

THE LAND CODE OF THE RUSSIAN FEDERATION NO. 136-FZ OF OCTOBER 25, 2001 (with the Amendments and Additions of June 30, 2003, June 29, October 3, December 21, 29, 2004, March 7, July 21, 22, December 31, 2005, April 17, June 3, 30, July 27, October 16, December 4, 18, 29, 2006, February 28, May 10, June 19, July 24, October 30, November 8, 2007)

**Adopted by the State Duma on September 28, 2001
Approved by the Federation Council on October 10, 2001**

Article 1. The Basic Principles of Land Law

1. The present Code and other legislative acts concerning land enacted pursuant thereto shall be based on the following principles:

1) account being taken of land's significance as the basis of human life and activities whereby regulation of relationships of land use and preservation is pursued proceeding from the idea that land is a natural facility preserved as the most important component of nature, a natural resource used as a means of production in agriculture and forestry and the basis of economic and other activities on the territory of the Russian Federation and at the same time as immovable property, the object of a right of ownership and other rights relating to land;

2) priority being given to the preservation of land as the most important component of the environment and means of production in agriculture and forestry over the use of land as immovable property, meaning that possessing, using and disposing of land is exercised freely by the owners of plots of land, unless it is harmful to the environment;

3) priority being given to protection of human life and health meaning that the decisions taken and the types of activity pursued in the course of activity of using land and preserving land shall allow to ensure safeguarding human life or preventing a negative (harmful) effect on human health even though it may involve major expenditures;

4) participation of citizens, public organisations (associations) and religious organisations in the solution of issues concerning their rights to land according to which citizens of the Russian Federation, public organisations (associations) and religious organisations have the right to take part in the preparation of decisions whose realisation may influence the condition of the lands in their use and protection, and the bodies of state power, the bodies of local self-government, and entities of economic and other activity must ensure the possibility of such participation in the procedure and form that are established by the legislation;

5) the uniformity of the destiny of plots of land and the facilities affixed thereto, meaning that all facilities affixed to plots of land have to follow the destiny of the plots of land, except for the cases established by federal laws;

6) priority being given to the preservation of especially valuable land and the land of specially preserved territories, meaning that change in intended use of valuable pieces of agricultural-purpose land, the land occupied by protective forests, land of specially preserved natural territories and facilities, land occupied by cultural heritage facilities, other especially valuable pieces of land and land of specially preserved territories for other purposes shall be subject to restrictions or bans in the manner established by federal laws. The institution of this principle shall not be construed as a denial or denegation of the significance of land of other categories;

7) land being used for payment, meaning that any use of land shall be carried out for payment, except for the cases established by federal laws and the laws of Russian regions;

8) pieces of land being classified according to their purpose, meaning that the legal regime of pieces of land shall be determined on the basis of their classification under a specific category and of their permitted use in keeping with zoning and legislative requirements;

9) the state land property being delineated as property of the Russian Federation, property of Russian regions and property of municipal entities, meaning that the legal basis and procedure for such a delineation shall be established by federal laws;

10) the establishment of a legal land regime being subject to a differentiated approach, meaning that when land legal regime is being determined account shall be taken of natural, social, economic and other factors;

11) the interests of the society being combined with the lawful interests of citizens, meaning that land use and preservation regulation shall be pursued in the interests of the society as a whole with each citizen's unfettered possession, use and disposal of the plot of land he/she owns being guaranteed.

Land relationships are regulated through the application of the principle of drawing a line between civil law norms and land legislation norms in as much as concerns the regulation of relationships in terms of land use and also the principle of state regulation of land privatisation.

2. Other principles of land legislation may be established by federal laws if they do not run contrary to the principles established by Item 1 of the present article.

Article 2. Land Legislation

1. In accordance with the Constitution of the Russian Federation the land legislation is in the joint cognisance of the Russian Federation and the Russian regions. The land legislation is made up of the present Code, federal laws and the laws of Russian regions enacted pursuant thereto.

The land law norms contained in other federal laws and laws of Russian regions shall comply with the present Code.

Land relationships can also be regulated by decrees of the President of the Russian Federation which shall not run contrary to the present Code and federal laws.

2. The Government of the Russian Federation shall adopt decisions regulating land relationships within the scope of powers specified in the present Code, federal laws and also decrees of the President of the Russian Federation governing land relationships.

