

LAW ABOUT THE PROPERTY

Chapter I

GENERAL PROVISIONS

Article 1. The property rights in the Republic of Moldova

The right to property in the Republic of Moldova is protected and approved by law. The owner has the right to possess the goods, to use and administer them. The possession of the goods consists of effectively holding the goods, the use of the goods consists of using the applicable qualities of these goods, and the administration consists in determining the destination of the goods.

The owner has the right to undertake any kind of activities regarding its goods except if it is unlawful and is harmful for the people's health and for the environment.

Article 2. Types of Property

There are three types of Property in the Republic of Moldova: private, collective, including colhoses, and state.

It is not permitted for the state to establish, in any form, certain restrictions or privileges in exercising the rights on property regarding the type of property.

Article 3. Forms of property

It is permitted the existence of different types of property in different organizational forms in the Republic of Moldova: individual, family, farm, cooperative, shareholders society, municipal state enterprises and institutions, public organizations and movements, religious organizations, mixed, including with the participation of foreign natural and juridical persons, as well as other forms of property which are not prohibited by the law.

Article 4. Legislation about the property

By this present law, according to the Constitution of the Republic of Moldova, is regulated the property relations on the whole territory of the Republic of Moldova. Relations which are not stipulated in this present law are regulated by the other legislative documents of the Republic of Moldova, issued in accordance with it, and in special case stipulated in these documents - also by the decisions of the Government of the Republic of Moldova.

Article 5. Subjects of the rights on property

Subject of the rights on property can be any person: natural, juridical, state, as well as the bodies of the local governments.

Article 6. Common (mutual) Property

On the basis of the common (mutual) property the goods can belong at the same time to two or more persons while establishing their shares (divisible property) or without establishing their shares (collective property), regardless on the type of property.

Article 7. Objects of the rights on property

Objects of the rights on property can be: land, subterranean, water, vegetable and animal world, buildings, installations, equipment, subject of material and spiritual culture, money, securities and other goods as well as the products of intellectual activity.

Article 8. Elements of exercising the rights on property regarding the products of intellectual activity, cultural and historical monuments.

The way of exercising the rights on property regarding the products of intellectual activity, cultural and historical monuments is regulated by the Legislation of the Republic of Moldova.

Article 9. The origin of the rights on property

The rights on property appears on the basis of producing or acquiring of goods as a result of a transaction, inherited, or when restoring the property rights, or other ways which are not contrary to the Legislation of the Republic of Moldova.

The production and the incomes received while using the goods belong to the owner of these goods, with the exception that the legal documents or contracts do not stipulate different regulation.

The production and the income received by the tenant while using the leased goods is the property of the tenant.

Article 10. Contract between the owner and the citizens regarding the use of their work

The owner has the right, according to the conditions and in the limits stipulated by the legislative documents of the Republic of Moldova, to conclude contracts with the citizens regarding the use of their work in the framework of exercising its rights on property.

Regardless of the type and form of property on the basis of which is used the work of the citizen, the citizen must be provided with remuneration, working conditions, as well as the other social and economic insurances stipulated by the legislation in force of the Republic of Moldova

Article 11. Recording the property of the owner and its responsibility

According to the obligations of the juridical person any kind of property which belongs to the juridical person having the property rights or the rights for its administration can be recorded.

The owner is not responsible for the obligation of the juridical person created by him, in its turn the juridical person is not responsible for the obligations of the owner, with the exception of the cases stipulated by the legislation of the republic of Moldova.

Natural persons are responsible for their obligations regarding the goods which belong to them with the rights on property in the way stipulated by the legislation of the Republic of Moldova.

The list of the goods of the natural persons, which are not subject for penalties, according to the objections of the creditors, is stipulated by the legislation of the Republic of Moldova.

Chapter II

PRIVATE PROPERTY

Article 12. The right on private property

Private property are the goods, as well as the production of the intellectual activity which belong to the citizen as a natural person with the right for possession, use and administration.

