS AND LEGAL ENTITIES ON LAND**

**Article 44. Property and other appropriation rights of citizens and legal entities on land**

1. The right of the citizens and legal entities on land is their right to own, use and dispose land, by maintaining restrictions and requirements envisaged by the law

2. The right of the citizens and legal entities on land descends from privatization, heredity, trade, donation and other activities and legal documents concerning land

**Article 45. Right on general use and general appropriation of land**

1. Land owned or used by two or more entities belongs to them due to the right on general property and appropriation

2. The right on general property on land descends from the right of two or several entities on such land that cannot be divided into parts without violating its target position; and is not a subject of division according to the law; as well as by the agreement of the users to voluntarily unite the land belonging to them

The minimal quantities of land are defined in accordance to the laws and other legal acts, as well as earth and civil engineering projects. It is forbidden to divide the domain territory (inseparable land area, according to the law) into smaller parts, the quantity of which is less than the defined minimum

3. Reconstruction of a structure belonging to one of the landowners does not result in the expansion of his territory in the domain area without the agreement of the other landowners

4. Ownership, use and disposition of land located to a general property is performed in accordance with procedures defined by the civil code

#### **Article 46. Allocation of land for use**

The landowner provides the land for permanent use or by rent

#### **Article 47. Right on permanent use of the land**

1. Permanent use of the land is considered the provision of right on ownership and use of land allocated for permanent use by the landowner to another entity

2. In cases envisaged by the 1<sup>st</sup> point of article 75 of the Land Code, the users of permanently allocated land can let out the land for lease or voluntarily refuse their land, with the agreement from State governance and local self-governing bodies, if no other provisions are envisaged by the contract

3. The Civil Code regulates the legal relations concerning the permanent use right

#### **Article 48. Right on land tenancy**

1. The right on land tenancy is the right to use lands due to the payments made in accordance to the leasing agreement

The landowner can provide the leaser with the rights on sub-renting and mortgaging the land, according to the contract.

The citizens and legal entities, provided with lands on the basis of a leasing agreement from the State governance and local self-governing bodies, can transfer their land with the agreement of those bodies or refuse the rights on it.

2. Lands owned by citizens and legal entities, the State and community can be let out for rent

With the agreement of the leaser the right on land tenancy for the land rented can be installed into the statutory capital of the legal entities as a contribution, according to the regulations of the legal entities; and provided for sub-leasing

3. Renting of State and community owned land cannot be performed for more than 99 years, except for the agricultural land, the renting of which can be for not more than 25 years; and the leaser obtains the right on privileges, while signing the agreement in previous or new terms or providing the land to another entity

4. The right on tenancy of land from the State and community land is provided by tenders and by public auctions

The Government defines the cases of land provision without a tender or auction.

5. By signing the tenancy contract again the right on privileges is transferred in accordance to legal procedures and within the renting period, if no other provisions are envisaged by the law or the contract

6. In case if the lessee changes the tenancy contract can be terminated only by cases envisaged and procedures defined by the Civil Code

#### **Article 49. Restrictions on land rights**

1. The rights on land provided or obtained from State and community lands can be restricted by:

1) Inadmissibility to sell or give away the land to certain entities or the duty to suspend certain entities at any time or within a defined period of time

2) Inadmissibility to let the land out for tenancy or sub-tenancy

3) The right on obtaining the privilege to purchase land on the price established during sales

4) The term to inherit the land to several legatees (For the agricultural land).



5) The term to start and finish the construction on the land in a certain period of time and in accordance to procedures defined

6) The requirement to maintain the geodesic posts at the land

7) Inadmissibility to change the appearance and reconstruct real estate units, destroy buildings and constructions without a procedurally defined agreement

8) The term to construct, repair and maintain roads or the parts of them

9) Inadmissibility for certain type of activities

10) Inadmissibility to change the target position of the land

11) The term to meet the requirements of nature protection and implement certain works, including: the protection of fauna, land layers, rare plants, nature, historical and cultural monuments and paleontological objects

12) The term to provide separate entities with a permit on fishing, hunting and collection of wild plants within his area, in a certain period of time and in accordance with defined procedures.

13) The term to protect the vitality of the wild animals, natural environment and migration ways

14) Other responsibilities, restrictions and terms

2. The restrictions on the rights on land are defined by the law, other statutory legal acts, contracts and the court

#### **Article 50. Land servitude**

1. The land servitude is the right of one or several landowners on limited use of the land

Servitudes are defined by the agreement of the landowners and by a judicial act.

2. The landowner has the right to demand servitudes for the maintenance and protection of his land

3. The land can be loaded by the following servitudes

1) For passing and driving through the land

2) For placement, exploitation and rehabilitation of electric cables, communication wires, water and gas supply pipes through the area

3) For implementing drainage works at the land for improvement of another land area

4) For water intake from the land

5) For transferring cattle, harvesting and livestock from the land, within a period of time corresponding to local terms and conditions

6) For implementation of investigative and observatory works necessary for private entities and the general public

7) For inappropriate treatment of geodesic posts, historical, cultural and paleontological monuments located to the given land area

8) For leaning the buildings and constructions of his land against the neighboring lands or buildings and/or breaking the aerial border of the neighboring land by the additional constructions

9) For restricting the height of buildings and constructions of the neighboring land

10) For creating protective forest plantations or other nature protection objects in the neighboring land

11) Other servitudes, without which it is impossible to provide the land with the necessary conditions for use of it in its target position

4. Temporary and/or permanent servitudes can be defined for any land

5. The servitude must maximally unload the land

The owner of a land overloaded by servitudes has the right to demand payment from those entities that have defined the servitude, if no other provisions are envisaged by the law.

6. Servitudes are subject to State registration

7. During the transfer of the land from one entity to the other, the servitudes will be maintained

By the demand of the owner of land overloaded by servitudes, the servitude can be aborted in case of changes in the target position of the land.

If as a result of overload by servitudes the land cannot be used in its target position and operational significance, the landowner obtains the right to apply to the court and abort the servitude or change the target position.

#### **Article 51. Basis for descend of the rights on land**

Restrictions on the rights of citizens and legal entities on land, as well as on the use of land descend from:

1) The decisions of State governance and local self-governing bodies and agreements signed with them

2) Contracts and other documents concerning land and signed among the citizens and the legal entities

3) The power of obtainment senility

4) The judicial acts defining the rights on land

5) Other activity of the citizens and legal entities, as well as events, to which the laws and other legal acts link the descend of the rights on land and the obligatory requirements for its use

#### **Article 52. Documents proving the rights on land**

1. Provisions envisaged by the Civil Code, the Land Code and the law of the Republic of Armenia "On State registration of the rights on estate" are the documents that prove the rights on land

2. Documents that prove the rights on land provided previously will be passed over to the State body on maintenance of the cadastre, during implementation of activities concerning property transfer

3. Rights descending from documents provided by State governance and local self-governing bodies will become valid throughout the territory of the Republic of Armenia after a procedurally defined State registration

4. Documents on rights on land, provided, obtained before the 6<sup>th</sup> of May 1999 in accordance to defined procedures will be considered valid, will not be reregistered and will serve as a base for implementing activities concerning real estate

#### **Article 53. State registration of rights on land**

1. The rights of the State, communities, citizens and legal entities on land appropriation, use, mortgaging, hypothec, servitudes, as well as other legally defined estate rights, their descend, transfer and abortion are subject to State registration

2. The State does not guarantee the protection and inviolability of not registered rights on land

3. The law of the Republic of Armenia "On State registration of the rights on estate" defines the procedures on State registration and abortion of the rights on land

#### **Article 54. Aspect of descend of the rights on land**

The rights of citizens and legal entities on property, use, mortgaging, hypothec, servitudes and other rights on estate defined by the law descend from the moment of State registration.

