

LAND CODE

828-XII of Dec. 25, 1991

INCLUDING ALL AMENDMENTS

as of July 22, 1999

CHAPTER I

General Provisions

Article 1. Land Legislation

The land relations shall be regulated by the Constitution of the Republic of Moldova, this Code, and other legislative acts issued in accordance with it.

Relations regarding the use and protection of other natural resources (subsoil, forests, waters, vegetal and animal kingdom, atmospheric air) shall be regulated by a special legislation.

Article 2. Land Fund and Its Composition

The Land Fund of the Republic of Moldova comprises all land, irrespective of its zoning and ownership type.

Depending on its main zoning, the Land Fund comprises the following land categories:

- agricultural land;
- land within villages, cities, and municipalities;
- land for industrial, transportation, telecommunication, and other specific designations;
- land designated for environment and health protection, entertainment, land with historic and cultural value, land of suburban areas and green belts;
- the forestry fund land;
- the water fund land;
- the reserve fund land.

Article 2¹. Land Relations Objects

The objects of land relations are: land parcels, land shares and rights to them.

Land parcels are determined by surface area, location, boundaries, legal status and other characteristics specified in the documents on the state registration of the right to land.

Land parcels and the objects associated there with (the soil, reservoirs, forests, perennial plantings, constructions, buildings, structures, etc.) which cannot be removed without causing direct losses to its designation shall constitute real estate.

Land parcels may be divisible and indivisible.

A land parcel shall be considered divisible if it can be divided in shares without changing its zoning or without violating the fire, sanitary, ecological, agrotechnical and urban standards. After the division each share shall create a separate land parcel.

A land parcel can be considered indivisible when provided by law.

Land shares within a land parcel which is under common use shall also constitute objects of land relations.

Land shares shall have a quantitative expression and description, which description shall comprise data with regard to its zoning and category of use. Land shares shall not be demarcated (as amended by Law no. 369-XIII on February 10, 1995).

Article 3. Land Ownership

Land in the Republic of Moldova can be under public or private ownership.

The State shall protect equally both types of ownership.

Land ownership relations shall be established by law (as amended by Law 369-XIII on February 10, 1995).

Article 4. Landholders

The term “landholder” means any person holding the right of land ownership, possession, or use.

Both citizens of the Republic of Moldova and foreign investors can be landholders with the right of land ownership, in accordance with the law (as amended by Law no. 369-XIII on February 10, 1995).

The State shall protect landholders with any rights.

Restitution of land to its former owner and his/her successors shall not be allowed. Such persons may be allocated land into ownership, under the conditions set forth in this Code.

Article 5. Ecological Protection of Land

The State shall protect the land as being an important life space, an agricultural production mean, and a place where all human activity objects are located.

The ecological protection of land shall have priority over other activities.

Article 6. State Duties in Land Relations

The state administration authorities only shall have the authority to allocate or alienate land, to certify the landholders' right.

The State shall provide technical, financial, and organizational assistance to the efficient development of all forms of agricultural farming, to the agricultural mechanization on improving land cultivation, consequently reducing the losses and the polluting waste, to the study on ecological, economic, and social impact, which would provide the fundamentals of the decisions to promote new agricultural investments, measures to protect land as a foundation of a stable

development; it shall ensure the economical use of land and the reduction of land under constructions, shall guarantee the farms right of ownership and other landholders' rights.

The local public administration authorities shall create land committees consisting of advisors of local councils, specialists of the State LAS's and privatization authorities, representatives of agricultural enterprises and of inhabitants of relevant territorial-administrative units. The functions of these committees shall be established by a Regulation prepared by the Government (as amended by Law no. 369-XIII on February 10, 1995).

CHAPTER II

COMPETENCE OF PARLIAMENT, GOVERNMENT, LOCAL ADMINISTRATION AUTHORITIES REGARDING LAND RELATIONS

Article 7. Competence of Parliament

The following shall fall within the Parliament competence:

- legislative regulation of land relations on the entire territory of the Republic of Moldova;
- organize control on land legislation observance;
- establish land areas with a special legal regime;
- establish the tariffs necessary to calculate the normative price of land and the land tax;
- solve other issues which fall within the competence of Parliament (as amended by Law no. 369-XIII on February 10, 1995).

Article 8. Authority of the Government

The following shall fall within the Government competence:

- approve the boundaries of urban regions;
- develop land protection measures and organize their implementation;
- maintain the land cadastre and organize the land arrangement on the territory of Republic;
- approve the annual land cadastre;
- establish the procedure to collect land taxes and other payments;
- establish and change the land zoning, as established by law;
- change the category of land with special designation;
- develop programs, schemes, maps, and plans on land arrangement in the Republic and ensure their implementation;
- prepare a unique methodology on land evaluation;
- organize control on land use and protection;

- on the basis of proposals of rayonal and municipal councils, approve the boundaries of administrative and territorial units;
- determine the list of enterprises, institutions, and organizations which land shall remain under state ownership and submit such a list to Parliament for approval (as amended by Law no. 369-XIII on February 10, 1995);
- approve the area of vineyards and orchards subject to writing off, based on proposals from the rayonal executives or municipal primarias (as amended by Law no. 1202-XIII on May 29, 1997).

Article 9. Competence of Rayonal and Municipal Councils

The following shall fall within the competence of rayonal and municipal councils:

- exercise control on land use and protection;
- set land taxes and other payments, their collection;
- establish and change the boundaries of villages, cities, municipalities and solve the disputes regarding boundaries;
- maintain the land cadastre of the rayon and municipality and organize land arrangement;
- develop programs, schemes, maps, and plans on land arrangement on the territory of judet (municipality) and rayon and ensure their implementation;
- distribute and withdraw land, according to procedures established by law;
- establish the land areas within the limits of the judet (municipality) and rayon which shall remain state property;
- change the zoning of agricultural land;
- certify the landholder's rights;
- deprive the landholders of the ownership right to land, in accordance with the existing legislation;
- determine and distribute land for constructions;
- draft proposals regarding the borders of the territorial-administrative units to be approved by the Government (as amended by Law no 369-XIII on February 10, 1995).

Article 10. Competence of Village (Commune) and City Councils

The following shall fall within the competence of Village (Commune) and City councils:

- allocate land and withdraw it without changing its zoning, as provided by law;
- certify the landholders' rights, as provided by law;

- ensure the land tax collection;
 - exercise state control on land use and protection;
 - maintain the land cadastre of the subordinated territory;
- deprive landholders of their rights, in conditions provided by the law;
- determine and allocate land for constructions; locate them in accordance with the law;
 - solve land disputes, within the limits of their competence;
 - organize the evaluation of land according to a uniform methodology, developed by the Government;
 - determine land within the boundaries of the commune (village), which shall remain under state ownership
 - draft proposals on the approval of the village boundaries by the rayonal and municipal councils (as amended by Law no. 369-XIII on February 10, 1995).

CHAPTER III LAND ALLOCATION AND ALIENATION

Article 11. Allocation of Land Parcels Within Villages, Cities, Municipalities for Houses, Household Fixtures, and Gardens

The local public administration authorities shall:

- convey into ownership land parcels occupied by houses, auxilliary farms and gardens allocated in conformity with law;
- allocate to newly created families land parcels from the intravillain reserve until the abolishment thereof for constructing residential houses, auxilliary farms and gardens: within cities from 0.04 to 0.07 ha, within rural settlements up to 0.12 ha. The concrete dimensions of land parcels are established by the local public administration authorities (as amended by Law No. 173-XIV of October 22, 1998);
- convey (within the limits of the urbanism norms, and if it is not possible, based on the real surface area of the land parcel under constructions) the land associated with residential houses with more privatized apartments, which do not constitute blocks, into common divided ownership of the apartments' owners, proportional to the surface area privatized by each of them (as amended by Law No. 528-XIV of July 22, 1999).