3. On the basis of and pursuant to the present Code, federal laws, other regulatory legal acts of the Russian Federation and laws of Russian regions, the governmental bodies of Russian regions may issue acts comprising land law norms within the scope of their powers.

4. On the basis of and pursuant to the present Code, federal laws, other regulatory legal acts of the Russian Federation, laws and other regulatory legal acts of Russian regions, local government bodies may issue acts comprising land law norms within the scope of their powers.

Article 3. The Relationships Regulated by the Land Legislation

1. The land legislation regulates the relationships of use and preservation of land in the Russian Federation as the basis of life and activities of the peoples residing on a given territory (land relationships).

2. The relationships of use and preservation of sub-soil, waters, forests, animal world and other natural resources, environmental protection, the preservation of specially protected natural territories and facilities, the preservation of atmospheric air and the preservation of objects constituting cultural heritage of peoples of the Russian Federation shall be governed by the legislation on sub-soil, forestry, water, animal world, the preservation and use of other natural resources, environmental protection, the preservation of atmospheric air, specially preserved natural territories and facilities, the preservation of objects constituting heritage of peoples of the Russian Federation respectively and special federal laws.

Land relationships shall be subject to the norms of the said branches of law if these relationships are not regulated by the land legislation.

3. The property relationships of possession, use and disposal of plots of land and also of accomplishing deals with them shall be governed by the civil legislation, except as otherwise required by the land, forestry, water, sub-soil, environmental protection legislation and special federal laws.

Article 4. The Application of International Treaties of the Russian Federation

If an international treaty of the Russian Federation ratified in the established manner contains rules different from those set out in the present Code the rules of the international treaty shall apply.

Article 5. Participants in Land Relationships

1. Participants in land relationships are citizens, legal entities, the Russian Federation, Russian regions, municipal entities.

2. The right of foreign citizens, persons without citizenship and foreign legal entities to acquire the title to a plot of land shall be defined in keeping with the present Code and federal laws.

3. For the purposes of the present Code the following terms and definitions are used:

"owners of plots of land" means persons being the owners of plots of land;

"users of land" means persons possessing and using plots of land by the right of permanent (infinite) use or by the right of free use for a term;

"tenants" means persons possessing and using plots of land by the right of life-time inheritable possession;

"lessees of plots of land" means persons possessing and using plots of land under a lease or a sub-lease;

"holders of easements" means persons having a limited right of using other persons' plots of land (easement).

Article 6. The Objects of Land Relationships

1. The objects of land relationships are as follows:

- 1) land as a natural facility and natural resource;
- 2) plots of land;
- 3) parts of plots of land.

2. A plot of land as an object of land relationships is a part of ground surface (in particular, soil) the boundaries of which are described and attested to in the established manner.

A plot of land can be divisible and non-divisible. A divisible plot of land is a plot of land that can be divided into parts, with each of these parts emerging after the division as an independent plot of land of which authorised use can be pursued without re-classifying it under another land category, except for the cases established by federal law.

Article 7. Land Composition in the Russian Federation

1. According to its purpose, land in the Russian Federation is classified under the following categories:

- 1) agricultural-purpose land;
- 2) land of localities;
- 3) industry, power, transport, communication, radio-broadcasting, television, information technology, space activity support, defence, security land and land of other special purposes;
- 4) the land of specially preserved territories and facilities;
- 5) forestry land;
- 6) water stock land;
- 7) reserve land.

2. The land specified in Item 1 of the present article shall be used in compliance with the purpose thereof established for them. The legal regime of land shall be determined proceeding from the classification thereof under a specific category and authorised use in keeping with the zoning of which general principles and implementation procedure are determined by federal laws and the provisions of special federal laws.

Any type of authorised use out of the types specified by the zoning system shall be taken at one's own discretion without additional permits and approval procedures.

3. At the places of traditional residence and economic activity of minority indigenous peoples of the Russian Federation and ethnic communities in the cases stipulated by federal laws, laws and other regulatory legal acts of Russian regions, regulatory legal acts of local government bodies a special legal regime may be established for the use of land of the said categories.

Article 8. Classifying Land under Categories, Changing the Classification Category of Land

1. Land classification by the category, change in the classification category of land shall be effected in respect of:

- 1) federally-owned land: by the Government of the Russian Federation;
- 2) land owned by Russian regions, and agricultural-purpose land owned by municipal entities: by the executive bodies of Russian regions;
- 3) lands owned by municipal entities, except for agricultural-purpose land: by local government bodies;
- 4) privately-owned land:
agricultural-purpose land: by local government bodies.