### **CHAPTER 14.**

#### **LAND PROPERTY OF CITIZENS AND LEGAL ENTITIES**

#### **Article 55. Land that belongs to the State due to the right on property**

Lands that do not belong to citizens, legal entities or communities are considered the State propriety lands.

The State can purchase lands from communities, citizens and legal entities by the right on land.

#### **Article 56. Lands that belong to urban and rural communities by the right on property**

1. Lands located to the administrative borders of the given community are considered the rural and urban property lands, except lands belonging to the State, citizens, legal entities and other subjects

After the validation of the Land Code, the State propriety lands located to the administrative borders of the community will be separated and donated to the community in two years, in accordance to plans and due to the decision of the Government.

Lands located outside the administrative borders of the community but donated to or purchased by the community are considered community propriety lands.

2. The State can donate lands of State propriety to the communities under ownership rights and for the development of rural and urban communities

3. In case of termination or procedurally defined (Article 102 of the Land Code) abortion of the rights or refusal of the landowner from lands located in the administrative borders of the community and belonging to citizens and legal entities by the right on property, those lands will be transferred under the property of the community according to defined procedures

4. According to procedures defined by the Civil Code, the local self-governing bodies can take the lands belonging to citizens and legal entities for community needs and by paying the market price for them

5. The head of the community and the Community Leader manages and disposes community owned lands, according to procedures defined by the Civil Code, the Land Code, other laws and statutory legal acts

6. Unity, exchange and reallocation of community lands within different communities are performed according to procedures defined by the law

Acts of the local self-governing bodies on regulation of land relations, descending from the Civil Code, the Land Code and other laws are valid throughout the whole territory of the community and are obligatory for implementation by landowners and users.

8. On the basis of decisions made by the local self-governing bodies the lands belonging to the community due to the right on property can be sold or transferred to citizens and legal entities with ownership and use rights, according to procedures defined by the Civil Code

#### **Article 57. Provision of the State and community owned land**

1. The State and community owned lands are provided by the ownership and use rights

2. Land is provided according to and on the basis of land zoning and use schemes and basic settlement plans

3. The schemes of zoning and use of the land located within the administrative borders of the communities and the basic settlement plans are developed by the heads of the community; the land zoning and use schemes for lands located to areas outside the administrative borders of the community are developed by the Marzpets. The land zoning and use schemes, as well as the basic settlement plans are presented for an approval by the Government, after the procedurally defined agreement of the State authorized bodies

4. The Government also permits changes in the target position of the land after the adaptation of the land-use and zoning schemes and basic settlement plans and in accordance with the consistency of land zoning and use schemes and the basic settlement plans; authorizes the community heads and Marzpets to provide lands by the property or use rights and according to procedures defined by the Land Code and other laws, as well as statutory legal acts adapted on their basis

5. After a procedurally defined State registration, lands allocated within a year period are mentioned in the annual land reports presented by the State body on development of the annual land balance to the Government

6. Allocation of the State propriety rights located to areas outside the community ownership is performed in accordance with procedures defined by the Land Code

7. The Government defines the procedure on allocation of the State and community owned lands

#### **Article 58. Principles of refutation of land allocation and legal filing**

1. The appeals of the citizens and legal entities for obtainment of land can be refused by the State governance and local self-governing bodies, if:

1) The objective of the land-use mentioned in the appeal does not correspond to the earth engineering and civil engineering project

2) The allocation of land can violate the rights or protected interests of other entities

Appeals for expansion of the area of the existing objects can be refused, if the land mentioned in the appeal can be provided by public sales as a separate unit, as well as if a necessity to define an additional servitude arises after the allocation of the land.

2. Appeals for land allocation can be refused on the basis of procedures defined by laws or other statutory legal acts

3. The decisions of the State governance and local self-governing bodies concerning the refutation of the appeals for land allocation can be filed in the court

4. Violation of the deadline defined for the discussion of the appeal for land allocation is considered a refutation of the appeal

5. The judicial acts serve as a base for the formulation of rights on allocation of land

#### **Article 59. Definition of the land borders in the field. The area plan**

1. The cartographic outline of the land, measured in the scale defined for use is the map that describes the borders and condition of the land, in accordance to the latest recording (Characteristics) and earth engineering activity plan

2. In order to allocate the land before the decision on the allocation, the local self-governance bodies (In Yerevan – The Mayer) preliminarily define the borders of the area in the field and on the map

3. The plan and description, as well as installation of the border signs in the given area are performed on the financial measures of the appropriator of the land. The borders of the area are formed by its plan and description, and defined by the State authorized body or entrepreneurs and/or legal entities obtaining a license for earth engineering activities

The adapted plan of the land area is the inseparable part of the document that proves the rights on land.

The originals of the land plans are kept with the land allocation bodies and the state cadastres on real estate. The copies of the plans are provided in accordance with defined procedures.

4. The borders of the alienated land are defined in accordance with procedures mentioned in this article

#### **Article 60. Lands not transferred to citizens and legal entities under the property rights**

The citizens and legal entities are forbidden to use their property rights for transferring State and community owned lands that are:

1) Objects of historical and cultural significance

2) State natural preserves within specially protected areas, State natural reserves, natural monuments, national parks, arboretums, botanical gardens and areas reserved for other purposes

3) Medical areas, the list of which is defined by the Government, that are located to sanitary protection belts, protected by the law

4) Occupied by State propriety forests

5) Lands of aerial objects included in the State ameliorative systems and/or water funds, the list of which is defined by the Government

6) Lands of general use (Squares, streets, roads, river banks, parks, public gardens, gardens, beaches, and other public use areas) located to residential areas

- 7) Stet assessed and registered locations of mineral resources
  - 8) Subject to radioactive and chemical contamination; biogenic infection
  - 9) Provided to State scientific investigative organizations (Educational, selective and etc.) in accordance to procedures defined by the Government till their liquidation in accordance to defined procedures
  - 10) Due to decisions taken by the local self-governing bodies, occupied by pastures, cattle pathways, roads, natural wells, springs and other objects located outside the administrative borders of the community
  - 11) Lands separated (reserved) for water objects and the riparian areas of the basins, car and train roads for public use, pipes and other transportation means, electric wiring, pipe water supply and water drainage systems, gas pipes, canals, as well as areas foreseen for their perspective expansion
  - 12) Disputable areas, till the resolution of the dispute
  - 13) Lands of special significance; military and civil cemeteries
- The law also defines the land not to be transferred to the citizens and legal entities under the right on property.