Repeated conveyance into private ownership of citizens' land parcels, for the purposes indicated in paragraph 1 of the present Article, shall be carried out for a fee through sale by auction organized by the local public authority. The initial sale price shall not be lower than the normative price of the land calculated based on the tariffs established by the effective legislation (as amended by Law No. 528-XIV of July 22, 1999).

Repeated allocation shall be allowed, free of charge, for the purposes stipulated in paragraph 1 of the present Article., to citizens whose land property was destroyed as a result of natural calamities (as amended by Law No. 528-XIV of July 22, 1999).

Article 12. Allocation of Equivalent Land Shares into Private Ownership

The Land Committees, created in accordance with Article 6 of this Code, shall establish the land to remain public property within the boundaries of the administrative-territorial unit:

- shall reserve up to 5 (five) % of agricultural land for social development of the residential area;

- shall reserve relevant land sectors to use them as public pastures.

Monasteries and churches shall be allocated into ownership up to 5 hectares of land.

The Privatization fund shall constitute (be equal to) the difference between the total area of the administrative-territorial unit and the area of land distributed into public ownership.

The Land Committees shall determine the equivalent land share to be allocated into private ownership:

- to members of collective farms, employees of state farms or other agricultural enterprises, including to pensioners of these economic units;

- to employees of organizations and enterprises, who live in rural areas and directly participate in building and operating land restoration, rehabilitation and improvement systems, soil fertility improvement systems in the relevant region, including to pensioners of these economic units;

- to persons who live in rural areas, and have been transferred from agricultural enterprises to collective construction and transportation organizations and inter-industrial organizations, including to pensioners of these economic units;

- to employees of inter-industrial zootechnical enterprises, including to pensioners of these economic units. The employees and pensioners of inter-farm zoo-technical enterprises that have no agricultural land subject to privatization shall be allocated equivalent land shares at their place of residence (as amended by the Law no. 173-XIII on October 22, 1998);

- to persons who hold elective functions or serve in the army and who previously worked at agricultural enterprises;

- to persons who previously worked at the agricultural enterprises of the relevant regions: men - for 25 years; women - for 20 years;

- to veterans of the II World War, to former international soldiers, to families of people who lost their lives when fighting for the territorial integrity and independence of the Republic of Moldova, who lived in rural areas at the place of their residence;

- to persons who suffered from political repression and later were rehabilitated, who live in rural areas at the place of their residence;

- to person who contributed land to collective farms but are not employed by those, with the condition to settle in the relevant region.

Up to 50% of the equivalent land share calculated for the relevant administrative-territorial unit shall be allocated:

- to persons mentioned in subparagraphs 1-5, paragraph 4 of this Article who worked in industrial enterprises and other non-agricultural units and whose work experience in agriculture amounts to less than 5 years;

- to persons who live in rural areas, who have been employed in the social sphere, with a work experience of 25 years for men and 20 years for women, and who lost their professional work capacity because of age or health reasons, provided that none of the family members received an equivalent land share.

All procedures regarding the allocation of equivalent land shares shall be accomplished based on the situation as of January 1, 1992.

The certification of the ownership right to the equivalent land share shall be done by issuing a Title Certificate confirming this right on the basis of a decision taken by local public administration authorities.

(Paragraphs 8 throughout 10 were excluded by Law no. 173-XIII on October 22, 1998)

Article 13. *In Kind* (on Spot) Allocation of Equivalent Land shares

The location of land allocated as equivalent land shares shall be determined by the primaria of village (commune) or city, without an application being filed by the entitled to the equivalent land share on the basis of the land arrangement project prepared by either state or private enterprises correspondingly licensed.

The land arrangement project shall be approved by the primaria of village (commune) or city upon the proposal of the land committee.

When drafting the land arrangement project the grouping lists of the equivalent land shares owners, approved by the village (commune) or city primaria, and the sequence of allocation of land parcels within the fields shall be considered.

Upon the application of the owner of equivalent land shares, during land arrangement project preparation, the primaria of village (commune) or city may decide on in kind (on spot) allocation of equivalent land share and garden(s) outside the settlement in one parcel.

The equivalent land share that is allocated in kind (on spot) in compliance with the land arrangement project may be divided in no more than 3 parcels (arable land, vineyards and orchards), depending on the situation.

The primaria, based on land committee's proposals and taking into consideration the opinion of the owners of equivalent land share, shall adopt a decision on allocation of land parcels with an equal point-hectare or land parcels having equal area, without considering the soil fertility, or land parcels with an equal surface area, considering the average soil fertility for the corresponding field.

The primaria of village (commune) or city shall issue the Title Certificate of Landholder's Right for each parcel, register the landowners in the Cadastral Registry of Landholders, and, upon land holder's request, set the land parcel boundaries in kind (on spot).

(Article 13 replaced by Law no. 173-XIII on October 22, 1998.)

Article 14. Inheritance and Alienation of Land Obtained into Private Ownership

The land obtained into private ownership shall be bequeathed as established by the existing legislation.

Land belonging to owners still living shall be alienated in strict accordance with the existing legislation.

(paragraph 3 excluded by Law no. 173-XIV dated October 22, 1998).

Article 15. Allocation of Land for Purposes Other than the Agricultural and Forestry Production

Industrial, transportation organizations and enterprises, other non agricultural state, cooperative and social (non-profit) organizations shall be allocated land under use to perform their activities. Such land is state property.

Land areas considered inappropriate for agricultural purposes according to the land cadastre data or agricultural land with a low soil fertility shall be allocated for construction of industrial enterprises, common utility facilities, housing objects, railroads and electric transmission lines, main pipelines, and for other purposes other than the agricultural production.

For the above mentioned purposes shall be allocated only woodless land.

Special social-economic objects shall be located with the consent of the local population.

The issue on allocation of land containing mineral resources shall be coordinated with the Republican Geology Service and with the State Mining Supervision Authorities. Electrical transmission, telecommunication and other communication lines shall be installed in most cases along the existent roads and routs, following the existing construction standards and rules.

Allocation of land for purposes other than the agricultural and forestry production shall consist of two stages:

- preliminary object location;
- final land allocation.

The legislation shall establish the manner of submitting and reviewing the application on allocation of land for state and society's needs.

Article 16. Determination of the Structure's Location and the Necessary Surface Area

The enterprises, institutions, and organizations which wish to obtain land for construction purposes shall agree in advance with the holders of the right of land ownership, possession, and use, as well as with the local public administration authorities, environment protection authorities, on the

structure's location, the approximate land surface area and conditions on its allocation, taking into consideration the ways to ensure the complex development of these enterprises, institutions, and organizations and to rationally use land.

It is not allowed to finance the projection works prior to their coordination with the aforementioned persons and authorities.

The preliminary agreement on the structure's location and the surface area to be allocated shall be valid for 2 years.

After the project has been approved and the object included into the construction plan, the enterprise, institution, organization shall submit to the local public administration authority the application on final land allocation (as amended by Law no. 369-XIII dated February 10, 1995).

Article 17. Auxiliary Land Plots

Employees of certain national economy branches - transportation, forestry, timber industry, telecommunications, water-supply, fish industry and others - can receive, under the regulations in the corresponding spheres, land for gardens, hayfields and pastures according to the decision of the unit in which they work.

This land plots shall be distributed from the fields under the use of the relevant unit and may be used for agricultural purposes only.

Article 18. Terms of Auxiliary Land Distribution

The auxiliary land plots shall be distributed to the person for the period that he/she works in the given unit. When the relationship between the person and the unit terminates, the right to use the auxiliary land, if this land is seeded, shall terminate after harvesting.

A family shall be allocated only one auxiliary land parcel, irrespective of the number of family members who enjoy this right.