Changing the classification of lands of localities to other categories and that of lands of other categories to lands of localities, irrespective of the form of ownership thereof, shall be carried out by way of changing the boundaries of localities in the procedure established by this Code and the legislation of the Russian Federation on town-planning activity.

Re-classification of lands of other categories as lands of specially protected territories and bodies shall be effected by establishing or amending the procedure prescribed under this Code and the legislation of the Russian Federation on special economic zones for establishing borders of the tourist-recreation special economic zone.

The procedure for changing land category shall be established by federal laws.

2. Land category shall be indicated in:

- 1) acts of federal executive bodies, acts of the executive bodies of Russian regions and acts of local government bodies whereby plots of land are put at somebody's disposal;
- 2) agreements of which plots of land are the subject matter;
- 3) documents of the state land registry;
- 4) documents on the state registration of rights relating to immovable property and deals in it;
- 5) other documents in the cases established by federal laws and laws of Russian regions.

3. A breach of the procedure for changing the category of land established by the present Code, federal laws shall be deemed a ground for recognising as invalid the acts whereby land is classified under a specific category or whereby a land category is changed.

Article 9. The Powers of the Russian Federation in the Field of Land Relationships

1. The powers of the Russian Federation in the field of land relationships are as follows:

- 1) the establishment of fundamentals of federal policy in the field of regulation of land relationships;
 - 2) the imposition of restrictions on the rights of owners of plots of land, users of land, tenants, land lessees and also restrictions on the negotiability of plots of land;
 - 3) the state administration in the field of land monitoring, state land control, land management and the keeping of the state land registry;
 - 4) the establishment of a procedure for the reservation of lands, excluding plots of land from alienability, in particular, by means of compulsory purchase, for state and municipal needs;
 - 5) the reservation of lands, the withdrawal of land plots, including by means of buying out, to meet the needs of the Russian Federation;
 - 6) the elaboration and implementation of land use and preservation federal programmes;
 - 7) other powers put by the Constitution of the Russian Federation, the present Code and federal laws within the scope of powers of the Russian Federation.
2. The Russian Federation shall pursue the management and disposal of the plots of land owned by the Russian Federation (federal property).

Article 10. The Powers of Russian Regions in the Field of Land Relationships

1. The powers of Russian regions are as follows: the reservation, the taking, in particular, by means of compulsory purchase of land for the needs of Russian regions; the elaboration and implementation of land use and preservation regional programmes for land located within Russian regions; other powers not included in the scope of powers of the Russian Federation or local government bodies.
2. The Russian regions shall pursue the management and disposal of plots of land owned by the Russian regions.

Article 11. The Powers of Local Government Bodies in the Field of Land Relationships

1. The powers of local government bodies in the field of land relationships are as follows: the reservation of lands, the taking, in particular, by means of compulsory purchase of plots of land for municipal needs, the establishment with due regard to the provisions of Russian law of rules of land use and development of the territories of city/town and rural settlements, the territories of other municipal entities, the elaboration and implementation of land use and local preservation programmes and also other powers to resolve matters of local significance in the field of land use and preservation.
2. Local government bodies shall pursue the management and disposal of plots of land owned by municipal entities.

Chapter II. Land Preservation

Article 12. The Goals of Land Preservation

1. In the Russian Federation land shall be preserved as the basis of life and activities of the peoples residing on a given territory.
The use of land shall be carried out by methods ensuring conservation of ecological systems, the ability of land to be means of production in agriculture and forestry, the basis of economic and other types of activity.
2. Below are the goals of land preservation:
 - 1) preventing deterioration, pollution, dumping and damage of land, other negative (harmful) effects of economic activities;
 - 2) ensuring amelioration and restoration of land which has been exposed to deterioration, pollution, dumping and damage of land, other negative (harmful) effects of economic activities.