## **CHAPTER 15.**

### **ALIENATION OF STATE AND COMMUNITY OWNED LANDS**

#### **Article 61. Authorized bodies that perform the alienation of the State and community owned land**

The alienation of the State and community owned land is performed:

- 1) By the Heads of the community (The Mayer – in Yerevan) and within the administrative borders of the community
- 2) By Marzpets – outside the administrative borders of the community
- 3) By the Government authorized body – in case of privatization of the legal entities and in accordance with the Land Code and procedures defined by other laws on privatization

#### **Article 62. General terms of land privatization**

- 1. The privatization of land is the allocation of land under the right on property from the State and community owned lands to citizens and legal entities
- 2. Lands of State and community owned and lands used by citizens and legal entities (Before the expiration of the use period) cannot be transferred to other entity without the procedurally defined liquidation of the contract
- 3. The land can be privatized by the owner(s) of buildings and constructions built on it
- 4. If the part of the State and community land is kept within the building, construction (Including built-in and attached buildings, constructions), then the land is not subject to privatization, if no other provisions are envisaged by the law
- 5. According to defined procedures, the borders of the land can be expanded by border signs, if requested by the landowners and users and by their financial measures, except agricultural land, lands attached to the residential area and gardening territories, the procedures for the bordering of which are defined by the State authorized body
- 6. Lands defined by territorial border signs and occupied by more than one object, used by different entities can be sold or transferred under general property right for ownership with the requirement of including into the contract the responsibilities of all applicants concerning subordination to general property regimes on land, if they have agreed on their parts of the land due to their rights and have formulated the agreement by the contract
- 7. The area of the privatized land must be adjusted in a way that maximally excludes the necessity for definition of servitudes

8. The latitude of the riparian layers of bordering rivers and water reservoirs of the Republic of Armenia that cannot be privatized, will be defined by the law of the Republic of Armenia "On the State border of the Republic of Armenia" and other laws

9. Sale of lands occupied by State and community budgetary and State institutions is prohibited, until their liquidation in accordance to defined procedures

10. Privatization of lands belonging to industrial objects that must be removed from the borders of residential areas to different territory due to environmental and social projects, is prohibited

11. Transfer of constructed land under the property right is performed by consideration of the target position of earth engineering projects

Privatization will not take place if the land-use does not correspond to the one foreseen.

12. Lands under court filing procedures will not be privatized before validation of the corresponding decisions

Restrictions on privatization will be also enabled on cases of disputable land areas, as well as the buildings and constructions located to them.

13. In order to privatize land, the citizens and legal entities must present:

1) The document proving the registration of buildings and constructions located to the land, if it is constructed

2) Documents proving the registration of the right on land-use

3) The plan of the land, developed in accordance with defined procedures

4) The appeals of all owners of the building and/or construction located to the land

#### **Article 63. Alienation of State and community owned lands**

State and community rights will be alienated for use on purposes not forbidden by the legislation. The lands that are subject for alienation are defined by the land zoning and use schemes and basic residential plans.

The State propriety lands will be alienated by:

1) Donation of the right on property

2) Sale

3) Auction

#### **Article 64. Donation of State and community owned lands under the property rights**

1. The State and community owned lands can be donated under the rights on property for agricultural activities and for use on constructional purposes at residential areas and/or private houses:

1) In bordering, mountainous, highland, earthquake disaster areas and abandoned settlements (The list is defined by the Government) to families that had not previously disposed (Purchased) property rights and/or lands for construction of and attached to their household economies

2) To other families living in the Republic of Armenia that will express their wish to establish permanent residence in residential areas mentioned in the 1<sup>st</sup> sub-point of the 1<sup>st</sup> point of this article

3) To resettled families and in accordance to decisions of the Government of the Republic of Armenia

4) To dead or disabled veterans settled in lands privatized by the community, entities defined by the law of the Republic of Armenia "On Social security of the military servicemen and their family members", and families having four or more children that had not previously disposed (Purchased) property rights and/or lands for construction of and attached to their household economies

5) To the prisoners or one of their first heirs that had not previously disposed (Purchased) property rights and/or lands for construction of and attached to their household economies where they were settled at the moment of arrest

The size of the land provided for appropriation to families that use the donated lands on agricultural purposes will be defined in accordance with the size of privatized land within that community for family-family member relationship; the size of land attached to residential areas will be defined by the earth and civil engineering projects. In case if the latter is missing the above-mentioned sizes will be defined by the Government.

Use of land, donated for agricultural activities, on other purposes is prohibited.

2. In case of factual use of more than 20% of each unit of land area or generally privatized land, mentioned by the landowners in initial State registration during work implementation, cadastral cartography and documents proving the rights on real estate, the property rights of the landowners on that land will be admitted, if:

1) The given land area is not foreseen by the community land zoning schemes and basic settlement plans for use in other target position and operational significance

2) The land-use does not impede use of other lands in their target position and operational significance

3) The land is not located to alienation zones and service areas of engineering transportation objects (Highways, railways, electricity, water supply, water intake and communication networks, gas pipes, water channels), protection zones of paleontological, cultural-historical monuments, lands of environmental significance

3. In case of using land in volumes higher than mentioned in the 2<sup>nd</sup> point of this article, the exceeding land area will be alienated to the factual user of the land through direct sales by 30% of the current cadastral price; or will be provided for rent by payment amounts equal to the annual land tax quota

4. If the user refuses to buy or rent lands, the surface of which exceeds defined dimensions, the lands will be sold by auction

5. In cases foreseen by the 1<sup>st</sup> point of this article, the time period for donation of State propriety land is two years

6. According to provisions foreseen by the 2<sup>nd</sup> and 3<sup>rd</sup> points of this article, the State propriety land will be provided once during the first registration of property rights

7. In accordance to the idea of the 1<sup>st</sup> point of this article, a family - means the unity of citizens living together and responsible for care of at least one child

#### **Article 65. Procedure for donation of State and community owned lands under property rights**

1. The State and community owned rights located to the administrative borders of the community are donated by the Head of the community, due to the agreement of the Community Leader, and according to procedures defined by the Land Code

The Head of the community informs the population on donation of land under property rights through mass media or other means.

2. The appeals of the citizens will be accepted within a month from the date of information provision, defined by this article

After the expiry of the deadline for acceptance of public appeals, any appeal will be discussed within five days and in accordance with procedures defined by the legislation.

3. The demanded land areas will be redefined in accordance to the results of appeal discussion and on the basis of agricultural activities implemented according to target position and operational significance or one land area accepted envisaged for construction and performance of a residential structure

4. The donation of State propriety land will be performed through lottery

A protocol will be developed on the basis of the lottery results. It will include information on: size and value of the land obtained by the citizens through the lottery; as well as soil types, target position and operational significance, property rights and restrictions on them and servitudes.

5. The parties will develop and sign a contract on the basis of the protocol and according to the terms of the donation contract

#### **Article 66. Direct sale of the State propriety land**

1. The direct sale of the State propriety land is performed:

1) For the maintenance and performance of enterprises and apartment buildings and constructions privatized by citizens and legal entities

2) In cases envisaged by the international agreements of the Republic of Armenia, on diplomatic and representation purposes to foreign States and international organizations

3) On State propriety land that was provided, in accordance with defined procedures, on purposes of construction and performance of residential, public and industrial buildings and constructions and to the citizens and legal entities of the Republic of Armenia

4) To entities obtaining purchase privileges according to laws and contracts

2. The direct sale price of land will be defined in accordance to the cadastral price of that land

The Government defines the cadastral price for the land on annual basis.

#### **Article 67. Sale of State propriety land by auction**

1. The sale of State propriety land is performed through auctions except cases envisaged by 65<sup>th</sup> and 66<sup>th</sup> articles of the Land Code

2. The initial auction price for the land cannot be less than the 30% of the cadastral price

The auction price for land in each community (City of Yerevan) and for each area of the community will be defined by the Head of the community (In Yerevan – the Mayer of Yerevan) with the agreement of the Community Leader (In Yerevan – The City Hall).

3. The Civil Code, the Land Code and the law “On Public Auctions” define the procedure for organization and implementation of auctions

#### **Article 68. Organizations and implementation of auctions**

1. The organizer of the auction is the Head of the community (The Mayer of Yerevan in Yerevan)

2. The organizer announces the place, day and time of the auction, location of land sold, code, initial price, target use, size and data on existence of roads, water and sewage pipes, electric cables, gas pipes (In case of an agricultural area – qualitative properties) and existence of restrictions (Including the servitudes) by means of mass media, one month before the auction

3. The parties interested in participation to the auction must present an application, make the necessary defined payments and deliver passports

4. The appeal for participation will not be accepted, if the applicant is not a procedurally defined subject for obtainment of land property rights, according to the Land Code

5. The participants to the auction will be charged by pro forma payments accounted by 5% of the initial price

If the participant did not win at the auction the pro forma payment will be immediately reimbursed, if the participant won, the pro forma amount will be immediately included in the sale price.

