

GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION No. 1423

ON THE APPROVAL OF PROCEDURE FOR SUBMITTING AND CONSIDERING APPLICATIONS AS WELL AS ISSUING AUTHORIZATIONS FOR THE ACQUISITION OF NON-AGRICULTURAL PLOTS OF LAND BY NATIONAL AND FOREIGN SUBJECTS SPECIFIED IN THE CONSTITUTIONAL LAW ON THE SUBJECTS, PROCEDURE, TERMS AND CONDITIONS, AND RESTRICTIONS OF THE ACQUISITION INTO OWNERSHIP OF LAND PLOTS PROVIDED FOR IN ARTICLE 47 PARAGRAPH 2 OF THE CONSTITUTION OF THE REPUBLIC OF LITHUANIA

10 December 1998
Vilnius

In accordance with the provisions of the Constitutional Law on the Subjects, Procedure, Terms and Conditions, and Restrictions of the Acquisition into Ownership of Land Plots Provided for in Article 47 Paragraph 2 of the Constitution of the Republic of Lithuania (*Valstybės Žinios*, No. 64–1503, 1996), the Government of the Republic of Lithuania has resolved:

1. To approve the Procedure for Submitting and Considering Applications as well as Issuing Authorisations for the Acquisition of Non-Agricultural Plots of Land by National and Foreign Subjects Specified in the Constitutional Law on the Subjects, Procedure, Terms and Conditions, and Restrictions of the Acquisition into Ownership of Land Plots Provided for in Article 47 Paragraph 2 of the Constitution of the Republic of Lithuania (attached hereto).

2. To establish that authorisations for the acquisition of non-agricultural plots of land shall be issued by the governors of counties in which the land plots in question are located.

Prime Minister

Gediminas Vagnorius

Minister of Agriculture

Edvardas Makelis

APPROVED
by Resolution No. 1423 of 10 December 1998
of the Government of
the Republic of Lithuania

PROCEDURE FOR SUBMITTING AND CONSIDERING APPLICATIONS AS WELL AS
ISSUING AUTHORIZATIONS FOR THE ACQUISITION OF NON-AGRICULTURAL
PLOTS OF LAND BY NATIONAL AND FOREIGN SUBJECTS SPECIFIED IN THE
CONSTITUTIONAL LAW ON THE SUBJECTS, PROCEDURE, TERMS AND
CONDITIONS, AND RESTRICTIONS OF THE ACQUISITION INTO OWNERSHIP OF
LAND PLOTS PROVIDED FOR IN ARTICLE 47 PARAGRAPH 2 OF THE
CONSTITUTION OF THE REPUBLIC OF LITHUANIA

1. The present procedure regulates application forms, documents and information to be submitted for the acquisition of non-agricultural plots of land by national and foreign subjects specified in the Constitutional Law on the Subjects, Procedure, Terms and Conditions, and Restrictions of the Acquisition into Ownership of Land Plots Provided for in Article 47 Paragraph 2 of the Constitution of the Republic of Lithuania (hereinafter referred to as the “Constitutional Law”) as well as establishes the procedures for filing and considering the said applications and issuing authorisations.

2. Authorisations for the acquisition of non-agricultural plots of land (according to Form 1 attached hereto) shall be issued to national and foreign subjects specified in the Constitutional Law (hereinafter referred to as “national and foreign subjects” or the “subjects”) by the governors of counties in which the land plots in question are located.

3. Both national and foreign subjects that wish to acquire non-agricultural plots of land shall submit applications (according to Form 2 attached hereto), addressed to the Government of the Republic of Lithuania, to the governors of counties in which the land plots in question are located.