Article 13. The Meaning of Land Preservation

1. For land preservation purposes, owners of plots of land, users of land, tenants and lessees of plots of land shall implement measures for:
 - 1) conserving soils and their fertility;
 - 2) protecting earth from water and wind erosion, mud avalanches, flooding, bogging, secondary salination, aridity, compaction, radioactive and chemical contamination, industrial and consumption waste dumping, pollution, in particular, biological and other negative (harmful) effects causing land deterioration;
 - 3) the protection of arable croplands from being overgrown with trees and shrubs, weeds, and also the protection of plants and vegetable products from harmful organisms (plants or animals, pathogenic organisms capable in certain conditions of harming trees, shrubs and other plants);
 - 4) dealing with the aftermath of pollution, in particular, biological pollution and waste dumping;

5) maintaining the level of amelioration reached;
6) re-cultivating damaged land, restoring land fertility, involving alienable land in due time;
7) conserving the fertility of land and the use of land in the performance of work relating to damage of land.

2. For the purposes of land preservation federal, regional and local land preservation programmes shall be elaborated as comprising lists of compulsory land preservation measures with due regard to the peculiarities of economic activity, natural and other conditions.

The assessment of land condition and the effectiveness of planned land preservation measures shall be effected with account taken of the results of ecological expert examination, the sanitary and hygienic and other rules and regulations established under law.

3. If new technologies, land amelioration and land fertility enhancement programmes fail to comply with the ecological, sanitary and hygienic as well as other standards, their implementation shall be prohibited.

4. Where construction and mining works are performed as causing a disruption of soil layer the fertile layer of soil shall be removed and used to improve low-fertility land.

5. For the purpose of assessing the condition of soil from the point of view of protection of human health and the environment, the Government of the Russian Federation shall set maximum admissible concentration values for harmful substances, harmful micro-organisms and other biological soil pollutants.

For the purpose of verifying the compliance of soil with ecological standards soil, geo-botanical, agrochemical and other investigation shall be conducted.

6. For the purpose of preventing deterioration of land, restoring land fertility and polluted territories, land may be conserved as including its being excluded from alienability in the manner established by the Government of the Russian Federation.

7. The preservation of deer pasture land in the Extreme North areas, nomadic-type, seasonal pasture land shall be done in compliance with federal laws and other regulatory legal acts of the Russian Federation and laws and other regulatory legal acts of Russian regions.

8. To make owners of plots of land, users of land, tenants and lessees of plots of land more interested in preserving and restoring the fertility of land, protecting land from the negative (harmful) effects of economic activities, economic incentives may be granted for land preservation and use in the manner established by the budget legislation and taxes and fees legislation.

Article 14. The Use of Lands Exposed to Radioactive and Chemical Pollution

1. Land which has been exposed to radioactive and chemical pollution and in which the production of products required by provisions established under law cannot be maintained shall be subjected to the imposition of restrictions as to the use thereof, excluded from the category of agricultural-purpose land and may be re-classified into reserve land to be conserved. Such land shall be prohibited for the production and sale of agricultural products.

2. The procedure for using land exposed to radioactive and chemical contamination, declaring exclusion zones, preserving residential houses, production facilities, social and cultural and everyday facilities located on this land, carrying out amelioration and cultivation improvement work on this land shall be determined by the Government of the Russian Federation with due regard to maximum admissible radiation and chemical concentration levels.

3. The persons whose activities have caused radioactive and chemical land pollution due to which land cannot be used as earmarked or land quality is deteriorated shall reimburse the losses under Article 57 of the present Code and shall also compensate the expenses incurred to decontaminate land exposed to radioactive and chemical contamination, the expenses incurred to bring the land to a condition suitable for use as earmarked or shall reimburse the owners of plots of land within the boundaries of the land for the value thereof if the plots of land are classified as reserve land to be conserved.

Chapter III. Ownership of Land

Article 15. Citizens' and Legal Entities' Ownership of Land

1. The property of citizens and legal entities (private property) shall be plots of land acquired by the citizens and legal entities on the grounds laid down in the legislation of the Russian Federation.

2. Citizens and legal entities are entitled to have equal access to the acquisition of a title of plots of land. State-owned or municipality-owned plots of land may be transferred to citizens and legal entities to become their property, except for the plots of land which cannot be private property in compliance with the present Code and federal laws.

3. Foreign citizens, persons without citizenship and foreign legal entities shall not have title of plots of land located in the border territories recorded in the list established by the President of the Russian Federation in compliance with the federal legislation on the State Border of the Russian Federation and other territories of the Russian Federation specifically indicated under federal laws.