6. The acceptance of appeals and registration of participants will be terminated three days before the auction. The auction is held in private, with the participation of only the registered persons, the organizer and the protocol-maker

The type of auction performance is mentioned in the announcement.

7. The entrance to the auction hall will be forbidden when the auction starts

The auction will start if the amount of participants is more than one.

If the initial auction does not take place, the second one will be organized and held in accordance with procedures and time defined by the Land Code, except for the auction of agricultural land that is held during 7 working days, with provision of the publicity of the necessary information. A separate



protocol will be developed according to the results of each auction. The protocol will include data on place, time, participants, organizer, auction duration and results of the auction.

8. The winner of the auction is the person that suggested the highest price

If the auction was not held the second time, the land can be alienated by direct sale and by the defined initial price. The residents of the given community will obtain privileges in case of direct sale.

9. The protocol will be signed by the organizer, protocol-maker and the participants of the auction, if willing to. The protocol will be maintained by the corresponding body that organized the auction

#### **Article 69. Declaring the auction invalid**

1. The auction will be declared invalid, if only one participant is registered, if the winner of the auction refuses to purchase the land and in other cases foreseen by the law

2. The pro forma payment of the person, who won in the auction and refused to purchase the land will no be reimbursed. He will also be deprived of purchasing that land through direct sale

3. A corresponding protocol on the invalidity of the auction will be developed

#### **Article 70. Registration of the results of the auction and transfer of land**

1. The winner of the auction must make a complete payment of the amount defined during the auction in 10 days. If the payment is not made within the defined period of time, the person, who suggested the second highest price will be considered the winner and will have to pay the corresponding amount in 10 days

2. After the complete payment is made, and in two following days the parties will sign the alienation contract that is subject to notary approval and State registration

#### **Article 71. Alienation of the land property rights through exchange**

1. The alienation of the land property rights through exchange is performed between the landowners:

- 1) On the purpose of increasing the efficiency of the land
- 2) On the purpose of elimination of land wedging, ruggedness and detachment
- 3) On the purposes of land separation and unification

2. The exchange of State propriety land is performed by the authorized body and in accordance to procedures defined by the Government

3. The exchange of community propriety land is performed by the Head of the community, due to the agreement of the Community Leader and according to earth and civil engineering projects

#### **Article 72. Provision of land due to the power of appropriation remoteness**

1. Citizens and legal entities obtain the power of appropriation remoteness on the State and community owned lands that they have been prominently using for more than 10 years without official registration, if the lands meet the requirements of the 2<sup>nd</sup> point of Article 64 of the Land Code

The right on appropriation remoteness is the right of those entities on privileges on official registration of their rights on use of that land in case of opportunities arise for providing that land to other entities within the same terms.

In case of confiscation of such land for use in other target positions the entities obtaining appropriation remoteness rights must be provided with other lands or reimbursed for the harm caused, in accordance to the cases envisaged by the 1<sup>st</sup> point of this article.

2. The citizens and legal entities that have been fairly, continuously and prominently using the State or community propriety lands without an official registration obtain the right on privileges in receiving certain land areas from those lands, if the obtainment of those lands under property rights is not prohibited, if those lands are exchanged or donated for use in the same target position and if those lands meet the requirements of the 2<sup>nd</sup> point of Article 64 of the Land Code

The appropriation remoteness rights are granted due to the decisions of State governance and local self-governing bodies and through judicial procedures.

3. Descend of the right on appropriation remoteness concerning lands that belong to other landowners is formulated by the Civil Code

#### **Article 73. Land construction**

1. The citizens and legal entities that have been provided with State and community land for use and disposition or purchased those lands in the process of operational activities with real estate obtain the right to implement constructions, reconstructions and destroy the buildings and construction belonging to them by satisfying the requirements of the land-use restrictions, according to the legislation on civil engineering, apartment provision and protection of natural, cultural and historical monuments

2. The construction starts after the adjustment and adaptation of its plan in accordance to defined procedures and obtainment of the corresponding permit from the State governance and local self-governing bodies

3. Construction of buildings and constructions is allowed in rented lands. After the expiry of the land-use deadline the constructions and buildings will be transferred to the landowner, if no other provisions are envisaged by the contract

#### **Article 74. Granting the right on State and community owned land construction**

1. The right on construction of State and community owned lands can be granted through tender for construction of residential, public and industrial facilities, separate districts and civil engineering complexes

The land can be constructed by both the State budget and the investment of the constructor.

2. Terms of the tender for provision of the construction right will be defined by the Government

The Community Leader can define additional terms of the tender.

### **CHAPTER 16.**

#### **ALLOCATION OF LAND AREAS FOR USE FROM THE STATE AND COMMUNITY OWNED LANDS**

#### **Article 75. Procedures for donation of State and community owned and use rights**

1. The State propriety lands are donated for (permanent) use without a tender to:

1) State or community organizations or institutions

2) Benevolent, non-governmental organizations and funds for implementation of non-profit projects in the framework of their activities

3) Joint ownerships

4) In cases foreseen by laws and other statutory legal acts

State and community owned lands located to the administrative territory of the community are donated for permanent use by the Head of the community (In Yerevan – The Mayer of Yerevan) within a month after receiving a written notification from the authorized body.

2. The following documents must be attached to the application:

1) The decision of the authorized body on provision of land under permanent use rights

2) The objectives of land-use and the size of demanded land area

3) Notification of the bank proving the existence of necessary financial measures for civil engineering activities

4) The written agreement of the user, if the demanded land area is being used by another user. In case of disagreement the rights of the user on the given land can be terminated, according to procedures defined by the law

3. Within a month the Head of the community (The Mayer of Yerevan) will take a decision and sign a contract on donation of the land for permanent use, on the basis of the above-mentioned documents

The plan of the land area provided for permanent use will be attached to the contract.

4. The agricultural land can be provided for permanent use to other user only after the harvest of the cultivated land

5. Expenditures for realization, improvement and other ameliorative works concerning long-term plants and plantations, as well as forest plantations and nature protection measures will be reimbursed. The procedure for reimbursements will be defined by the Government

6. Provision of lands, located outside the administrative territory of the community, for permanent use will be performed by the Marzpet, in accordance to procedures defined by this article

#### **Article 76. Tenancy rights on State and community owned land**

1. The State and community owned lands are provided under tenancy rights in accordance to land zoning and basic settlement plans, for temporary use

2. State and community lands located to the administrative territory of the community will be provided under tenancy rights by the Heads of the Community (The Mayer – In Yerevan)

State and community land located outside the administrative territory of the communities will be provided under tenancy rights by the Marzpets.

3. The provision of the State and community owned land will be performed through tenders

4. The land is provided under tenancy rights to:

1) The citizens of the Republic of Armenia

2) Legal entities of the Republic of Armenia and foreign States

3) Foreign residents and non-citizens obtaining a special residential status in the Republic of Armenia

4) Foreign States and international organizations

5. Cases of land provision for under tenancy rights without a tender will be defined by the Government

#### **Article 77. Tender Commissions**

1. Within their authorities the Head of the community and the Marzpet (The Mayer of Yerevan in the city of Yerevan) create tender commissions for the organization and tenders for land provision under tenancy rights

The tender commissions are lead by the Heads of the communities and the Marzpets (The Mayer of Yerevan in the city of Yerevan).

The membership of the tender commission includes the corresponding specialist of the community administration and the staff of the municipalities.

The tender commission of a Marz includes the corresponding specialists of the Marz administration and representatives of regional departments of State authorized bodies.

