

IMPROVEMENT AND STREAMLINING OF RULES FOR AGRICULTURAL LAND USES IN UKRAINE

Law of Ukraine No. 2498-VIII dated 10 July 2018

When?

EFFECTIVE DATE:
1 JANUARY 2019

What's important?

Improvement and streamlining of terms and conditions for agricultural land uses in Ukraine by:

- 1) introduction of the concept of 'agricultural land mass'
- 2) determination of terms and conditions for use of land plots forming part of agricultural land mass
- 3) determination of terms and conditions for use of state-owned or community-owned land plots underlying field roads or tree belt areas
- 4) provision of servitudes for the purposes of soil improvement
- 5) provision of land servitudes granting a land user access to its land plot
- 6) determination of terms and conditions for use of undistributed land and unregistered shares of land

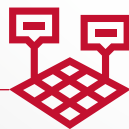
Agricultural land mass inventory



The purposes of inventory include:

- creation of agricultural land masses (determination of name, code, boundaries, area, land composition of, and list of land plots included in, each agricultural land mass);
- determination of list of unregistered shares of land, and agricultural land plots underlying field roads, tree belt areas or other windbreaks;
- introduction of details collected in the course of inventory in the State Land Cadastre.

Peasant farming — Agricultural commodity production



- Land plots designated for peasant farming or family farms will be permitted to be used for the purposes of agricultural commodity production without the need to change the designation of such land.

Unclaimed shares of land (pai)



- Titles to unclaimed shares of land (pai) must be registered before 1 January 2025. After such date, any unclaimed share of land will be considered abandoned property and will be transferred to municipal ownership.

Swapping land use rights



- Lessees of agricultural land plots forming part of the same agricultural land mass will be allowed to swap land use rights for the duration of land lease.
- Such a swap must be made by executing corresponding sublease agreements both providing for an identical lease term and rent.
- No approval from the lessor will be required for such subleases; however, a written notice must be given to the lessor within five days of the sublease right registration.
- The Law permits swapping state-owned or community-owned land plots with other land plots within the same agricultural land mass. In such a case, a land swap may be allowed if the appraised value on one land plot does not exceed the appraised value of another land plot by more than 10%.

Field roads, tree belt areas



- Leases of land plots underlying tree belt areas (except roads around the edges of a land mass) are exempt from the land auction requirement.
- Leases of land plots underlying field roads will be permitted subject to providing access to such roads to all land users.

Substantial users of agricultural land mass



- Substantial user shall mean any person holding the land use rights in respect of at least 75% of the area of agricultural land mass.
- The substantial user will have an option to lease or sublease any other land plot within the same land mass (except in the event of land lease renewal).
- If the substantial user fails to reach agreement in respect of any such sublease, then sublease may be executed by court order.
- Sublease execution by court order shall not apply to any land plot with perennial plantations, land underlying property or other similar land.

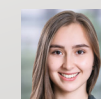
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