4. National and foreign subjects may submit applications for the acquisition of only those non-agricultural plots of land specified in the Constitutional Law which under detailed plans approved in accordance with the procedure prescribed by the Law on Territorial Planning of the Republic of Lithuania are designated for the construction of buildings and facilities required for relevant economic activity or which are necessary for the following purposes:

4.1. to operate buildings and facilities intended for direct economic activity carried out in Lithuania by registered enterprises with the rights of a legal person, their subsidiaries or branches as well as foreign nationals;

4.2. to operate buildings and facilities intended for the performance of direct functions by national subjects with the rights of a legal person that are not enterprises (public organisations of Lithuanian nationals, other associations of Lithuanian nationals whose registered offices are located in the territory of the Republic of Lithuania and which have been

engaged for a period not less than five years in actual continued activity provided for in their statutes, State-recognised traditional churches and other religious organisations, as well as non-profit legal persons established by the subjects referred to in the present subparagraph and engaged in actual activities of social assistance and care;

4.3. to operate buildings and facilities intended for the performance of municipal functions set forth in the laws or to construct the said buildings and facilities.

5. Applications of municipalities for the acquisition of non-agricultural plots of land shall be filed by municipality mayors (boards) on the basis of decisions rendered by municipality councils.

6. Any national and foreign subject shall submit the following documents together with an application for the acquisition of non-agricultural plots of land:

6.1. a plan of the land plot in question drawn up by the county administration according to the approved documents of detailed planning and authorised by the county governor, indicating the buildings and facilities located therein;

6.2. a copy of the certificate of registered real estate and rights thereto issued by the administrator of Real Estate Register, or a copy of the document providing evidence of the right to use the plot of land in question.

7. If the acquisition of a non-agricultural plot of land is requested for investments related to the construction of buildings or facilities necessary for direct economic activity, the investor shall submit together with an application and documents indicated in paragraph 6 hereof:

7.1. if the investor is an enterprise:

7.1.1. a document providing evidence of the decision on investment rendered by the managing body of the enterprise;

7.1.2. a document evidencing that the person who has filed the application is authorised to act on behalf of the enterprise that acquires the plot of land in question;

7.1.3. where relevant, the enterprise's annual financial accounts examined and verified by an auditor may be requested;

7.2. if the investor is a foreign national engaged in economic activity in Lithuania, an income statement or other legally valid document providing evidence of the investor's financial standing or property capabilities. A certificate of bank account and amounts thereof issued by a foreign bank or a commercial bank registered in Lithuania or a customs currency declaration of entry into the Republic of Lithuania shall be deemed to be other legally valid documents;

7.3. a business plan or other document describing projected actual investments and direct economic activity in Lithuania as well as jobs to be created;

7.4. a written commitment to the Government of the Republic of Lithuania to complete the construction of buildings and facilities in due time and start the activities specified in the business plan;

7.5. foreign subjects shall submit additional documents indicated in paragraph 10 hereof.

8. National subjects shall submit together with an application for the acquisition of non-agricultural plots of land and documents indicated in paragraph 6 hereof (for investors, also documents indicated in paragraph 7):

8.1. the decision of municipality/municipality council to allow the acquisition of a non-agricultural plot of land. The decision shall indicate buildings and facilities for the operation of which the said land plots are necessary and areas of the land plots in question;

8.2. for registered enterprises with the rights of a legal person which have their registered office, central administration or principal place of business in Lithuania, carry out economic activities here and in which the right of effective control belongs to the citizens of the Republic of Lithuania, municipalities, the State or other enterprises of Lithuanian origin in which the right of effective control also belongs to the citizens of the Republic of Lithuania, municipalities or the State:

8.2.1. a copy of the certificate of registration of the enterprise;

8.2.2. a copy of enterprise statutes;

8.2.3. a document providing proof that the right of effective control in the enterprise with the rights of a legal person belongs to the citizens of the Republic of Lithuania, municipalities, the State or other enterprises of Lithuanian origin in which the right of effective control also belongs to the citizens of the Republic of Lithuania, municipalities or the State;

8.3. for public organisations of Lithuanian nationals and other associations of Lithuanian nationals with the rights of a legal person whose registered offices are located in the territory of the Republic of Lithuania and which have been engaged for a period not less than five years in actual continued activity provided for in their statutes:

8.3.1. a copy of registration certificate;