2. The tender commissions define the terms of the tender that must include:

1) The target position and operational significance of the land

2) The size and tenancy deadlines for the land

3) The location, code number and the initial amount of rent for the land

4) Objective of use and existence of communication networks on it

5) Existence of restrictions on land-use (Including servitudes)

6) The qualitative properties of the land and agro-technical requirements, in case of agricultural soil types

7) Measures undertaken for nature protection and land preservation

The tender commission can also define other additional terms and requirements

#### **Article 78. Organization of the tenders**

1. The tenders are held open for participation of any person. The tenders are organized and held by the tender commissions

2. A month before the tender the commission announces through mass media the information on the subject, type, location, month, day and time of the tender, as well as data on the terms and requirements for the tender, procedures of tender conduction, registration for participation, winner of the tender and the initial price of the tender subject defined by the commission

3. Persons interested to participate to the tender will have to present applications, paid receipt of the participation fee and their passports. The participants must make initial payments in accordance to amounts mentioned in the announcement for the tender, which must not be more than the 5% of the subject initial price. The initial payment must be made on the day of the tender conduction.

4. If the participant did not win the tender the initial payment made by him will be immediately reimbursed

While signing the contract with the winner of the tender, the initial amount paid by him will be included into expenditures for implementation of requirements defined by the contract.

5. Acceptation of participation applications will be terminated in three days before the conduction of the tender. The winner of the tender and the tender commission, on behalf of head of the commission, after the publication of the tender results, will sign the protocol on results of the tender that must include information on the place of conduction, time, participants, organizers and the results of the tender

6. If the winner of the tender refuses to sign the protocol the initial payment will not be reimbursed. He will also be deprived of the possibility to purchase the land on direct sales, if the tender was considered invalid. If the commission refuses to sign the protocol, the organizer of the tender will have to reimburse twice the amount of the initial payment made by the participant.

Due to the decision of the commission, the participant that suggests the most appropriate terms will be considered the winner of the tender.

7. In case of equal suggestions, privileges will be provided to the residents of the given community or legal entities registered in that community

#### **Article 79. Invalid tenders**

1. The tender will be considered invalid, if only one application have been presented for participation. In that case the tender must be considered invalid not later than a day after its conduction date. A corresponding protocol on the invalidation of the tender will be developed

2. If the tender was considered invalid, the recurring tender can be announced in accordance to procedures and time schedule defined by the 78<sup>th</sup> article of the Land Code, except for agricultural lands, the recurring tender of which must be conducted within 7 working days. In case if the recurring tender does not take place, the land can be provided without a tender

#### **Article 80. Registration of tender results and transfer of tenancy rights**

1. On the basis of tender protocol the Head of the community, the Mayor or Marzpet of Yerevan and the winner of the tender will sign the tenancy contract

2. The rights descending from the tenancy contract are subject to State registration

#### **Article 81. Specialties of land tenancy**

1. The tenancy rights on land provided for construction can be:

- Sold by the tenant, with all the contract requirements, if the deadline for their implementation has not yet expired

- Mortgaged by the agreement of the landowner and for the period of tenancy

If no other provisions are envisaged by the tenancy contract

2. State and community owned lands, as well as community owned buildings and constructions located to those lands cannot be provided for rent

3. The annual rent amount for State and community owned lands cannot be less than the annual land tax quota

4. In case of providing the part of State and community owned lands for rent the lands will not be separated and the borders of the land will be defined in accordance to the plan of the land, provided by the authorized body

5. The contract for renting buildings and constructions located to the land will be considered invalid, if the property rights of the parties concerning the land, restrictions on use, payment amounts and tenancy period were not defined in the contract

6. The specialties of agricultural land tenancy are regulated by the 94<sup>th</sup> article of the Land Code

#### **Article 82. Alienation of communication infrastructures and provision of lands located to sanitary protection belts to legal entities**

Alienation of communication infrastructures and provision of lands located to sanitary protection belts to legal entities, by the agreement of the landowners, can be performed by the local self-governing bodies, through the transfer of lands to citizens for temporary use on cultivating and hay collection purposes.

#### **Article 83. Use of land in the process of investigative works**

1. Enterprises and organizations implementing investigative, geodesic, geological recording and other activities perform those works in all lands, independently from their target position, on the basis of decisions of State bodies on implementation of investigative works and the contract between the user and the landowner. Lands necessary for implementation of investigative works will not be confiscated

2. The contract defines the time period for implementation of works and the amount of payments for the use of land, as well as the requirements for harm reimbursement and provision of conditions for using the land in its target position

3. In case of disagreement between the parties, the dispute will be solved through judicial procedures.

4. Enterprises and institutions implementing investigative works will transfer the land to its owners, users, after provision of the necessary conditions for the use of the land in its target position, during implementation of works or impossibility to perform works within the defined time period

5. Enterprises and institutions implementing investigative works, the technology of which demands construction of buildings and constructions, installation of equipment, creation of raw material warehouses or other facilities that fully or partially limit the use of land by landowners and users, will pay the corresponding land tax or rent and reimburse the harm caused to the landowners and users

### **CHAPTER 17.**

#### **LAND TURNOVER**

#### **Article 84. Concept of land turnover**

1. Land turnover is the transfer of land and the rights on it from one entity to the other, through the corresponding contracts on specialties of land, defined by the Civil Code and the Land Code

2. Lands that are not subject to transfer to citizens and legal entities according to the 60<sup>th</sup> and 62<sup>nd</sup> articles of the Land Code cannot enter the turnover

3. The turnover of lands envisaged for agricultural production is limited. These lands can be transferred, if their turnover is permitted by the 18<sup>th</sup> chapter of the Land Code

4. Lands used by or belonging to citizens and legal entities under the property rights can be put into turnover due to the Civil Code and the Land Code

#### **Article 85. Investment of lands into the principle capital of the legal entities**

1. The landowner or tenant (by the agreement of the landowner) obtains the right to invest the land or its tenancy rights into the principle capital of the legal entity as a deposition. The amount of the investment will be defined by the agreement of the parties, on the basis of an evaluation made by the authorized assessing body. In that case the rights on land and its tenancy will be transferred to the legal entity, after State registration of the rights on land. Such a registration will be performed on the basis of a contract on investment of the rights on land and its tenancy

The contract also envisages the rights of investor on privileges for receiving the land or the rights on it back in case of liquidation of the legal entity.

2. The State governance and local self-governing bodies do not have the rights to invest the land or the rights on permanent use of it into the principle capital of the legal entity

#### **Article 86. Specialties of land trading**

1. Lands belonging to citizens and legal entities on property rights can be sold and purchase without alteration of their target position and operational significance

2. Land areas belonging to citizens and legal entities under property rights cannot be sold, if it has not been separated into parts according to procedures defined by the legislation

3. Other specialties of land trading will be defined by the Civil Code

#### **Article 87. Specialties of obtaining the rights on land for operations concerning real estate**

1. While obtaining property rights on buildings and constructions the right on land will be transferred to the obtainer in the same terms, same volume and for the same allowable use provided to the previous landowner

2. Sale of State and community owned buildings and constructions brings up the transfer of tenancy rights on land provided for the protection and maintenance of those buildings and constructions, if the sale (Privatization) is not allowed by the Land Code or other laws

#### **Article 88. Specialties of land mortgaging**

1. Land areas belonging to citizens and legal entities, as well as tenancy rights can be mortgaged by the agreement of the provider

2. In case of mortgaging the buildings and constructions locate to the land of the landowner, he can demand the same volume of land necessary for construction and maintenance of the buildings and constructions

3. The part of the land can be mortgaged, if the given land area has been preliminarily separated into parts in accordance to procedures defined by the legislation

