

This publication is not a legal advice and provides only general information about the changes in Ukrainian real estate legislation.

In order to avoid any risks prior to making any decisions related to information contained in this publication, please, seek legal counsel.

For detailed information, please, contact author:

Timur Bondaryev
Managing Partner
Timur.Bondaryev@arzinger.ua

Phone: +38 044 390 5533
75, Zhylyanska Str., Kyiv 01032, Ukraine

Topic of the issue:

THE STATE REGISTER OF RIGHTS IS OPENED

The Law of Ukraine No. 1701-VII of November 25, 2014 "On Amendments to Some Legislative Acts of Ukraine on Determining Ultimate Beneficiaries of Legal Entities and Public Figures" laid out in a new wording Article 28 of the Law of Ukraine "On State Registration of Real Rights to Immovable Property and their Encumbrances", according to which the information about registered rights and their encumbrances contained in the State Register of Rights shall be open and public.

In execution of the abovementioned amendments the Cabinet of Ministers of Ukraine adopted Resolution No. 722 of December 24, 2014 "Certain Issues on Provision of Information about Registered Real Rights to Immovable Property and their Encumbrances" (entered into force on January 1, 2015), which approved:

- "Procedure for Providing Individuals and Legal Entities with Information from the State Register of Real Rights to Immovable Property" (hereinafter – the "Procedure for Providing Individuals and Legal Entities with Information") and
- "Procedure of Access of Officials of State Authorities, Local Self-Governments, Courts, Enforcement Offices, Prosecutors' Offices, Security Service of Ukraine, Notaries, Attorneys-at-Law to the State Register of Real Rights to Immovable Property" (hereinafter – the "Access Procedure for Officials").

Below we provide a brief overview of the amended procedures for provision with information for different categories of applicants.

Individuals and Legal Entities

Individuals and legal entities may obtain information from the State Register of Rights exclusively regarding the property they are interested in (i.e. information about all registered rights to real estate of a particular subject is unavailable for this category of applicants) in the following ways:

- in electronic form through the website of the Ukrainian State Register;
- in paper form by submitting an application in person to authorities in charge of the state registration of rights and to notaries;
- in paper form by sending a postal item to authorities in charge of the state registration of rights and to notaries.

Since electronic form of obtaining information is fundamentally new, below are brief step-by-step instructions to access the register on-line:

- (i) to register as a user in a state E-mail system mail.gov.ua;
- (ii) to choose an option “Obtain an information certificate” (“Отримати інформаційну довідку”) in a [cabinet of administrative services](#), and to search for a registration number or an address of immovable property, location or cadastral number of a land plot.;
- (iii) to pay a service fee online (service fee is 17 UAH + bank payment), whereupon subject to compliance with the procedures, information certificate is formed.

Paragraph 2 of Section 5 of the Access Procedure for Officials also provides the possibility to obtain a detailed information on amendments to the relevant records of the State Register of Rights and pre-existing registers in chronological order. This provision of the Procedure will come into force on the March 1, 2015.

Attorneys-at-Law, Notaries, other Officials

This category of applicants obtains information from the State Register of Rights due to the exercise of their powers defined by law both regarding the real estate object and subject in electronic form by means of direct access to the State Register of Rights provided that the relevant official is identified by using his/her digital signature and a prior conclusion of an agreement between the user and the administrator of the Register.

Until October 1, 2015 prior to conclusion of an abovementioned agreement and receipt of a digital signature, officials are entitled to obtain information certificate from the State Register of Rights in paper form (both regarding the real estate object and subject) upon a written request, the form and filling out requirements for which are established by the Ministry of Justice.

Moreover, the owner or other rights holder can obtain information in the form of an extract about persons who have obtained information about the registered rights and encumbrances on his/her real property by submitting an application to authorities in charge of the state registration of rights and to notaries.

Regarding the scope of information, contained in an information certificate formed upon request of aforementioned categories of applicants, it should be noted that information contained in the State Register of Rights is limited only to the rights and encumbrances registered after January 1, 2013 due to the initial registration of rights or a notarial transaction (as it is known, information from the registers that existed before 2013 was not transferred to the State Register of Rights automatically and appeared there only at the relevant entity’s request). The Procedure for Providing Individuals and Legal Entities with Information envisages the possibility to obtain information also from the Register of Ownership Rights to Immovable Property, the Unified Register of Prohibition on the Alienation of Immovable Property, and the State Register of Mortgages. However, it is evidently meant only electronic registers, while data in hard copies from Technical Inventory Bureaus will not be included in an information certificate. Access to the data of the State Register of Land Plots is not envisaged,

hence the information regarding land plots in any case will be limited to records entered to the State Register of Rights after January 1, 2013.

Please be informed that with entry into force on January 1, 2015 of the amendments to the Tax Code of Ukraine, the tax base and the tax rate of the real estate tax have been significantly changed.

For more details please follow the link:

[http://arzinger.ua/files/file/Arzinger Tax Legal Alert 19 Jan 2015%20eng.pdf](http://arzinger.ua/files/file/Arzinger%20Tax%20Legal%20Alert%2019%20Jan%202015%20eng.pdf)

We would be happy to answer any of your questions on activity in Ukraine, should the need arise.

Kind regards,

Timur Bondaryev

Managing partner, Head of Real Estate and Construction Practice