Article 19. Preservation of the Right to the Auxiliary Land Parcel

The following individuals shall preserve the right to the auxiliary land parcel:

- employees retired because of age limits or physical impairment;
- families of persons enrolled in active military service or education - for the entire period of military service or education;
- survivors with no working capacity of families of employees who lost their lives when fulfilling their official duties - disabled husband and old parents - for life time; while children - until reaching maturity.

Article 20. Documents Certifying the Landholder's Rights

The documents to certify the landholders rights shall be: Title Certificate of Landholder's Right, issued by the local public administration authorities upon allocation of land by state; inheritance certificate; sale and purchase contract; donation contract; exchange contract; lease contract, etc.

The Government shall approve the form of the Title Certificate of Landholder's Right. The ownership and other property rights to land shall be registered in compliance with the legislation.

(Article 20 replaced by Law no. 173-XIV dated October 22, 1998).

Article 21. Inadmissibility to Use Land unless Boundaries Are Established In-kind (on Spot)

The landholders shall have no right to use land, including under lease conditions, until the primaria establishes the land boundaries in-kind (on spot) (as amended by Law no. 173-XIV dated October 22, 1998).

Article 22. Inadmissibility of Allocating Land for Purposes Other than for Agricultural and Forestry Ones to Enterprises, Institutions, and Organizations Which Did Not Fulfill Their Obligations Regarding the Previously Allocated Land

It is prohibited to allocate land for use (including temporary use) for purposes other than the agricultural and forestry ones to enterprises, institutions, and organizations which did not repair the damages and losses of agricultural production, connected to previously allocated land, or which did not fulfill their obligations to landholders regarding use according to zoning of land which was previously productive and subsequently degraded by the fault of such enterprises, institutions, and organizations.

Article 23. Termination of Right to Land

The right to land shall terminate in the following cases:

1. the holder's voluntary waiver from land;
2. land alienation by the owner;
3. land withdrawal for state and society's purposes;
4. land withdrawal in cases and in the manner provided by Article 25 of this Code (as amended by Law no. 173-XIV dated October 22, 1998);
5. death of the landowner;
6. systematic non-payment of land tax within periods established by the legislation;
7. expiration of land use period;
8. termination of enterprise, institution, or organization activity;
9. termination of the work relation on the basis of which the auxiliary land parcel was allocated, unless the legislation provides otherwise;
10. violation of the Lease Agreement terms;
11. land use through methods which lead to soil degradation, chemical, radioactive and other types of pollution, and aggravation of ecological situation;

12. use of irrigated land through methods which lead to bogginess, secondary salinity, and appearance of erosion centers by irrigation.

Paragraphs 3, 4, 6, 11, and 12 of this Article shall not apply to a citizen's ownership right to land under personal gardens, or designated for construction of residential houses and household fixtures.

The right to use land can terminate when the land possessor or user acted as provided by Article 96 of this Code.

Article 24. Sanctions Applied in Case of Failure to Cultivate Agricultural Land and to Take Soil Protection Measures

Any landowner who, without a justified reason, does not cultivate the agricultural land and does not take measures to protect and improve the soil shall be subject to an administrative sanction according to the existing law (as amended by Law No. 528-XIV of July 22, 1999).

Article 25. Procedure of Land Withdrawal from Possession and Use

In case the holder of the right of possession or use does not use land for purposes it had been allocated, the relevant local public administration authority following the owner's request shall order the application of administrative penalties provided by law and shall notify him/her in writing to fulfill the obligations in a certain time period.

In case the land holder does not fulfill his/her obligations in the established time period (not longer than 2 years), he/she shall lose the right of land possession or use pursuant to Court decision at the landowner's request.

The management of the relevant enterprise, institution, organization shall take a decision on termination of the right to use land in cases provided by paragraph 1, Article 18 of this Code.

In case the right of land possession or use terminates, the relevant local public administration authority, with the participation of interested parties, shall adopt a decision to reimburse the landholders for expenses connected with land improvement or to repair the damages caused by irrational land use on their behalf.

Article 26. Circumstances to Be Considered when Terminating the Right of Land Ownership, Possession and Use

The existence of reasons of termination of the right of land ownership, possession, and use shall not deprive the landholder, including the lessee, of the right to harvest and shall not exempt him/her from paying the taxes nor from the obligation of maintaining the soil quality.

**CHAPTER VI
RIGHTS AND OBLIGATIONS OF LANDHOLDERS**

Article 27. Rights of Land Owners

The land owners shall have the right to:

- manage land individually;
- own the production obtained and the income from its sale;

- use the underground resources, woods, waters and other land resources, as established by law;
- build houses, production premises, edifices for social-cultural and other purposes, as established by law;
- lease the land or a part of it under use by lease or any other form; - receive full compensation of costs and losses, including the lost benefit (profit), in case land was expropriated for state or society's needs;
- test the land and alienate it in accordance with the law.

Article 28. Rights of Land Possessors and Users

Land possessors and users shall have the right to:

- use the land in accordance with the allocation conditions;
- own the obtained production;
- use the underground resources, forests, waters and other land resources, as established by law;
- receive compensation for land improvement expenses, in case the right of possession or use terminates.

Article 29. Landholders Obligations

The landholders are required to:

- use the land in consistence with its purpose;
- follow, according to the agrotechnical directions, the conditions of land use, structure of crop rotations, not allow abusive use of chemical fertilizers and phyto-sanitarial drugs;
- pay the land tax and other payments for land use in time;
- undertake measures to prevent and fight against land erosions, soil hardening, land slides, development of saline soil areas or secondary silting, to provide both a qualitative production and soil protection and quality improvement;
- respect the rights of other landholders;
- maintain the boundary signs and landmarks of the countrywide geodesic network;
- follow the land arrangement project;
- submit in time to the local administration authorities data, stipulated by law, on land condition and use.

Article 30. Protection of Landholders Rights

The state, economic and other authorities and agencies shall have not interfere with landholders' activities, except when the later violate the law.

If the rights of any landholder were violated, such landholder shall be restored in rights, and the damages caused by violation of his rights shall be fully repaired.

Article 31. Inadmissibility of Damaging Actions on Agricultural Land, Forests and Other Types of Land Outside the Boundaries of Land Allocated into Ownership, Possession and Use

Land owners, enterprises, institutions, organizations, other land possessors and users, who use underground resources or conducts other works which have a negative impact on agricultural land, forests and other land outside the boundaries of land allocated to them shall provide and undertake measures to prevent the negative actions.

Article 32. Patrimony Protection

Historical monuments, vestiges and archeological objects, treasures found on or underneath the land shall be protected by law.

Holders of land on which such objects are located shall ensure the integrity (intactness) of these objects, and, if necessary, allow study or conservation of these and inform the local authorities accordingly.

The land owners shall be compensated for the damages incurred and land withdrawn for public needs with equivalent land shares or money.

Article 33. Removal of the Fertile Soil Layer

Holders of investment production objects which are located on agricultural and forestry land shall undertake measures, prior to starting the object's construction, with regard to removing the fertile layer under that object. This fertile layer shall be deposited and spread on non-productive or poor-productive land, as indicated by the agricultural or forest authorities, in order to improve or increase the value of such land.

On other land areas, the fertile layer shall be deposited only with the consent of owners of that land, with no payment for the added value to the land and with no compensation for the period that the land is not being used.

It is forbidden to remove the fertile soil layer for commercial purposes.

Article 34. Land Use Payment and Privileges to It

The payment for land use shall be made yearly as a land tax or lease payment, which shall be established depending on soil quality and land location based on land estimation documents.

Land subject to chemical, radioactive and other pollution shall not be subject to such payment, provided that the Government established certain restrictions with regard to farming such land.

The land tax and privileges granted for land use payments shall be established yearly in consistence with the Law on Land Tax and Taxation Procedure (as amended by law 369-XIII dated February 10, 1995).

Article 35. Use of Funds Collected from Land Payment

The land payment shall be made to the relevant budgets of local administration authorities and a part of it shall pooled into the republican budget. These funds shall be allocated primarily for land arrangement and soil protection, for soil quality improvement, and to financially encourage landholders who conduct such works, as well as for land improvement.