Article 16. State Ownership of Land

1. The land not owned by citizens, legal entities or municipal entities shall be state property.
2. Division of state ownership of land into property of the Russian Federation (federal property), property of Russian regions and property of municipal entities (municipal property) shall be effected in accordance with this Code and federal laws.

Article 17. The Russian Federation's Ownership of Land (Federal Property)

1. The following shall be under federal ownership:
plots of land recognised as such by federal laws;
plots of land in respect of which the Russian Federation's right of ownership occurred during the delineation of state ownership of land;
plots of land acquired by the Russian Federation on the grounds set out in the civil legislation.
2. Abolished as of July 1, 2007.

Article 18. Russian Regions' Ownership of Land

1. The following plots of land shall be owned by Russian regions:
those which have been recognised as such by federal laws;
those in respect of which Russian regions' right of ownership occurred at the delineation of state ownership of land;
those which have been acquired by Russian regions on the grounds specified in the civil legislation.
2. Abolished as of July 1, 2006.

Article 19. Municipal Ownership of Land

1. The following plots of land shall be under municipal ownership:
those recognised as such by federal laws and the laws of Russian regions adopted pursuant thereto;
in respect of which a right of municipal ownership occurred during the delineation of state ownership of land;
those acquired on the grounds established by civil legislation.
2. Abolished as of July 1, 2006.
3. To ensure the development of municipal entities, plots of land owned by the state, in particular, those located outside of the municipal entities, may be gratuitously transferred thereto.
4. Abolished as of July 1, 2006.

Chapter IV. Permanent (Ongoing) Use, Life-Time Inheritable Possession of Plots of Land, Limited Use of Other Persons' Plots of Land (Easement), Lease of Plots of Land, Gratuitous Fixed-Term Use of Plots of Land

Article 20. Permanent (Ongoing) Use of Plots of Land

1. Plots of land shall be granted for permanent (ongoing) use to state and municipal institutions, state-owned enterprises and also to governmental bodies and local government bodies.
2. Plots of land shall not be granted for permanent (ongoing) use to citizens.
3. The right of permanent (ongoing) use of plots of land owned by the state or a municipal entity which a citizen or a legal entity had begun to have prior to the entry into force of the present Code shall continue to exist.
4. Citizens or legal entities possessing plots of land by the right of permanent (ongoing) use shall not be entitled to dispose of these plots of land.
5. Abolished from September 1, 2006.

Article 21. Life-Time Inheritable Possession of Plots of Land

1. The life-time inheritable possession of state-owned or municipally-owned plot of land acquired by a citizen before the entry into force of the present Code shall continue to exist. No plots of land shall be granted to citizens by the right of life-time inheritable possession after the entry into force of the present Code.
2. The disposition of a plot of land held by the right of life-time inheritable possession is prohibited, except for the transfer of the right to the plot of land by inheritance. The state registration of transfer of a right of life-time inheritable possession of plot of land shall be effected under a certificate of a right to inheritance.
3. Abolished from September 1, 2006.

Article 22. Lease of Plots of Land

1. Foreign citizens and persons without citizenship may have plots of land located within the territory of the Russian Federation by a right of lease, except for the cases specified in the present Code.

2. Plots of land, except those indicated in Item 4 Article 27 of the present Code, may be granted by their owners for lease under the civil legislation and the present Code.

3. Upon the expiry of the effective term of a contract of lease of a plot of land its lessee shall have a preferential right of entering into a new contract for lease of the plot of land, except for the cases specified in Item 3 Article 35, Item 1 Article 36 and Article 46 of the present Code.

3.1. The contract of leasing the land plot held in state or municipal property and located within the boundaries of the lands reserved to meet state or municipal needs shall be concluded for the term whose duration may not exceed the period of the reservation of such lands.

4. The rate of rent shall be set by the contract of lease. A common basis for calculating rent in the case of lease of state-owned or municipally-owned plots of land may be established by the Government of the Russian Federation.

5. The lessee of a plot of land with the exception of residents of special economic zones - holders of land plots - shall be entitled to assign his rights and duties under the lease to a third person, in particular, to mortgage the lease rights in the plot of land and contribute them into the authorised capital of a partnership or a company or as a stake in a production co-operative within the effective term of the contract of lease of the plot of land without the consent of the owner of the plot of land, given the fact that the owner is notified, except as otherwise required by the contract of lease of the plot of land. In the said cases the new lessee of the plot of land shall bear the liability under the contract of lease of the plot of land in respect of the lessor, except for cases of mortgage of lease rights. In this case there is no need for concluding a new contract of lease of the plot of land.