8.3.2. a copy of statutes;

8.3.3. description of actual continued activity (for a period not less than five years);

8.4. State-recognised traditional religious communities and societies in Lithuania with the rights of a legal person: documents specified in the Law on Religious Communities and Associations of the Republic of Lithuania evidencing that they belong to State-recognised traditional churches and other religious organisations;

8.5. for non-profit legal persons established by the subjects referred to in subparagraphs 8.3 and 8.4 hereof and engaged in actual activities of social assistance and care:

8.5.1. a copy of registration certificate;

8.5.2. a copy of statutes;

8.5.3. description of actual activities of social assistance and care.

9. Foreign subjects shall submit together with the documents indicated in paragraph 6 hereof and an application for the acquisition of non-agricultural plots of land necessary for the

operation of buildings and facilities owned by them and intended for direct economic activity in Lithuania:

9.1. for enterprises set up or acquired by enterprises of foreign origin or foreign nationals and registered in Lithuania with the rights of a legal person which have their registered office, central administration or principal place of business located in this country, carry out their economic activities here and in which the rights of effective control belong to enterprises of foreign origin or foreign nationals:

9.1.1. where an enterprise that wishes to obtain a non-agricultural plot of land has been set up or acquired by an enterprise of foreign origin, a copy of the certificate of registration of the enterprise of foreign origin or a copy of an equivalent document evidencing that the said enterprise is registered and has its registered office, central administration or principal place of business located in a relevant foreign state specified in Article 4 of the Constitutional Law;

9.1.2. where an enterprise that wishes to obtain a non-agricultural plot of land has been set up or acquired by a foreign national(s), a copy of the document providing evidence of his/their nationality or a copy of an equivalent document;

9.1.3. documents providing evidence of actual continued contacts between enterprises of foreign origin or foreign nationals that have set up or acquired an enterprise and a relevant foreign state specified in Article 4 of the Constitutional Law. Such documents may be documents providing evidence of principal economic activity carried out by the said enterprises in a relevant foreign state or their membership in a business or professional association of that foreign state or providing evidence of a total period of not less than five years of activity in a relevant foreign state or actual contacts with that foreign state;

9.1.4. a copy of statutes of the enterprise that wishes to acquire a non-agricultural plot of land;

9.2. for enterprises of foreign origin that have established in Lithuania their subsidiaries and branches without the rights of a legal person for the purpose of direct economic activity:

9.2.1. a copy of the certificate of registration of the enterprise or an equivalent document evidencing that the enterprise is registered and has its registered office, central administration or principal place of business located in a relevant foreign state specified in Article 4 of the Constitutional Law;

9.2.2. documents providing evidence of actual continued contacts between the enterprise and a relevant foreign state specified in Article 4 of the Constitutional Law. Such documents may be documents providing evidence of principal economic activity carried out by the enterprise in a relevant foreign state or its membership in a business or professional association of that foreign state or providing evidence of a total period of not less than five years of activity in a relevant foreign state or actual contacts with that foreign state;

9.2.3. a copy of documents of foundation of the enterprise's subsidiary or branch in Lithuania;

9.3. for foreign nationals engaged in registered economic activity in Lithuania:

9.3.1. a copy of the document providing evidence of foreign nationality;

9.3.2. a copy of the certificate of registration of the enterprises without the rights of a legal person.

10. Foreign subjects that wish to acquire non-agricultural plots of land necessary to construct buildings and facilities intended for direct economic activity in Lithuania shall submit together with the documents indicated in paragraphs 6 and 7 hereof:

10.1. if the investor is an enterprise of foreign origin:

10.1.1. a copy of enterprise statutes or a copy of other equivalent document;

10.1.2. a copy of the certificate of registration of the foreign enterprise or an equivalent document, validated in conformity with the established procedure;

10.2. if the investor is an enterprise without the rights of a legal person established by a foreign national for the purpose of economic activity in Lithuania:

10.2.1. a copy of a document evidencing foreign nationality of the founder of an enterprise without the rights of a legal person or a copy of an equivalent document;

10.2.2. a copy of the certificate of registration of an enterprise without the rights of a legal person.