**CHAPTER V
AGRICULTURAL LAND**

Article 36. Allocation of Agricultural Land

Land shall be recognized good for agriculture based on the land cadastre data.

Agricultural land shall be distributed for purposes of agricultural and agro-industrial production to:

- RM citizens;
- state and cooperative agricultural and agro-industrial enterprises, organizations and associations;
- educational, scientific research institutions and other agricultural institutions, rural vocational and secondary schools;
- joint agricultural enterprises.

Article 37. Preserving the Right to Land

The right to land of state and cooperative agricultural and agro-industrial enterprises, institutions and organizations shall be preserved in case these become a member of or withdraw from agro-industrial associations and complexes, agrofirms and others entities.

Article 38. Allocation of Land for Folk Crafts

The local self-administration authorities shall allocate land to citizens for folk crafts on a contractual basis.

The local self-administration authorities shall establish the size, conditions of allocation and use of such land, taking into account the specific circumstances.

Article 39. Gardens and Dacha Plots

Land parcels allocated in compliance with the legislation into ownership as residential land and located outside the village (commune) or city shall be considered gardens (as amended by Law no. 173-XIV dated October 22, 1998).

The designation of land under gardens shall be changed in compliance with the legislation (as amended by Law no. 173-XIV dated October 22, 1998).

Citizens who do not have orchards can be allocated lots for vegetable growing.

The local public administration authorities shall allocate for temporary use of citizens land for vegetable growing out of the land reserve fund.

It is forbidden to build capital structures and plant perennial plants on such land. If necessary, there may be build temporary structures for personal use to keep gardening tools and for other household purposes. Upon termination of the right of land use, the users shall demolish the temporary structures on their own expense.

The local public administration authorities shall determine the land parcel size depending on specific circumstances.

Article 40. Dacha and Garden Plots Associations

Dacha and garden plots associations created previously shall continue to possess land allocated to them according to the existing law. Such land shall be administered by the relevant local public administration authorities. Land of dacha and garden plots associations shall be located outside the settlement on the account of which that association was formed.

The members of dacha and garden plots cooperatives shall use the land distributed to them out of the association's land.

The Government shall establish the legal statute of dacha and garden plots associations, the rights and obligations of its members.

Further allocation of land to dacha and garden plots associations is forbidden.

Article 41. Land Lease

Land can be leased to individuals and legal entities of Moldova, of other states and to international organizations and associations.

Lessors of state land shall be the Government and the local public administration authorities within their powers.

Lessors of private land shall be the owners of the corresponding land parcels (as amended by Law no. 369-XIII dated February 10, 1995).

The terms and conditions of a lease shall be mutually agreed upon between the lessor and lessee in a lease agreement (as amended by Law no. 173-XIV dated October 22, 1998).

Land can be subleased, if provided for in the certified agreement.

The lease relations shall be regulated by this Code, by the Law on Lease and by other legislative acts.

CHAPTER VI LAND WITHIN SETTLEMENTS

Article 42. Land Within Settlements

Land within villages and cities shall be under the administration of local self-administration authorities, and land within municipalities -- under municipal ownership.

Article 43. Establishing the Border of a Settlement

The border of a settlement shall be the border-line separating land within that settlement which separates it from other land. The border of a settlement shall be established following the land arrangement in consistence with the general plan and on the basis of the feasibility research of city and village (commune) development.

The Government shall set and change the city borders.

The local public administration authorities shall set and change the borders of other settlements.

Whether the land is included within the boundaries of a city, this shall not bring upon the suspension of land possession or land use.

Such land shall be withdrawn as established by this Code and by other legislative acts.

Article 44. Land of Cities and Villages (Communes)

Land of cities and villages (communes) shall include:

- land underneath constructions and other structures;
- public use land;
- land for roads, railways, naval transportation, air transportation, pipelines, communications lines, electric transmission lines, mining installations and other industries;
- woodland;
- agricultural land and other land.

Article 45. Use of City and Village (Commune) Land

All city and village (commune) land shall be used in consistence with their systematization plan and with the economic-land arrangement plan of land within residential areas.

The city and village (commune) systematization plan shall determine the main directions of using land within residential areas for building houses, industrial and other objects, for locating and arranging recreational facilities, while the economic-land arrangement plan of land within residential areas shall determine the main directions for using land other than that designated for constructions purposes and land temporary not occupied by constructions.

Article 46. Land for Urban and Rural Construction

Land for urban and rural construction shall include land designated for buildings and structures, land on which will be built houses, social and cultural, industrial and other buildings.

Such land shall be allocated to enterprises, institutions and organizations to build and use industrial buildings, houses, social-cultural buildings, other buildings and structures, as well as to citizens to build individual houses.

The surface area of such land and the conditions for its use shall be established in consistence with the standards and technical planning documents.

It is forbidden to start construction works on such land unless having the permission of Architecture and urbanism authorities (as it read in the Law no 369-XIII on February 10, 1995).

Article 47. Public Use Land in Cities and Villages (Communes)

Public use land in cities and villages (communes) shall include land used for communications ways (squares, streets, roads, highways and the like), land for social-cultural needs of the population (parks, lakes, beaches, avenues, public gardens), land under graveyards and land used for other housing needs.

Capital and temporary (kiosks, booths) structures and structures may be built on public land, provided that these comply with the specific purpose of this land and are not to its detriment.

Article 48. Land under Roads, Railways, Naval Transportation, Air Transportation, Pipelines, Communications Lines, Electric Transport Lines, Land for Mining Installations and Other Industries

Land under roads, railways, naval transportation, air transportation, pipelines, communications lines, electric transport lines, land for mining and other industries shall include land allocated to enterprises, relevant institutions and organizations to exercise their functions.

The land users, by decision of relevant local self-administration authorities, shall build structures and structures on such land, and shall conduct improvement works on it.

Enterprises, institutions and organizations shall be allocated land for industrial use of underground resources after the allocation of mine is legalized.

Article 49. Woodland of Cities and Villages (Communes)

Woodland of cities and villages (communes) shall serve for environmental improvement, recreational purposes, cultural needs, protection of residential areas against erosion caused by water and wind.

Article 50. Agricultural Land and Other Land of Cities and Villages (Communes)

Agricultural land of cities and villages (communes) shall include arable land, perennial plantings, hayfields, pastures, plant nurseries, and the like.

Agricultural land can be allocated under use to agricultural enterprises, institutions and organizations, as well as to citizens for farming, vegetable growing, livestock feeding and hayfields.

Other land shall include ravines, stony land and other land non-arable land.

Article 51. Cities and Villages (Communes) Land Improvement

The local self-administration authorities shall conduct the works necessary to arrange (improve) and green land of cities and communes (villages). Enterprises, institutions, organizations and citizens shall, according to the rules enacted by the local self-administration authorities, to maintain the plantings green, maintain land allocated to them in compliance with the sanitary and fire prevention requirements.

CHAPTER VII
LAND DESIGNATED FOR INDUSTRY, TRANSPORTATION,
TELECOMMUNICATIONS, AND LAND FOR OTHER PURPOSES

Article 52. Land Designated for Industry, Transportation, Telecommunications, and Land for Other Purposes

Land designated for industry, transportation, telecommunications, and land for other specific purposes is the land allocated by the local public administration authorities to locate and use administrative and service providing structures, auxiliary and industrial buildings, mining transportation, and other enterprises, institutions, and organizations to build access roads, engineering infrastructure, manage industrial production, build highways, install telecommunication and electric lines.

The areas of land allocated for such purposes shall be determined in accordance with the approved standards and documents of technical projects, and such land shall be allocated according to the sequence of its development.

The allocation of land to enterprises, institutions, and organizations for use of underground resources shall be conducted subject to legalization of alienation of such land for mining purposes and reintegration into the agricultural cycle of land previously used for such purposes.