4. State and community owned lands cannot be mortgaged

5. The legal relations concerning land mortgaging are regulated by the Civil Code

#### **Article 89. Land donation**

1. The landowner has the right to transfer the land or its part to a citizen, legal entity, the State and community by a donation contract

2. The State governance and local self-governing bodies cannot refuse the donation of land to the State and community, except for lands endangering human health and vitality, and lands excelling the market price and overburdened by debts

3. The legal relations concerning land donation are regulated by the Civil Code

#### **Article 90. Land legacy**

1. In case of death of the citizen the lands and rights on them belonging to him will be inherited by other entities in consideration of specialties foreseen by the 95<sup>th</sup> article of the Land Code, according to the testament or the law, and the Civil Code

2. A kind of land separation among the heirs that alters the target position, allowable use and defined minimal volumes of land is prohibited. In that case the procedure for land-use will be define by the agreement of the parties or through judicial procedures

3. The legal relations concerning land legacy are regulated by the Civil Code

### **CHAPTER 18.**

#### **SPECIALTIES OF TURNOVER OF THE AGRICULTURAL LAND**

#### **Article 91. Provision of agricultural land**

1. The agricultural land is provided to citizens and legal entities for appropriation and use:

1) For cultivation of agricultural plants, establishment of long-term plantations, scientific investigations and observations

2) For hay collection and cattle livestock

3) For construction of agricultural buildings and structures

4) In exceptional cases, for construction and maintenance of residential, public and industrial buildings and constructions, and on other purposes not prohibited by the law

2. The Government will define the list of the communities that are forbidden to construct residential and/or public and/or industrial facilities on agricultural lands

#### **Article 92. Regulation of land relations of legal entities and entrepreneurs implementing agricultural activities**

1. Land relations arising from establishment, reorganizations, renaming, bankruptcy and liquidation of the legal entity, as well as the rights of founders and members of the legal entities, specialties of turnover of lands belonging to legal entities and entrepreneurs are regulated by procedures defined by the Civil Code and other laws

2. In case of liquidation, the lands located to the administrative borders of the community and provided to that legal entity under property rights will be transferred to the community for appropriation

#### **Article 93. Procedure for decisions of the legal entity concerning the land ownership**

1. The decisions on land tenancy, investment into principle capital, alienation for State and community needs and exchange are taken by the member council or the body authorized by the internal regulations

2. Then documents proving the land rights, the decisions of the member council or the authorized body can serve as a base for the implementation of an operation and its State registration

3. Issues concerning the refutation of land or its provision to another entity for rent are regulated by the Land Code and procedures defined by the Civil Code

#### **Article 94. Tenancy of agricultural land**

1. The tenancy of agricultural land and estate located to it is the transfer of land for rent for indefinite period of time to citizens and legal entities for agricultural activities

2. In case of efficient use of the rented land and satisfaction of contract requirements, the tenant obtains the privileged right to extend the contract period

3. The requirements mentioned in the tenancy contract will be defined by the Civil Code

4. The tenant must meet the requirements of the contract, and the provider must reimburse the expenditures and the lost income, if no other provisions are envisaged by the contract

5. Without the agreement of the provider the tenant does not have the right to:

1) Provide the land under sub-tenancy or permanent use rights

2) Partially or fully provide the land to the legal entity in charge of agricultural activities for mutual use

3) Alter the soil types, the target position of the land

4) Mortgage the land or the rights on it

6. The minimal rent amount for State and community agricultural land will be defined by an amount not less than the annual quota of the tax for that land

The rent will be charged by procedures defined by the contract.

7. The provider has the right to demand the termination of the tenancy contract, if the given land is subject to privatization according to cases envisaged by the law and provisions foreseen by the contract

#### **Article 95. Legacy of agricultural land belonging to a citizen**

1. In case of death of a citizen the agricultural land belonging to him under property right will be inherited according to the Civil Code. The agricultural land cannot be separated among the heirs, but provided to the heir that obligates himself to implementation of agricultural activities

In case of a dispute, the issue will be solved through judicial procedures.

2. Heirs refusing to implement agricultural activities have the right to be reimbursed in accordance to their part of land inherited

The heirs can establish a legal entity by uniting their inherited parts of land.

3. If one of the heirs refuses to implement agricultural activities, he must transfer his rights on land to the heirs implementing the activity

4. In cases when the heirs and the testament is missing, as well as in case of refutation of the heredity, the land will be transferred to the community

5. Due to the law or the testament, and according to the 1<sup>st</sup> point of this article, the right on land tenancy, which deadline has not yet expired, will be procedurally transferred to the heir in charge of agricultural activities, if no other provisions are envisaged by the tenancy contract

6. The heir will rename the land-use contract; the State registration of the land will take place afterwards

7. In cases, when the land is inherited to an under age citizen, his official care takers can provide the land for tenancy till the citizen becomes of a full legal age

#### **Article 96. Land for agricultural activities: plant cultivation, vegetable-growing, hay collection and pastures**

1. State and community owned lands provided to citizens and legal entities for agricultural activities plant-growing, hay collection and cattle livestock pastures, will be provided for rent for time periods defined by the Land Code

2. The pastures are provided for rent on cattle breeding purposes. The necessary land norm for one head is defined by the State authorized body in the field of agriculture

3. Lands allocated for cultivation are used for plant growing. Cultivation of long-term plants and plantation is prohibited, if the contract period provides for less time and no other provisions are envisaged by the contract. In such cases the reimbursement is not made.

4. If necessary, in consideration of the local conditions, constructions can be made in lands allocated or purchased for agricultural activities, and industrial facilities can be established outside the administrative borders of the community, according to defined procedures

5. After the expiration of the time period for rent of land for agricultural activities, the buildings and constructions located to the given land area will be transferred to the owner of the land, if no other provisions are envisaged by the contract

6. The rights on land, provided for hay collection and livestock pastures from the State and community owned land and the forest fund, are subject to State registration

The procedure on provision of land to citizens and legal entities for hay collection and livestock pastures is defined by the Government.

In case of other equal terms for land provision the privileges will be given to the residents of that community or Marz.

#### **Article 97. Unification and separation of lands belonging to citizens and legal entities**

The citizens and legal entities can (By the agreement of the landowner) alter, unite or separate the land belonging to them under property rights. The mentioned operations must be performed in accordance to the Civil Code, other laws and statutory acts.

### **CHAPTER 19.**

#### **REIMBURSEMENT OF AGRICULTURAL AND FOREST ECONOMY LOSSES DURING THE CONFISCATION OF LAND**

#### **Article 98. Agricultural and forest economy losses**



1. Agricultural and forest economy, losses occurring as a result of obtainment and use of land not in agricultural and forest activities, must be reimbursed to the landowner within a trimester, after the decision on alteration of the target position of land

2. The calculation of agricultural and forest economy losses takes into consideration the norms for calculation of the price for the newly obtained land

**Article 99. Use of financial measures received for reimbursement of agricultural and forest economy losses**

Financial measures received for the reimbursement of agricultural and forest economy losses will be transferred in accordance to land ownership – to the State or community budget and provided for reimbursement of harm caused to the land users, improvement of land fertility, obtainment of new land areas, and works aimed at forest reproduction

**CHAPTER 20.**

**TERMINATION AND RESTRICTION OF RIGHTS ON LAND**

**Article 100. The basis for termination of the rights on land belonging to citizens and legal entities**

1. The propriety rights of citizens and legal entities on land are terminated in cases of:

- 1) Voluntary refutation of land
- 2) Alienation of land
- 3) Death of the landowner, if no heirs are present
- 4) Confiscation of land for State and community needs
- 5) Land requisition and confiscation
- 6) Compulsory confiscation of land used in non-compliance to the legislation
- 7) Liquidation (Reorganization) of the legal entity
- 8) Enforcing compulsory charges according to the responsibilities of the landowner on land
- 9) In other cases envisaged by the law

2. The tenancy and use right on land will be terminated by the law, as well as the basis foreseen by the use and rent contracts

3. The land servitude is terminated in case of elimination of basis for its definition or in case, if the land overwhelmed by servitude cannot be used in its target position

**Article 101. Refutation of land**

1. The rights on land will be terminated on the basis of a refutation of a citizen or legal entity that obtains the similar rights

2. In case of voluntary refutation of land the citizens and legal entities must present an appeal to the Head of the community for lands located to the administrative borders of the given community (The Mayer of Yerevan - in Yerevan), if the land is located outside the administrative borders of the community, the appeals must be presented to the Marzpet

3. After the receive of the appeal and within 15 days, the Head of the community must take the decision of confiscating the land under community propriety; the Mayer of Yerevan or the Marzpet take the decision of confiscating the land under State propriety

The decision of the Head of the Community, the Marzpet and the Mayer of Yerevan is subject to State registration, in accordance with defined procedures.