Article 13. Objects of the right on private property

Private property can be considered: land plots, plantations, living houses, transport means, financial resources, shares and other securities, house utilities and personal utilities, products of intellectual activity, productional means to perform the economic activity, the production and the income received as well as other productional and consumption goods.

The way, conditions and terms of how the land plots should be passed in the property of the citizens are stipulated by the Land Code of the Republic of Moldova and other legislation documents of the Republic of Moldova.

The member, of the cooperative for housing, for house construction, for garage construction and of the other cooperatives who had contributed integrally the participation fee for the housing, for the garage, or for another construction or space which was given for use, gets the right on property for these goods.

The person, who rents dwelling from the state or public fund, and its family members have the right to redeem from the owner the respective dwelling or house.

The way and terms of acquiring the property rights by a member of a dwelling cooperative, house construction, garage construction and other cooperatives, and by the tenant of the dwelling from the state or public fund, as well as the possession of the right on property is regulated by the legislation of the Republic of Moldova.

Article 14. Restriction upon the goods which can be in private property

The legislative documents of the Republic of Moldova stipulate the types of goods which can be in private property or can be purchased only in terms stipulated by legislation.

Article 15. Origin of the private property

The private property is created and develops on the basis of the incomes received from the entrepreneurial activity, on the basis of remunerated work and of the incomes received from means invested in banking institutions, shares and other securities, on the basis of inheriting goods or other legal methods.

The right to pass through inheritances and the inheritances of the private property is provided by the law.

Article 16. Exercising the right on private property

The natural person possesses, uses and administers the goods independently in order to satisfy his personal needs, for the economic activity, including the entrepreneurial activity (in the form of a private enterprise, farm, etc.), also for different purposes which are not contrary to the law.

Article 17. Farm property

The farm can have in its property land plots, crops on these land plots, productive and working cattle, poultry, agricultural machinery and equipment, transport means, small enterprises as well as other goods necessary for the independent agricultural production, processing and marketing the products.

The farm goods belong to the individual owner or to all members of the family with the right of common collective property or common divisible property according to the contract they have concluded.

The natural person who holds a farm on the land which was given in possession with the right to inherit it for the period of the life can pass the right of possession of the land plot or can give it for provisional usage, according to the conditions and terms stipulated by the legislative documents of the Republic of Moldova, to one of the members of its family, which holds the farm together with the family, in case if such one is missing - to other persons.

Article 18. Juridical Regime of the auxiliary personal farm

The provisions of the article 17 are also true for the auxiliary personal farm

Article 19. The property of the married

The goods obtained during the marriage belong to the married with the right on collective property or right on separate property if such is legalized in the way established by the legislation of the Republic of Moldova.

The way of emerging, performing and liquidating the right on the collective or separate property of the married is established by the Marriage and Family Code of the Republic of Moldova.

Chapter III

COLLECTIVE PROPERTY

Article 20. The right on collective property

In order to perform economic activity or other kind of activity, natural and juridical persons unite their ownership, with the right of common property, thus forming a collective with the rights of a juridical person.

The possession, usage and administration of the goods from the collective property is performed on the basis of an agreement among the owners, in cases of divergences - by the judicial body, arbitration or arbitrator on the basis of the action of each owner.

Any kinds of goods can be in collective property as well as products of intellectual activity, if the legislation documents of the Republic of Moldova don't provide anything else.

Article 21. Forms of Collective Property

From the collective property take part the property of the leasing companies, collective enterprises, cooperatives, shareholders society, economic companies, economic unions (associations, concerns, consortiums), public organizations and movements, religious organizations.

Article 22. Creation of the collective property

The creation and development of the collective property is assured through renting the state property, and offering the possibility for the workers collectives to use their incomes to redeem the state goods, thus transforming state enterprises in shareholders society, as well as through voluntary association of the natural and juridical person's goods to create cooperatives, shareholders society, other economic societies.

Article 23. Property of the Leasing Company

Property of the leasing company is considered the manufactured products, incomes received and goods purchased on the basis of the company's means.