The legislation shall establish the procedure of using land designated for industry, transportation, telecommunications, and land for other specific purposes.

Article 53. Setting the Impact Zones of Industrial, Transportation, Telecommunication Enterprises, Institutions, Organizations and Other Objects on the Land Adjacent to Them

In accordance with the standards approved by the Environment Protection Authorities, and depending on the industry's character, impact zones shall be established around industrial, transportation, telecommunication enterprises, institutions, organizations and other objects which provoke pollution effects for the adjacent land and its production (as it read in the Law no. 369-XIII on February 10, 1995).

Enterprises, institutions, and organizations around which impact zones are established shall mark the boundaries of zones with special information signs.

The establishment of such zones shall not deprive the landholder of the right of land ownership, possession, and use. Within the limits of such zones, the landholder shall respect (observe) the rules for such zones.

Landholders whose land has been included in such impact zones shall be entitled to either reimbursement of the losses resulted from the negative impact on agriculture and forestry, as well as to the deterioration of soil fertility, or to tax exemptions.

Article 54. Location of Objects on Land with Specific Purposes

Highways, communication and electric transport lines, fuel, gas, and sewer pipes, apeducts as well as other similar installations shall be grouped and located along and close to communication

networks, dikes, irrigation and draining channels in such a way that they do not interfere with agricultural works.

Article 55. Land Designated for Defense Purposes and Internal or Border Troops

Land designated for defense needs and border and troops shall be considered land allocated for location and permanent activity of military units, military education institutions, and organizations of military forces, internal and border troops.

Land designated for defense and location of internal or border troops shall not be used for other purposes.

The size of land allocated for defending needs and border and internal troops shall be established in accordance with existing standards and shall be coordinated with the local public administration authorities.

The Government shall establish the procedure of allocating and using land for defense needs and border and internal troops.

**CHAPTER VIII
LAND DESIGNATED FOR NATURE AND HEALTH PROTECTION,
RECREATION, LAND WITH A HISTORICAL AND CULTURAL VALUE, SUBURBAN
LAND, AND GREEN BELTS**

Article 56. Land Designated for Nature Protection

Land designated for nature protection shall include: land under natural reservoirs, national parks, dendrological, zoological, and botanical gardens, nature monuments, land of protection and sanitary zones.

Land of natural reservation shall include land under natural objects which represent a scientific and cultural value (typical and unique landscapes, flora and fauna associations, geologic fractions, rare plants and animals). Such land is allocated to maintain the natural complexes typical or unique for the landscape region, to study the natural course of processes and phenomena with a view to elaborate the scientific nature protection principles.

National parks land shall include land with a special ecological, historical, and aesthetic value due to the favorable combination of natural and cultural landscapes.

Dendrological, zoological, or botanical gardens shall include land allocated for studying, maintaining, and improving flora and fauna under artificial conditions, for their effective scientific, cultural, economic use.

Woodland shall include land designated for maintenance, rehabilitation, or reproduction of natural resources, maintenance of the general ecological equilibrium, as well as complex biologic, paleontologic, hydrologic, and geologic objects.

Nature monuments shall include land under unique or typical natural objects with a scientific, cultural-instructive and health improvement value, but which are not recognized as historical or cultural monuments.

Land designated for nature protection shall be exclusively state ownership.

On land designated for nature protection it is forbidden to conduct activities which contradict its specific zoning. Such land shall be withdrawn from use, if this land zoning does not correspond to the protection regime, established for such land.

The procedure and the conditions of using land for nature protection shall be established by the legislation on nature and environment protection.

Article 57. Land Designated for Health Protection

Land designated for health protection shall include land under natural curative facilities (spas, curative mud deposits) and climatic conditions favorable for prophylactics and treatments.

Such land shall be allocated under use to health resorts, therapeutic institutions and shall be protected in a special way.

To protect the natural curative facilities, sanitary protection zones shall be created for each health resort. Within these zones, allocation of land into possession, use, including lease, to enterprises, institutions, and organizations which activities are incompatible with the protection of natural curative facilities and maintenance of favorable public recreational conditions shall be forbidden. Enterprises, institutions, and organizations around which are established zones with special land use conditions shall mark their boundaries with particular informational signs (land marks).

This Code and the existing legislation shall establish the procedure and conditions of using land with health protection zoning.

Article 58. Land Designated for Recreational Activities

Land used for recreation and tourism shall be considered land designated for recreational activities. The following land shall fall within this category: land under recreation houses, board and lodging houses, health resorts, camping grounds, motels, tourist centers and health improvement camps, children play grounds and parks, tourist trails, and marked roads.

It is forbidden to conduct activities, on such land, which interfere with its specific zoning.

The local public administration and nature protection authorities shall establish the procedure on using such land.

Article 59. Land with a Historical-Cultural Value

Land with historical and cultural value shall include land under historical and cultural reservations, memorial parks, graves, archeological and architecture monuments, landscape architecture complexes.

Any activities which contravene with the specific zoning of such land shall be limited on such land.

Article 60. Land of Suburban Areas and Green Belts

Land outside settlements, designated for facilities supporting the improvement and normal operation of city housing facilities, as well as land areas under woods, public parks, and other vegetation with protective, sanitary, hygienic, and health improvement functions, and which are

public recreation places, shall be included by the local self administration authorities in the suburban area or in green belts.

The land of suburban areas and green belts shall be used according to the land arrangement projects of these zones. The state shall protect them. Construction of buildings and structures incompatible with the designation of such land shall not be allowed on it.

The landholders' rights shall be preserved when including land in the suburban area or in the green belt.

Article 61. Setting borders of Protection and Sanitary Zones

The protection and sanitary zones shall be set around reservations, construction areas, land designated for health improvement, rivers, streams and lakes, hydrotechnical and potable and technical water supply installations, central and regional water pipes. The legislation shall establish the surface area, conditions and procedure of using land within protection and sanitary zones.

The protection and sanitary zones shall be marked by information signs.

CHAPTER IX FORESTRY FUND LAND, WATER FUND LAND, AND LAND OF THE RESERVE FUND

Article 62. Forestry Fund Land

Land under forests and woodless land designated for forestry shall be considered woodland.

Enterprises, institutions, organizations of [state-run] forestry organizations and other enterprises shall use woodlands according to their designation. State woodlands may be used for other purposes if this use is compatible with the interests of the [state-run] forestry organization.

To provide necessary afforestation and prevent soil erosion, land unfavorable for agriculture may be used for afforestation.

The local self administration authority, by mutual agreement with the state nature protection authorities can allocate land from the forest fund to citizens, enterprises, institutions and organizations to use temporarily such land for agricultural purposes.

This Code shall establish the procedure of allocating and withdrawing land from the forest fund, whereas the forest legislation shall establish the procedure of using such land.

Article 63. Water Fund Land

Water fund land shall comprise land under riverbeds, lakes, ponds, water reservoirs, marshes, hydrotechnical installations, and other water economy installations, as well as land allocated for water diversion along river banks, water reservoirs, main channels and waste dams.

Water fund land shall be used for construction and exploitation of installations which provide the population with drinking, service, and health care water, and satisfy the agricultural, industrial, fish industry, energetic, transportation, and other state and social needs.

A special legislation shall establish the procedure of using such land.

Article 64. Reserve Fund Land

All land not allocated into ownership, possession, and use shall be considered land of the reserve fund. Such land also includes land the right of ownership, possession, and use to which was terminated according to the provisions of this Code.

Land of the reserve fund shall be supervised (managed) by the local public administration authorities and allocated into ownership, possession and use to citizens, enterprises, institutions, and organizations for both agricultural, as well as other state and social purposes.

**CHAPTER X
LAND CADASTRE AND THE LAND ARRANGEMENT**

Article 65. Purpose of the Land Cadastre

The land cadastre shall provide information on rational land use and its protection, regulation of land relations, land arrangement, land payment rates, evaluation of the economic activity, other procedures related to land use, to interested enterprises, institutions, organizations, and citizens.