4. In case of voluntary refutation of the rights on land the tenant must liquidate the tenancy contract, if no other provisions are envisaged by the contract

**Article 102. Basis for compulsory termination of land rights**

The rights on land are compulsively terminated through judicial procedures, and by the following bases:

- 1) The use of land not in its target position or not in compliance to the law or other legal acts
- 2) Failure to eliminate the violations of the law in the defined period of time by the authorized body that implements control over land-use and protection (Pollution of land by radioactive and chemical substances, contamination of land by parasitic and quarantine harmful organisms, covering of land by weeds, violation of the deadlines for return of the occupied lands, elimination of the fertile layer of the land, violation of the legal regime defined for use of specially protected and historical-cultural areas, use of the land in methods that endanger the human state of health and etc.)
- 3) Non-use of agricultural land for three years, with the incompliance to the deadlines for land obtainment, ameliorative constructions, rehabilitation of land after natural disasters and implementation of measures for prevention of such use
- 4) Non-use of land or the part of it provided for construction for a period of three years, if the contract does not envisage longer period for the completion of the construction
- 5) Non-payment of the land tax for three years and the debt during the fourth year
- 6) Land requisition
- 7) Land confiscation
- 8) Confiscation of land for State and community purposes
- 9) Compulsory charging of land, in accordance to the responsibilities of the landowner

**Article 103. Procedure for termination of rights on land use in non-compliance to the legislation**

1. According to the 102<sup>nd</sup> article of the Land Code the propriety rights on land can be terminate only by the decision of the court
2. According the 102<sup>nd</sup> article of the Land Code the authorized bodies defined by the 41-43<sup>rd</sup> articles of the Land Code can be present as mediators at the court trial

**Article 104. Confiscation of land for State and community needs**

1. The land zoning and use schemes as well as the basic settlements plans serve as a base for decisions concerning the confiscation of land for State and community purposes
2. If after the confiscation of the land or its part, the landowner is not able to use it in the previous target position, or the dimensions of the land have decreased, the whole land will be confiscated
3. The payment (Purchase price) for the land, the time periods and conditions of use of lands taken for State and community needs must be agreed with the landowner; in case of disagreement the dispute will be resolved through judicial procedures
4. The regional governance and local self-governance bodies (The Mayor of Yerevan – in Yerevan) can announce a tender for land construction or auctions not later than the definition and registration in the State integrated real estate cadastre of the land zone taken for State and community needs; and not before the procedurally defined confiscation of the real estate located to the given land zone

The alienation zone of the land and real estate located to it that are taken for State and community needs must be defined at least a year before the confiscation.

5. Before a year period the land can be taken only by the agreement of the landowner

**Article 105. Requisition and compulsory confiscation of the land**

1. In cases of natural disasters, emergencies, epidemics and other extra-ordinary phenomena, the land or the part of it can be confiscated from the owner by the decision of the State body and for the public use, with the payment of its price (Requisition)
2. The entity, whose land has been compulsively confiscated, has the right to demand the return of the land or its part, if the reasons for requisition have been eliminated
3. In case if the reasons mentioned in the 1<sup>st</sup> point of this article occur, and if there is no necessity for requisition, the land or the part of it can be used temporarily for the needs of the State and community, within the period of existence of those reasons

The landowner can present the amounts of harm reimbursement to court filing procedures.

In case of announcing quarantine or restrictions on economic activities at a certain period of time, the lands will not be confiscated, and the harm caused to the landowner and users will be reimbursed.

4. In case of impossibility to return lands confiscated by requisition, the landowner will be reimbursed for the price of the land

5. In cases envisaged by the law the land can be taken from the landowner through judicial procedures and as a criminal sanction (Confiscation)

6. The lands are taken from the landowners through judicial procedures in accordance to norms mentioned in the 104<sup>th</sup> article of the Land Code, for the following intentional or regular violations of the land legislation:

1) Pollution of the land by radioactive, chemical substances, industrial wastes, wastewaters, contamination of land by parasitic and quarantine organisms, and covering by weeds

2) Non implementation of measures aimed at land improvement, land protection from storm and watering, as well as obligatory prevention of other negative phenomena; also measures aimed at prevention of land from damage of fertile layer, natural resources, paleontological, historical and cultural heredity objects

3) Use of land in methods resulting in elimination of natural resources and harm

4) Violation of legal regimes defined for use of nature protection, natural preserve, medical, leisure land areas, and lands of special use, as well as lands subjected to radioactive and chemical wastes disposal

5) Use of lands in methods endangering the human state of health or kind of harm

6) Non-use of agricultural lands for a period of three years

#### **Article 106. Restrictions of the rights of landowners and users in case of arousal of State and community needs**

In case of arousal of State and community needs, the rights of the landowners and users will be restricted in accordance to procedures defined the Land Code, other laws and statutory legal acts.

#### **Article 107. Restrictions on use of land located to residential areas**

1. The rights of citizens and legal entities on obtainment of State and community owned land, construction of buildings and constructions, as well as investments will be restricted according to basic settlement plans, land zoning, and use schemes

2. Use of the entrails and natural resources located to residential areas can be restricted or prohibited, if such activities endanger the human vitality and state of health and can harm the environment

#### **Article 108. Guarantees of rights of landowners and users in the process of confiscating their lands for State and community needs**

1. The lands of citizens and legal entities can be confiscated for State and community needs in accordance to procedures of the Civil Code and by preliminary complete reimbursement

2. The procedure for confiscation of community land for State needs is defined by the 1<sup>st</sup> point of this article

3. The landowners must be informed by the body that took the decision for land confiscation one year before the action of confiscation. Before the expiration of that deadline the confiscation of land can be performed only by the decision of the landowner or the user

4. The improvements of the estate located to the land, performed after the notification of the landowner and user about the confiscation of the land, will not be reimbursed

### **CHAPTER 21.**

#### **RIGHTS AND RESPONSIBILITIES OF LANDOWNERS AND USERS**

#### **Article 109. Rights of landowners and users**

The landowners and users use, own and dispose the land in volumes allowed by the Land Code and other laws for ownership, use and disposition of land

### **Article 110. Responsibilities of landowners and users**

1. The landowners and users must take care of the land and are responsible for the protection of the land legislation

2. The landowners and users must:

1) Use the lands in their target position and in such methods that must not harm the land as a natural and economic object

2) Not violate the rights of the neighboring landowners and users

3) Maintain border, geodesic and other signs on the land

4) Increase the fertility of agricultural land, implement land protection and use measures, maintain the procedures for use of forests, water and other natural objects, as well as not harm the environment

5) Maintain the defined regimes of land protection

6) Manage the use of land in obtainment time periods, defined by the legislation, statutory legal acts adapted by State governance and local self-governing bodies

7) Make timely payments for the land

8) Implement land construction, maintain and protect the buildings and constructions located to that land, in accordance with earth and civil engineering, nature protection, sanitary-hygienic, fire prevention and other requirements (Norms, rules, and statutory acts)

9) Timely present the information required by the land legislation and other statutory legal acts to the State governance and local self-governing bodies

10) Support the State authorized bodies in implementation of control over land-use and protection, within defined authorities and in the process of performance

11) Maintain and transfer to their successors the plans and other documents proving the rights on land

Other responsibilities of landowners and users can be defined by laws and statutory legal acts adapted by State governance and local self-governing bodies according to those laws.