In the constituent documents of the leasing company is stipulated the amount of the contribution for each member of the collective for the creation of this goods taking part personally at the working process, as well as the money and other kinds of contributions. The way and terms of participating the members of the leasing company's collective in the administration and distributions of the benefits (incomes) are established by the tenant according to the legislation of the Republic of Moldova.

Article 24. The property of the collective enterprise.

The property of the collective enterprises appears in the cases of transmission all of the states goods in the property of the workers collective, redeeming the rented goods or purchasing other goods using other methods provided by the law.

The goods of the collective enterprise, including the production and the incomes received, are considered the common ownership of its collective.

The share of each worker is established in the property of the collective enterprise. These shares include the amount contributed by the workers to the rented or state goods, on the basis of which was established the collective enterprise, as well as the contribution of the workers to increase the ownership of the enterprise after its creation.

The amount of the contribution of the workers to increase the ownership is established on the basis of his participation in the activity of the enterprise

For the share of the worker of the enterprise is calculated and paid the dividends, the amount of which are established by the working collective, based on the results of economic activity of the enterprise.

The workers who stopped the working relations and to the successor of the worker in case of his death, is paid the cost of the share in the way established by the constituent documents

In case of liquidation of the collective enterprise, the cost of the share is paid to the workers (their successors) from the goods left after settling the accounts with the budget, banks and other creditors of the enterprise.

Article 25. Cooperative Property

The cooperative goods are formed on the basis of the money resources and other patrimonial shares of its members, credits, obtained production, incomes received as a result of the products marketing and other activities stipulated in the statutes of the cooperative

In case of the cooperative liquidation the goods left after settling the accounts with the budget banks, and other creditors is distributed among the cooperative members

Article 26. Property of the Shareholders Society

The shareholders society is the owner of the goods created as a result of share selling, as well as from its economic activity or other ways permitted by the legislation of the Republic of Moldova

The shareholders can be natural and juridical persons

The way of constituting the shareholders society, juridical statute and the principals of its activity are established by the legislative documents of the Republic of Moldova

Article 27. Property of the Economic Society

The property of the economic society, including that of a company with limited responsibility, is considered the shares contributed by the participants, goods obtained as a result of its economic activity and goods purchased according to the legislation of the Republic of Moldova.

As a contributed share of the member of the economic society is accepted fixed and working capital, financial resources and securities, as well as the right to use goods.

Members of the economic society can be natural persons, institutions, enterprises and organizations.

Article 28. Property of the Economic Union

The economic union of the enterprises and organizations (association, concern, consortium etc.) has the right of property upon the goods which were voluntarily passed to it by its members providing them the rights of a juridical person, as well as the rights upon the goods obtained as a result of its economic activity

The economic union does not have the right of property upon the goods of the enterprises and organizations which are part of it.

The goods left after ceasing the activity of the economic union are divided, according to the statutes, among the enterprises and organization which were part of this economic union.

Article 29 Property of the Public organizations and Movement

Public organizations and movements, including charity funds and other public funds, can have in their property buildings, installations, dwelling fund, machinery, equipment, financial resources, shares, other securities and other goods necessary to assure the activities stipulated in their statutes (general provisions)

Public organizations and movements can also have in their property the enterprises created for the purposes stipulated in their statutes (general provisions) from the means of these public organizations and movements

After the liquidation of the public organization or movement the goods left are used for the purposes stipulated in their statutes (general provisions).

Article 30. Property of the religious organizations.

Property of the religious organizations can be: buildings, constructions, transport means, cult objects, productional objects, objects with social and charity destination, financial resources, and other goods necessary to assure their activity, but in the property of the monasteries can be land plots

Religious organizations have the right of property upon the goods created by them and purchased from their own resources, donations received from citizens, from public organizations, from the state and other resources which are not against the law.

In case if the religious organization is liquidated the issue of using the goods which were in its property is solved by the leadership bodies of this organization or by the religious organization hierarchically superior, with the participation of the bodies of the local government

The goods which were property of the religious organizations, ceasing their activity, are transferred to the religious organizations which had formed them

Goods given in use by a state organization, public organization or by the citizens to the organization which ceased its activity are returned to the former owner

Financial resources and other goods which represent the property of the religious organizations can be subject for auditing. The cult ownership which belongs to the religious organizations is not subject for auditing due to reasons of religious believes.