Article 66. Land Cadastre Contents

The land cadastre shall contain an information and documentation system on the legal land status, land allocation to landholders, quantitative and qualitative parameters and the land economic value.

Article 67. Land Cadastre and the Cadastral Documentation Maintenance

The local public administration authorities shall maintain the land cadastre according to a single system for the entire republic on the account of state and local budgets.

The legislation shall establish the procedure of maintaining the land cadastre which shall be ensured by topographic, aerophotogeodesic, cartographic, soil, geo-botanic, geomorphologic, and other researches by registering the landholders and estimating the land value.

The main documents prepared for the general land cadastre shall be: the file on determination of boundaries between villages, cities, municipalities, plans, cadastral files and registries.

The Government shall supervise, technically coordinate, and control the daily maintenance of the general land cadastre.

Article 68. Purpose of Land Arrangement

Land arrangement shall constitute a system of legal, economic, and technical measures undertaken to solve issues on land relations and use of land resources.

Land arrangement shall have the purpose of scientifically organizing rational and efficient land use in all economy branches, creating conditions to improve natural and anthropogenic landscapes with the view to maintain their stability and protect the soil.

Article 69. Essence of Land Arrangement

Land arrangement shall include:

- develop zonal (regional) and republican schemes, soil protection and improvement forecasts and programs, as well as land arrangement schemes;
- set and determine boundaries of land under a specific environmental protection regime, recreation and reservation land;
- determine and demarcate in the field the boundaries of territorial-administrative units and of land within residential areas;
- prepare projects on distribution of new land for use and possession, on regulation of existing land, including private land, so that to eliminate the inconveniences regarding the land location;
- demarcate the land, prepare Title Certificates certifying land possession, ownership and use;
- conduct works on evaluating and recording land;
- develop interfarm and landholder land arrangement projects, substantiating the measures on efficient land use according to its specific zoning, on soil quality increase and on application of nature favorable technologies;
- develop work plans regarding land use, improvement and protection;
- develop projects on economic and land regulation of residential land;
- author's supervision on implementation of land arrangement projects;
- conduct topographic, aerophotogeodesic, cartographic, pedological, geobotanical, geomorphologic and other studies and prospecting.

Article 70. Land Arrangement: Procedures and Organization

The state land arrangement designing authorities, out of the state and local budget, shall conduct the land arrangement based on local authority's decision, upon the initiative of land arrangement authorities or request of interested landholders.

The state organizations and other land arrangement designing institutions may conduct, upon the landholders initiative, at landholders expense, the projects on land arrangement, on land improvement, use and protection, on land antierosion and improvement measures.

Land arrangement activities shall be conducted as provided by the Regulation on State Land Arrangement, enacted by the Government.

**CHAPTER XI
CHANGING LAND ZONING**

Article 71. Change of Agricultural Land Zoning

A change of agricultural land zoning shall be approved, in emergencies, by the rayonal or municipal council, in agreement with environmental protection authorities.

Article 72. Change of High Quality Land Zoning

It is forbidden to change the zoning of high quality woodland, of land under national parks, reservations, monuments, archeological and historical complexes.

Article 73. Change of Use Terms (Conditions) for Agricultural Land

The terms (conditions) for agricultural land -- arable land, orchards, vineyards, pastures, hayfields, greenhouses, land under zootechnical structures and installations, roads for agricultural purposes - - can be changed with the land owner's consent.

Arable land can be changed to another agricultural zoning only upon local public administration authority's authorization. Elimination of orchards and vineyards, as well as constructions of roads for agricultural purposes is allowed only upon local public administration authority's authorization.

Article 74. Temporary Withdrawal of Land from the Agricultural or Forestry cycle

Temporary withdrawal of land from agricultural or forestry cycle to conduct geologic works on installing telecommunication lines, electric transmission lines or gas pipes, water pipes and other similar installations shall be approved by local public administration authorities in agreement with landholders.

Whenever it is necessary to liquidate the consequences of an accident, and conduct urgent works to maintain the objects provided for in paragraph 1 of this Article, such land shall be occupied (used) upon landholder's consent, or local public administration authority's authorization, in case the landholder refuses to give his consent. The landholders shall have the right to compensation in all cases.

The authorities and enterprises which benefit from the temporary land withdrawal from the agricultural or forestry cycle shall undertake measures necessary to return such land to the agricultural or forestry cycle upon the expiration of the dead line.

Article 75. Change of Specific Land Zoning

A change in zoning of land for industry, transport, telecommunication and for other similar purposes shall be approved by Government Decision.

Such land shall be used in strict compliance with its zoning. Other activities may be conducted on such land, provided that these works do not interfere with the land main zoning.

Executors of industrial, investment and other specific works shall undertake measures necessary to provide the improvement and leveling of land no longer used in their production works and which remained from raw material extraction (kaolin, clay, gravel), and reinstate such land in the agricultural cycle, or, if this is not possible, in fish breeding or forestry use.

If land users do not observe the provisions of paragraph 3 of this Article, they shall not be allocated any other land.

Article 76. Rights of Enterprises, Institutions and Organizations to Conduct Prospecting Works

Enterprises, institutions and organizations which conduct geodesic, geologic prospecting, cadastral, land arrangement and other researches and investigations shall conduct such works on any land, not withdrawing the land from its landholder.

The local public administration authorities shall issue an authorization for conducting prospecting works, except for cadastral and land arrangement works. Such an authorization shall be issued for no longer than one year, based on a motivated application and an excerpt from the prospecting work plan. An agreement signed with the landholder shall state the work starting period, the location, the land use payment, the obligations regarding loss compensation and rehabilitation of land to be used according to its specific zoning, as well as other terms and condition.

Article 77. Obligations of Enterprises, Institutions and Organizations which Conduct Prospecting Works

Enterprises, institutions and organizations which conduct prospective works shall rehabilitate the land, at their expense, for it to be used according to its particular zoning, and to transfer this land to its landholder upon the deadline provided for in the agreement.

Land rehabilitation shall be conducted during prospecting, or, if this is not possible, within at most one month since prospecting work completion, excluding the soil freezing period.

Enterprises, institutions and organizations conducting prospecting works which technology require location of temporary structures, equipment, raw material deposits and other installations on the land plot or part of it, which completely or partially limit the use of such land shall pay for the landholder the land tax and, accordingly, lease fee, and shall compensate its holder all losses, including the lost benefit.

Non-observance of the aforementioned requirements shall bring upon liability as provided for in the Code on Administrative Offenses.

**CHAPTER XII
LAND PROTECTION AND IMPROVEMENT**

Article 78. Purposes and Tasks of Land Protection

Land protection is a system of legal, organizational, economic and other actions designed to rationally use land, prevent its unjustified withdrawal from the agricultural cycle, protect it from harmful human impact, and regenerate and improve the soil quality, the productivity of agricultural and wood land.

Land protection shall be based on the complex approach to land areas as complex natural formations (ecosystems), taking into account its zonal (regional) specifics, its purpose in order to:

- prevent soil degradation and destruction, other damaging impact of the economic activity;
- improve and restore land subject to degradation and destruction;
- develop a mechanism to audit and keep record of the ecological state of land, provide the landholders with ecological standards for optimal land use.