3. In case if the land belonging to landowners and users must be confiscated for State and community needs they must concede the lands or the parts of them according to the term of guarantee provision mentioned in the 108<sup>th</sup> article of the Land Code

4. In case if the users of the land terminate the use for any reason, they must inform the landowners on the time period for the given land staying unused

In that case, the landowners obtain the right to transfer those lands to other entities for the time period defined

### **Article 111. Protection of the rights on land in the process of destroying the buildings and constructions located to it**

1. In cases of fire, natural disasters and other invincible phenomena, as well as in cases of destroy of emergency buildings and constructions, the rights of the user on land will be maintained for three years, according to defined procedures and with the requirement to reconstruct or alienate the buildings or constructions

The State governance and local self-governing body has the right to extend that deadline. In case is dispute arises, the deadline will be extended through judicial procedures.

2. In cases mentioned in the 1<sup>st</sup> point of this article the terms of maintenance of the tenancy rights will be defined by the contract. In case if the terms are not mentioned in the contract, the norms of the 1<sup>st</sup> point of this article will be enabled

### **Article 112. Realization of the rights of citizens and legal entities on land**

1. The citizens and legal entities realize their rights on their own, with the consideration of the laws and statutory legal acts

2. Termination of the rights on land in case of refutation will be performed through defined procedures and is subject to State registration

**CHAPTER 22.**  
**LAND DISPUTES**

**Article 113. Protection of rights on land**

The protection of rights of citizens and legal entities on land is performed on the basis of the Constitution and other laws of the Republic of Armenia through:

- 1) Recognition of the right
- 2) Reformation of the condition before the violation of the right and prevention of activities violating or creating possibilities for the violation of the right
- 3) Revocation of the operation and prevention of the consequences
- 4) Revocation of the acts adapted by the State governance and local self-governing body
- 5) Protection of rights
- 6) Reimbursement of harm
- 7) Other methods envisaged by the law

**Article 114. Land disputes**

The issues of land propriety rights and land relations, as well as land disputes can be solved through judicial procedures.

**CHAPTER 23.**  
**LIABILITIES FOR THE VIOLATION OF LAND LEGISLATION**

**Article 115. Liabilities for violation of land legislation**

1. The responsibility for violation of land legislation is defined by laws
2. Entities imposed to liability will not be exempt from the responsibility to eliminate the violations and reimburse the harm caused

**Article 116. Reimbursement of harm caused in the result of violation of land legislation**

1. The citizens and legal entities must completely reimburse harm caused by them as a result of violation of the land legislation
2. Lands occupied without the necessary authorization will be returned to their owners and users without reimbursement of the expenditures performed during the use of those lands by illegal appropriators
3. Lands brought to conditions that are not beneficial for use, destroy of buildings and constructions created during the unauthorized use, as well as the responsibility for rehabilitation of the damaged border signs will be imposed on the citizens and legal entities implementing unauthorized activities or will be performed through their financial measures
4. The land rights of the unauthorized entity on the constructed object can be transferred to him by court, if the given land area is provided to that entity for the object occupied. The court can also approve of the rights of entities on buildings and constructions on the land belonging to them

**CHAPTER 24.**  
**CONCLUDING AND TRANSITIONAL PROVISIONS**

**Article 117. Procedures for implementation of the Land Code of the Republic of Armenia**

1. The Land Code of the Republic of Armenia will be valid from the moment of its official publication
2. The Land Code of the Republic of Armenia is enacted for land relations arising during its implementation

Land relations arising before the implementation of this Code will be regulated concerning those rights and responsibilities that will descend after the implementation of this Code.

3. Before the implementation of this Code, the published laws and statutory legal acts for regulation of the land relations must be enacted in compliance to it

#### **Article 118. Transitional provisions**

1. Before the validation of this Code, the procedurally obtained rights on land, their restrictions and servitudes have legal power and are not subject to recurring registration

2. Land areas provided in accordance with the legislation of the Republic of Armenia are not subject to reviewing after the adaptation of this Code

3. Termination of rights on lands provided in accordance to procedures defined by the legislation of the Republic of Armenia will be performed by procedures defined by this Code

4. Persons and privatized legal entities that obtain rights on permanent or temporary (short-term or long-term) use of land, will be granted tenancy rights on lands provided through procedures defined by the legislation and pay the rent equal to the annual land tax for the given lands in time period defined by this Code, without changes in the dimensions of the land area, from the moment of validation of this Code and through its adaptation

Tenancy rights granted due to the above-mentioned point are not subject to recurrent registration.

The provision mentioned in this point is not enacted for permanently provided lands of State and community institutions, joint ownerships and non-profit organizations. The above mentioned will be granted permanent use rights, according to the 1<sup>st</sup> point of the 75<sup>th</sup> article of this Code.

5. Land tenancy contracts, signed before the validation of this Code, can be changed only by the agreement of the parties, if no other provisions are envisaged by the contract. The tenancy contracts have legal power and are not subject to recurring registration

6. In case if the land-allocation documents for lands provided to legal entities are not maintained, the entities obtaining permanent land-use rights must have to apply to land providing bodies, defined according to this Code, to recover the necessary documents in accordance to the location of lands. The land providing bodies will discuss the appeal and take a decision on recovery of land provision documents, according to this Code, by providing the applicants with tenancy rights in a month period

7. In cases envisaged by 4-6<sup>th</sup> points of this article, land tenants can be granted propriety rights with the terms to pay the cadastral price for the given land, except for cases, when the privatization of the given land is forbidden by the law

They can obtain propriety rights on the whole land area and its parts, with the term to preliminarily separate the land into estate units, according to defined procedures.

The protocol for payment of the cadastral price for land serves as a base for State registration.

8. Alienation of lands provided for use to citizens and legal entities under their propriety is not time limited in cases envisaged by the land legislation

9. The provision envisaged by the 3<sup>rd</sup> point of article 34 of the Land Code is valid since 2003

10. The Government will provide for adaptation of sub-legislative acts for enforcement of the Land Code, after its validation and within a year

11. The provision envisaged by the 4<sup>th</sup> point of the 104<sup>th</sup> article of the Land Code will be enacted in a year after the validation of the Land Code and will be regulated by procedures defined by the Government during that year

12. In case of liquidation of the legal entity State owned lands located to the administrative borders of the community and provided for use will be transferred under community propriety with maintenance of the target position of the land

#### **Article 119. Invalidation**

Consider invalid:

1) The Land Code of the Republic of Armenia, with all change and amendments

2) The decree of the Supreme Soviet of the Republic of Armenia, of February 4<sup>th</sup> 1991, "On implementation of the Land Code of the Republic of Armenia"

3) The law of the Republic of Armenia “On procedures on State propriety lands located to the administrative borders of rural and urban communities”

The President of the Republic of Armenia

Robert Kocharyan

Yerevan

4<sup>th</sup> of July 2001

N<sup>o</sup>-185