Chapter IV

STATE PROPERTY

Article 31. The right of state property

State property of the Republic of Moldova is considered the goods which belong to the republic of Moldova as a state with the right of possession, usage and administration. It is manifested in the form of state property and municipal property.

Article 32. Objects of the right of state property and of the municipal property

State property of the Republic of Moldova is the land, subterranean, water, forests, other natural resources, goods of the bodies of the state power and state administration, cultural and historical values, resources of the republican budget, state banks, insurance funds, reserve funds and other funds, goods of the state enterprises and of the national economy complexes, educational institutions, objects from the socio-cultural sphere and other goods which are on the territory as well as abroad of the Republic of Moldova

The republic of Moldova exercise the supreme jurisdiction upon the air space above its territory.

Municipal property is considered the goods which belong to the bodies exercising power and administrative bodies of the local government entity, resources of the local budget, housing fund, municipal economy and dwelling of the local administration body, as well as the agricultural enterprises, commercial, social services, transportation, industrial enterprises and complexes, construction and other profiles, public education institutions, culture, health care and other objects.

Article 33. Exercising the right of state property

The Republic of Moldova has the exclusive right to establish, through its supreme legislative body, the way of usage, possession and administration of the state property. Juridical and natural persons from other countries and state communities can use the objects of the state property of the Republic of Moldova only with the permission of its respective state bodies according to the procedures established by the legislation of the republic of Moldova.

The possession, usage and administration of the state property of the Republic of Moldova are exercised by the state through the state enterprises, institutions and other state organizations

Article 34. Goods and competence of the state enterprises and state institutions.

Goods which are state property and are entrusted to the state enterprises and state institutions, as well as the goods purchased by them as the result of their entrepreneurial activity, belong to them with the right of economic administration

The right of economic administration comprises the possession, usage and administration of the goods as well as of the incomes according with the procedures established by the owner or by the authorized bodies according to the legislation of the Republic of Moldova

Article 35. State bodies competence

State bodies authorized to administer the state goods deal with the issues of creating the enterprise or the institution and establishes the goals of its activity, its restructuring or liquidation, performs the inspection upon the efficient use and integrity of the state goods entrusted, and other authorization according to the legislation of the Republic of Moldova

Bodies of the state power and of the state administration are do not have any responsibility for the obligations of the subordinate enterprises and institutions, in their turn the subordinate enterprises and institutions do not have any responsibility for the obligations of the Republic of Moldova and bodies of the local government.

Article 36. The origin and realization of the right on municipal property

The right of municipal property appears as a result of: transferring the state goods to the bodies of the local government, according with the procedures established by the legislative documents of the Republic of Moldova, purchasing goods from the financial resources of the above mentioned bodies, as well manufacturing products by the subordinate enterprises and institutions.

The way of possession, usage and administration of the municipal property is established by the respective bodies of the local administration on the basis of the laws regarding the local administration and other laws of the Republic of Moldova.

Chapter V

PROPERTY OF THE OTHER STATES, CITIZENS AND JURIDICAL PERSONS, AS WELL AS OF THE INTERNATIONAL ORGANIZATIONS AND OF THE PERSONS WITHOUT CITIZENSHIP

Article 37. Property of the other states.

It is permitted in the republic of Moldova the existence of the property of the other states (exception property on land), which is regulated by the legislation documents of the Republic of Moldova and Interstately Agreements.

Article 38. Property of the citizens and juridical persons from the other states, as well as of the international organizations and of the persons without citizenship.

In the Republic of Moldova is permitted the property of the citizens and juridical persons from the other states, as well as of the international organizations and of the persons without citizenship (exception property on land) The possession, usage and administration of such kind of property is exercised according with the legislation documents of the Republic of Moldova and Interstately Agreements.