Article 79. Land Maintenance and Land Protection

Landholders shall:

- rationally arrange the land;

- maintain and improve the soil quality and other useful land characteristics, by using scientifically based crop rotations, rationally administering the fertilizers, using land favorable cultivation methods and other protection measures;
- protect land from erosion resulting from water and wind by economic-organizational, agrotechnical and hydrotechnical actions, by planting forest and grass stripes;
- protect land from underflood, bogginess, creation of saline areas, excessive dryness, compression, pollution by industrial waste, chemicals, biologic and radioactive products, by oil products, household and production waste, by sewerage, as well as from other damaging processes.
- protect agricultural land from overgrowing with bushes, from other processes that have negative impact on the agrotechnical state of land.
- conserve degenerated agricultural land, if it is impossible to restore its quality.
- recultivate degenerated land, restore and improve its quality, introduce such land into the economic cycle.
- remove the fertile soil layer prior to starting a construction, to improvement and other works resulting in soil destruction, keep and use the removed soil layer for recultivation and improvement of agricultural land.
- complete state economic and social development programs regarding land protection.

All land protection actions shall be conducted following the land arrangement projects, improvement and other projects, prepared and enacted, based on scientific and practical recommendations, as established by law.

The procedure of land protection shall be established by legislation.

Article 80. Ecological Requirements Regarding Planning, Location, Construction and Use of Objects, Structures and Installments Which Have an Impact on Land State

Protection measurements, agreed upon with the environmental protection authorities, must be provided and undertaken upon planning, locating, building and using new objects, structures and installments, as well as upon introducing new technologies that have a negative impact on land.

It is forbidden to allow the use of objects and new technologies which do not ensure land protection from soil degeneration or destruction.

Objects which have a negative impact on land shall be located based on a particular ecological feasibility research. Their location shall be agreed upon with the landholders, environmental protection authorities and with other authorities, as established by legislation.

Article 81. Economic Incentives to Rational Land Use and Protection

The objective of economic incentives to rational land use and protection is to increase landholder interests to maintain and improve soil quality, to protect land from the negative impact of production activities.

Economic incentives include:

- allocation of funds from the local and republican budgets to restore land, which was damaged by individuals other than its landholder;
- payment exemption for land under agricultural development or improvement, for the project time period;
- extension of privileged loans;
- partial compensation, on the account of competent budgets, of reduced profits due to temporary conservation of land damaged by individuals other than its landholder;
- rewards for land improvement, for improving soil quality and productivity, for obtaining ecologically clean products.

The procedure on implementation of economic incentives regarding rational land use and protection shall be established by legislation.

Article 82. Maximum Admissible Concentrations of Harmful Substances in Soil

Maximum admissible concentrations of chemical, bacteriologic, parasite and other active substances in soil shall be established to protect human health and environment, which shall be taken into account in the evaluation of public land. These standards and the land state evaluation methods shall be established by specific legislation.

Article 83. High Quality Agricultural Land and Its Protection

High quality agricultural land shall include land adjacent to water basins, land located on hills with a gradient up to 3°, land with quality exceeding 60 points, irrigated land, experimental land, land of scientific research and educational institutions.

In order to protect high quality agricultural land, it is forbidden to withdraw such land from the agricultural cycle, to use such land for purposes other than agriculture, to conduct on such land technological and other operations which lead to soil destruction, except cases when such land is allocated for construction of linear objects (like, roads, telecommunication lines, electric transmission lines, pipes), oil and gas mines, and installations for their use.

High quality agricultural land shall be withdrawn from the agricultural cycle for state and public needs only in emergencies, pursuant to a Government decision.

Article 84. Specific Status of Irrigated Land

Irrigated land shall include land appropriate for agriculture and irrigation, on which are located permanent or temporary irrigation networks or which are connected to an irrigation source, and which ensure irrigation of this land.

Water supply authorities shall provide the holders of irrigated land with irrigation water according to the standards and recording of water source debit.

Irrigated land can be transferred into the category of non-irrigated land as established by legislation.

Article 85. Funds for Improvement of Degenerated and Polluted Land

Financial resources for planning and conducting works to restore and improve degenerated and polluted land, which are created out of state budget and landholders means, can be supplemented with the amounts paid by individuals/legal entities guilty of soil degeneration or pollution.

**CHAPTER XII
STATE CONTROL AND LAND FUND MONITORING**

Article 86. State Control Over Land Use and Protection

The state represented by local public administration authorities shall ensure the rational and efficient use of land, and its protection, irrespective of land zoning.

Article 87. Duties of State Control Service in the Part of Land Use and Protection

The duties of State Control Service in the part of land use and protection include: providing the observance of land legislation requirements, in order to efficiently use and protect land, by all state and local authorities, by state agricultural enterprises, institutions and organizations, social cooperatives, joint ventures, foreign individuals and legal entities.

Article 88. State Control of Land Use and Protection Authorities

The Government and the local public administration authorities shall exercise state control over land use land protection.

The orders of local self-administration authorities and of state authorities authorized to exercise control over land use and protection, issued within their competence, shall be compulsory for all landholders.

The procedure on exercising state control on land use and protection shall be established by legislation.

Article 89. Land Fund Monitoring

Land Fund monitoring is a system to monitor and forecast the land fund state in order to record the changes, evaluate these changes, prevent the impact of negative processes and trends. The monitoring structure, essence and procedure shall be established by legislation, taking into account the regional specifics.

**CHAPTER XIV
SETTLING LAND DISPUTES**

Article 90. Disputes Between Landholders and Local Public Administration Authorities

A superior authority shall settle the disputes between landholders and local authorities. Its decision can be appealed in court.

Article 91. Disputes between Land Holders with the Right of Ownership

The disputes whereby at least one party is a holder with the right of ownership shall be settled by competent courts.

Article 92. Property Disputes Regarding Land Relations

Property disputes between enterprises, institutions and organizations regarding land relations shall be settled by the economic court. Property disputes regarding land relations, where at least one party is an individual, shall be settled by the rayonal/municipal (district) court, unless the law provides otherwise.

Article 93. Enforcement of Decisions On Land Disputes

The local public administration authority's decision on a land dispute shall become effective upon its approval.

An appeal in court of such a decision shall suspend its execution.

The relevant court decision shall serve as a basis for issuing the documents which legalize the right of land ownership, possession and use, including land lease.

The execution of a decision on land dispute can be suspended or postponed only by the authority which adopted such decision or by a superior authority.

Article 94. Expropriation

The terms and conditions, and procedure for expropriating land and structures owned by individuals/legal entities, for state or social needs, shall be regulated by a specific legislation, which shall protect ownership rights.

**CHAPTER XV
LIABILITY FOR VIOLATING LAND LEGISLATION**

Article 95. Invalidity of Transactions Between Landholders

Sale and purchase, donation, mortgage, exchange and other agreements between landholders which violate the law shall be invalid.

Article 96. Liabilities for Land Legislation Violation

Persons who violate land legislation shall bear administrative and criminal liability, as established by legislation.

The local public administration authorities and the authorized state authorities, within their competence, shall identify such violations.

The penalties do not exempt the guilty persons from liquidating the violations.

Financial resources collected from fines shall go to the state budget and shall be used to restore, improve land and increase the soil quality, and protect the environment.

Article 97. Compensation of Damages Caused by Landholders

The landholders must be fully compensated the damages (including the lost benefit) resulted from expropriation or temporary withdrawal of land, or from limitation of landholders' rights, or from deterioration of land quality caused by enterprises, institutions, organizations or citizens activity.

Such damages shall be compensated by enterprises, institutions and organizations which were allocated the expropriated land, as well as enterprises, institutions and organizations the activity of which resulted in:

- landholders' rights limitation due to the need to establish protection zones, sanitary and preservation zones,
- deterioration of quality of adjacent land;
- use of adjacent land for other purposes; or
- decrease of agricultural production volume and its quality, as established by the legislation.

The disputes regarding compensation of damages and damage evaluation shall be settled in competent court.

Article 98. Compensation of Losses of Agricultural and Forestry Production and of the Lost Benefit Due to Untimely Return of Land by Enterprises, Institutions and Organizations

In case the enterprises, institutions and organizations do not return in time productive land, allocated to them under temporary use, these shall compensate the landholders the losses of agricultural and forestry production and the lost benefit for the delinquent return of land, in the amount and according to procedure established by legislation.