11. Documents submitted together with an application shall conform to the following requirements:

11.1. their copies shall be validated by a notary;

11.2. documents completed in a foreign language shall be submitted together with their translation into Lithuanian. The translation of documents from one language into another or the signature of the translator shall be validated by a notary;

11.3. documents of enterprises issued in foreign states, certificates and other documents issued by different organisations, institutions and authorities shall be legalised pursuant to the Instruction for the Legalisation of Consular Documents approved by Order No. 39 of 21 July 1997 of the Foreign Affairs Ministry (*Valstybės Žinios*, No. 78–2001, 1997), except for documents certified by an apostille provided for in the 1961 Hague Convention Abolishing the Requirement for Legalisation for Foreign Public Documents.

12. Where an application for the acquisition of a non-agricultural plot of land is submitted by a legal person, it shall be represented and the application shall be signed by a person with the right of representation under the statutes of the said legal person. Where an application for the acquisition of a non-agricultural plot of land is submitted by a person authorised by the legal person that wishes to obtain the land plot in question, the power of attorney issued in conformity with the established procedure shall be submitted together with the application.

13. The county governor shall consider applications for the acquisition of non-agricultural plots of land within one month from the date of their registration, except when additional information about financial credibility is required for rendering the decision.

Where additional data about the investor's financial credibility is required when considering an application by a foreign or national investor for the acquisition of a non-

agricultural plot of land, the county governor may appeal to relevant public administrative institutions of the Republic of Lithuania to supply the requested data. Upon receiving the requested information, the country governor shall consider the application for the acquisition of a non-agricultural plot of land within a period of ten business days.

The county governor shall keep the received information confidential where this is not in breach of the law.

14. After having made certain that the subject that wishes to obtain a non-agricultural plot of land and the relevant plot of land conform to the requirements of the Constitutional Law, the county governor renders a decision to issue an authorisation for the acquisition of the non-agricultural plot of land in question. The decision shall be executed by the order of the county governor. On the basis of this order, the subject that wishes to acquire a plot of land shall be issued an authorisation referred to in paragraph 2 hereof within a period of 3 business days.

15. Where it is determined when examining the application and submitted documents that the subject requesting to obtain a non-agricultural plot of land or the relevant plot of land do not conform to the requirements of the Constitutional Law or that there are restrictions or bans imposed on the requested activity by laws or other legal acts, the county governor shall refuse to issue an authorisation; the subject that has submitted the application shall be informed thereof in writing within 3 business days from the date of the said decision and the reasons for such refusal shall be indicated.

16. Where not all of the documents specified in the present procedure are submitted together with the application or where the submitted documents have been improperly drawn up, the county governor shall notify in writing the subject that has filed the application thereof within 5 business days from the date of the registration of the application, indicating which of the documents are lacking or which have been drawn up improperly and specifying the time limit (not longer than one month) for eliminating the said faults. Where the lacking or corrected documents are not submitted in due time or where the reasons for not eliminating the faults are not furnished, the county governor shall refuse to satisfy the application and shall notify the applicant in writing thereof within 3 business days from the date of the decision.

17. Where the application for the acquisition of a non-agricultural plot of land is submitted not according to the form specified in paragraph 3 hereof, it shall be deemed not to have been filed and shall be returned to the applicant within a period of 3 business days.

18. Authorisations issued for the acquisition of non-agricultural plots of land shall be registered in the register of applications for the acquisition of non-agricultural plots of land (according to Form 3 attached hereto).

Authorisations shall be registered according to the rules of filling out the register laid down in Form 3.

The applicant may appeal against the decision of the county governor to the Government of the Republic of Lithuania or its authorised ministry. Where the Government or its authorised institution considers the application, the decision shall be final.

19. Authorisation for the acquisition of a non-agricultural plot of land shall be valid only for that national or foreign subject to which it has been issued.