Article 39. Joint Venture property.

In the Republic of Moldova can be created Joint Ventures, the co-owners of which are the Republic of Moldova, a citizen or a juridical person of the Republic of Moldova and another state, citizen or juridical person of this state, as well as an international organization or a person without citizenship.

Goods mentioned in the first part of the present article are divisible property of its common owners in case if the constituent documents do not stipulate anything else. The common owners receive all the rights provided by the legislation documents of the republic of Moldova.

Chapter VI

Guarantees and Protection of the Property Rights

Article 40. Guarantees of the equal development conditions and stability of the property relations

The legislation of the Republic of Moldova assures for the citizens, organizations and other owners equal development conditions of different types and forms of the property and their protection.

The Republic of Moldova guarantees the durability of the property relations, established according with this present law.

Nobody has the right to confiscate (withdraw) by force the goods of the owner, with the exception of the cases stipulated by the laws of the Republic of Moldova, as well as to ask the owner to associate the goods with the goods of the other owner.

Article 41. Protection of the property right

According with the legislation of the Republic of Moldova the owner has the right compensate its goods from an illegal foreign possession.

The republic of Moldova protects the rights of all subjects of the right on property from the republic regarding their goods, including their goods which are on the territory of the other countries.

The owner can ask for the liquidation of the all infringements (offences) of his rights, even if these infringements (offences) did not concerned the deprivation of his possession.

The rights stipulated in the first, second and third part of the present article belong also to the person who, although is not the owner, possesses the goods with the right to administer economically, life possession with the right to inherit or on the basis of the other provisions of the law or agreement. This person has the right also to protect the possession against the owner.

The protection of the property is performed by the court, arbitration or arbitrators judgment.

Article 42. Protection of the owners interests in the case of termination of his right concerning the withdrawal (confiscation) of the land plot

The termination of the right on property concerning the decision regarding the withdrawal of the land plot on which is placed: the house, crops or other installations of the owner, or as a result of another decision of the state body which does not effectively imply the withdrawal of the owners goods, is permitted only in the cases and procedures established by the legislative documents of the Republic of Moldova, as well as with the compensation of the damages caused to the owner while terminating the right on property.

In case if the owner disagree with the decision which has as a result the termination of the right on property, this decision can not be enforced until solving the disagreement by the court, arbitration or arbitrators judgment. While examination of the disagreement also are solved the issues of damage compensation to the owner.

Article 43. Withdrawal by the state of the owner's goods in cases stipulated by the legislation.

The withdrawal by the state of the owner's goods is permitted only if an inspection has been made on the basis of the owner's obligations in cases and procedures stipulated by the legislation documents of the republic of Moldova, as well as in the cases of requisition and confiscation.

In cases of natural calamities, accidents, epizootic, epidemics and under other exceptional circumstances, by a decision of the state bodies, the goods can withdrawn from the owner to the society according to the procedures and conditions established by the legislation documents of the Republic of Moldova, covering the cost of the requisitioned goods (requisition).

In the cases stipulated in some of the legislation documents of the Republic of Moldova the goods can be withdrawn from the owner on the basis of the decision of the court, arbitration or another competent state bodies (or of an official person) in the form of sanctions for making infringements or any other offence (confiscation).

Article 44. Juridical regulation for damage compensation in cases of termination of the right on property

In case of adopting some legislation documents of the republic of Moldova, which terminate the right on property, the damages, caused to the owner as a result of adoption of these documents, are compensated integrally to the owner on the basis of a decision of the court instance by the bodies of the local administration.

If as a result of issuing a document which is not in accordance with the law, of the state body or body of the local administration, are offended the rights of the owner or other persons regarding the possession, usage and administration of the goods which belong to them, such a document is declared invalid on the basis of undertaking action by the owner or person whose rights were violated.

Damages caused to the citizens, organizations and other persons as a result of issuing documents mentioned above, shall be compensated integrally from the available resources of the respective state body or body of the state administration. In case if such resources are not available in the bodies of the state administration, the compensation of the damages is made from the republican budget