Article 99. Compensation of Agricultural and Forestry Production Losses

Agricultural and forestry production losses, resulted from land withdrawal from the agricultural or forestry cycle, or from allocating land under temporary use for purposes other than agricultural and forestry production, or from limiting the landholders rights, of deteriorating the soil quality as a result of negative effects caused by enterprises, institutions, and organizations or their use for other purposes shall be repaid to the state budget. Such funds shall be used to restore and use the land, or increase its quality. Such losses shall be compensated in parallel with repairing the damages.

The aforementioned losses shall be fully compensated according to the standards, established by Government.

The agricultural state cooperative and social (non-profit) enterprises, institutions and organizations, shall compensate agricultural production losses, if they have structures located on irrigated or drained land, which were allocated to them, on perennial plantings land, on arable land or on any other land with soil quality exceeding 40 points.

Article 100. Funds Resulted from Payment of Agricultural and Forestry Production Losses

The funds resulted from payment of agricultural and forestry production loss shall be used only for construction and assembly, projecting and research, land arrangement activities, activities connected with development of new land, antierosion and anti-slide measures, soil quality and productivity improvement of agricultural and forestry land, as established by legislation.

The amount and procedure of evaluating such losses and of using the funds obtained from repaying such losses, as well as the list of enterprises, institutions and organizations exempted from compensation of such losses shall be established by legislation.

Article 101. Unauthorized Occupation of Land

Land occupied without authorization shall be returned to its legitimate landholder; the latter shall not be required to compensate expenses incurred in the process of unauthorized use of such land. The land shall be brought into the condition allowing its use, including demolition of structures, at the expense of enterprises, institutions, organizations or citizens who/which occupied the land without authorization.

The unauthorized occupied land shall be returned to its holder by a decision of relevant authorities.

**CHAPTER XVI
INTERNATIONAL AGREEMENTS**

Article 102. International Agreements

If an international agreement to which the Republic of Moldova is a party contains provisions other than those provided in the land legislation of the Republic of Moldova, the agreement's provisions shall apply.

PARLIAMENT OF THE REPUBLIC OF MOLDOVA

LAW

On Amending and Supplementing the Land Code

No. 173-XIV, October 22, 1998, Chisinau

The Parliament shall adopt this Law.

Article I. The Land Code passed by the Law No. 828-XII dated December 25, 1991 (Official Monitor of the Republic of Moldova, 1993, no. 3, art. 58, 60; Official Monitor of the Republic of Moldova, 1995, no. 13, art. 133; no. 24, art. 279; 1997; no. 43-44, art. 383) shall be amended and supplemented as follows:

1. Article 11 (1):

sub-paragraph 1(1) the wording “allocated to them” shall be replaced with the wording “which have been allocated to them”;

in sub-paragraph (2):

the wording “unless this is used up” shall be added after the wording “of land form the reserve within settlements”

the word “municipalities” shall be excluded;

the wording “from 0.08 up to 0.2 hectares” shall be replaced with “up to 0.12 hectares”.

2. Article 12 shall be amended as follows:

The title shall be changed as follows: “Allocation of Equivalent Land shares into Private Ownership”

At the end of paragraph 4(4) the following sentence shall be added:

“The employees and pensioners of inter-farm zoo-technical enterprises that have no agricultural land subject to privatization shall be allocated equivalent land shares at their place of residence”;

paragraphs 8 throughout 10 shall be excluded.

3. Article 13 shall read as follows:

“Article 13. In Kind (on spot) Allocation of Equivalent Land shares

The location of land allocated as equivalent land shares shall be determined by the mayor’s office of village (commune) or city, without an application being filed by the entitled to the equivalent land share on the basis of the land arrangement project drafted by either state or private enterprises correspondingly licensed.

The land arrangement project shall be approved by the mayor’s office of village (commune) or city upon the proposals of the land committee.

When drafting the land arrangement project the grouping lists of the equivalent land shares owners and the sequence of allocation of land parcels within the fields, approved by the

mayor's office of village (commune) or city and the opinion of the owners of equivalent land shares shall be considered.

Upon the application of the owner of equivalent land shares, within the framework of land arrangement project preparation, the mayor's office of village (commune) or city may decide on in kind (on spot) allocation of equivalent land share and garden(s) outside the settlement in one parcel.

The equivalent land share that is allocated in kind (on spot) in compliance with the land arrangement project may be divided in no more than 3 parcels (arable land, vineyards and orchards), depending on the situation.

The mayor's office, based on land committee's proposals, taking into consideration the opinion of the owners of equivalent land share, shall adopt a decision on allocation of an equal point-hectare, land parcels having equal area, without considering the soil fertility, or land parcels with an equal surface area considering the average soil fertility for the corresponding field.

The mayor's office of village (commune) or city shall issue the Title Certificate of Landholder's Right for each parcel and shall register the landowners in the Cadastral Registry of Landholders." The boundaries of the land parcels shall be established in kind (on spot) upon application of the land parcel holder.

4. Paragraph 3 of art. 14 shall be excluded:

5. Articles 20 and 21 shall read as follows:

"Article 20. Documents Certifying the Landholders' Rights

The documents to certify the landholder's rights are: Title Certificate of Landholder's Right issued by the local public administration authorities upon allocation of land by the state, inheritance certificate, sale and purchase agreement, donation agreement, exchange agreement, lease agreement, etc.

The Government shall approve the form of the Title certificate of Landholder's Right.

The ownership and other property rights in land shall be registered in compliance with the legislation."

Article 21. Inadmissibility to Use Land Unless Boundaries are Established In Kind (on spot)

The landholders have no right to use it, including under lease conditions, unless the mayor's office establish the boundaries of land in kind (on spot)."

6. In Article 23 paragraph (1), item (4) the wording "articles 24 and 25" to replace with "article 25";

7. Article 24 shall be excluded.

8. Article 39:

The title shall change as follows: “Article 39. Gardens and Dacha Plots

This article shall be added two new paragraphs that become paragraphs 1 and 2 and have the following wording:

“Land parcels allocated in compliance with the legislation into ownership as residential land and located outside the village (commune) or city (shall be considered gardens.

The designation of land under gardens shall be changed in compliance with the legislation.”

Paragraphs 1 through 4, shall correspondingly become 3 - 6.

9. Article 41 (4) the wording “in the contract certified by the law-enforcement authorities” shall be replaced with “in a lease agreement”.

Article II.

(1) Agricultural land reserved for the social development of rural settlements shall be allocated into private ownership of persons in which families none of the members was allocated any equivalent land share. The size of the parcels shall be determined by the local public administration authority based on land committees proposals, depending on the real possibilities, however may not be larger than the size of the equivalent land share calculated for the corresponding territorial-administrative unit. All mentioned operations on allocation of land into ownership shall be completed until March 1, 1999 taking into consideration the situation of January 1, 1992.

(2) The mayor’s office of villages (communes), cities (municipalities) shall:

- finish until January 2000, the in kind (on spot) allocation of the equivalent land shares and transfer into private ownership the residential land within villages (communes);
- transfer into private ownership the residential land within cities simultaneously with the initial mass registration or, upon citizens’ applications, within the confines and according to the procedure set forth by the Government;
- upon the application of the landowner who received two or more land parcels, may adopt a decision on replacement of these land parcels by one equivalent parcels for the purposes of the compact location of the parcels;

(3) Claims related to allocation of equivalent land share may be addressed to the corresponding mayor’s office of village (commune) or city until January 1, 1999. No examination of such will take place after expiration of the mentioned deadline.

(4) The Government, within two months time period, shall:

submit to the Parliament proposals on determining the liability for:

illegal allocation, starting with January 1, 1992 of equivalent land shares

failure to allocate or delay of allocation of equivalent land share in kind (on spot) in compliance with the effective legislation;

bring its normative acts in compliance with this Law.

Parliament Chairman

D. Diacov