20. Where the buildings or facilities for the operation of which their owner has been issued an authorisation for the acquisition of a non-agricultural plot of land are transferred to another owner, the issued authorisation shall not be valid for the new owner of buildings and facilities.

21. An authorisation for the acquisition of non-agricultural plots of land necessary to operate buildings and facilities located therein shall be valid for an unlimited period of time, while authorisations to obtain non-agricultural plots of land which under detailed plans are designated for the construction of buildings and facilities required for relevant economic activity shall be valid for a period of 3 months from the date of their issue. Where relevant, at a well-grounded request of the subject that has received an authorisation, the county governor by his decision (executed as order) may extend the term of validity of the said application for not longer than 3 months. A relevant entry is made in the application and under the heading "Notes" in the register of applications for the acquisition of non-agricultural plots of land.

AUTHORIZATION

(name of institution)

(date) No. ____

(place of issue)

For the acquisition of a non-agricultural plot of land

The present authorisation has been issued in accordance with Order No. _____ of _____ of the Governor of _____ County
(date)

and hereby grants _____
(full name of natural person, personal code; business name of legal person, code, country)

the right to acquire as property _____ hectares of non-agricultural land located at _____
(address and cadastre number)

The boundaries of the land plot are indicated in the territorial plan attached hereto.

Easement to the plot of land: _____

Special conditions of land use: _____
(restrictions, their code, area)

Term of validity: _____

Governor of _____ County (signature) (full name)

Place of seal

Term of validity has been extended until _____ by Order No. _____
(date)
of _____ of the Governor of _____ County.
(date)

Governor of _____ County (signature) (full name)

Place of seal

 (Government of the Republic of Lithuania,
 County Governor)

APPLICATION

 (full name of natural person,
 personal code)

 (date)

 (business name of legal person, code)

 (place)

 (full name of authorised person,
 personal code)

 (power of attorney date, number)

Address: _____

For the acquisition of a non-agricultural
 plot of land

I hereby request to authorise the acquisition of a non-agricultural plot of land located
 at _____
 (street, village, city, region)

Cadastral No. _____.

Area: _____ sq. m

Structures located on the plot of land: _____

 (structure, its purpose, unique number with Real Estate Register)

Purpose of land use : _____.

Annexes:

1. Territorial plan.

2. Certificates issued by the administrator of Real Estate Register:

2.1. of the land plot registered with Real Estate Register and rights thereto;

2.2. of structures registered with Real Estate Register and rights thereto _____

 (number of structures; dash is inserted if there are no structures)

3. Commitments to the Government of the Republic of Lithuania to complete the
 construction of buildings and facilities in due time and start the projected direct economic
 activity:

Application submitted by: _____ (signature) _____ (full name)

 (date)

Application and documents attached thereto accepted by:

_____ official designated by the County Governor (signature) _____ (full name)

Place of seal

 (date)

_____ COUNTY GOVERNOR ADMINISTRATION

REGISTER OF APPLICATIONS FOR THE ACQUISITION OF NON-AGRICULTURAL PLOTS OF LAND

Registration No.	Application No.	Date of registration	Subject that has been issued an authorisation (full name of natural person, personal code; business name of legal person, code)	Address and cadastre No. of the land plot authorised for acquisition	Term of validity of authorisation	Signature of person who has registered the authorisation	Notes
1	2	3	4	5	6	7	8

Rules of filling out the register:

1. The register shall be filled out by an official designated by the county governor.
2. Entries shall be made in ink (ball-point pen).
3. Entries shall be distinct, eligible, without cross-outs and corrections.
4. Entries concerning authorisation number, national or foreign subject, plot of land and authorisation’s term of validity shall be consistent with entries in the authorisation.
5. Incorrect entries shall be crossed out, made in another line and referred to under the heading “Notes”.
6. Register pages shall be numbered and their number shall be entered on the last page of the register. The said entry shall be countersigned by the register’s administrator and affirmed by the seal of the county governor.