6. The lessee of a plot of land with the exception of residents of special economic zones - holders of land plots - shall be entitled to sub-lease the plot of land he leases within the effective term of the contract of lease of the plot of land without the consent of the owner of the plot of land, given the fact that the owner is notified, except as otherwise required by the contract of lease. All the rights of lessees of plots of land set out in the present Code shall extend to sub-lessees.

7. A plot of land may be leased for state or municipal needs or for prospecting purposes for a term not exceeding one year. In this case the lessee of the plot of land within the effective term of the contract of lease of the plot of land shall be obligated to bring the plot of land to a condition suitable for its use in keeping with the authorised use if the lessor so demands; to reimburse losses inflicted due to the performance of works; to accomplish the necessary works of re-cultivation of the plot of land and also to execute the other duties established by law and/or the contract of lease of the plot of land.

8. In the case of sale of a state-owned or municipally-owned plot of land the lessee of the plot of land shall have a preferential right of buying it in the manner established by civil legislation for the cases of sale of a portion of common property to an outsider, except for the cases specified in Item 1 Article 36 of the present Code.

9. In the case of lease of a state-owned or municipally-owned plot of land for a term exceeding five years, the lessee of the plot of land shall be entitled, if not otherwise established by federal laws within the effective term of the contract of lease of the plot of land to assign his rights and duties under the contract to a third person, in particular, the rights and duties specified in Items 5 and 6 of the present Article without the consent of the owner of the plot of land, so long as the owner is notified. No amendment shall be made to the terms and conditions of a contract of lease of a plot of land without the consent of the lessee and no restrictions shall be imposed on the lessee's rights established by the contract of lease of a plot of land. Premature rescission of a contract of lease of a plot of land concluded for a term exceeding five years at the request of the lessor shall only be possible by decision of a court if the lessee has committed a significant breach of the contract of lease of the plot of land.

10. In the case of inheritance of plots of land by minors, their legal representatives may lease out these plots of land for a term remaining until the heirs become adult.

11. Plots of land which have been withdrawn from circulation shall not be leased, except for the cases established by federal laws.

Article 23. Right of Limited Use of Another Person's Plot of Land (Easement)

1. A private easement shall be established in compliance with the civil legislation.

2. A public easement shall be established by a law or another regulatory legal act of the Russian Federation, a regulatory legal act of a Russian region, a regulatory legal act of a local government body in the cases when it is required for ensuring interests of the state, local government or local public without plots of land being taken. A public easement is instituted with due regard to the results of public hearing.

3. Public easement may be instituted for:

- 1) right of way through a plot of land;
- 2) the use of a plot of land for the purpose of repairing utility, engineering, electricity and other lines and networks and also transport infrastructure facilities;
- 3) the placement of boundary and survey marks and access thereto on a plot of land;

- 4) the performance of drainage works on a plot of land;
- 5) taking of water and feeding water to animals;
- 6) passage of agricultural animals via a plot of land;
- 7) mowing, cattle grazing in the established procedure on land plots during the periods of time whose duration matches local conditions and customs;
- 8) use of a land plot for the purpose of hunting and fishery;
- 9) a temporary use of a plot of land for the purpose of prospecting, research and other works;
- 10) free access to a coastline.

4. An easement may be fixed-term or permanent.

4.1. The term of the establishment of a public servitude in relation to the land plot and located within the boundaries of the lands reserved to meet state or municipal needs may not exceed the period of reserving such lands.

5. The implementation of an easement shall be least burdensome for the plot of land on which it is established.

6. The owner of a plot of land encumbered with a private easement shall be entitled to demand commensurate payment from the person in whose interest the easement is established, except as otherwise required by federal laws.

7. In cases when the establishment of a public easement makes it impossible to use a plot of land, the owner of the plot of land, user of land or tenant shall be entitled to claim a taking of the plot of land, in particular by means of compulsory purchase and a compensation from the governmental body or local government body that has established the easement or the granting of another plot of land of equal value and reimbursement of the losses incurred.

In case when the establishment of a public easement causes significant difficulties in the use of a plot of land its owner shall be entitled to claim commensurate payment from the governmental body or the local government body that has established the easement.

8. The persons whose interests and lawful interests are affected as the result of establishing a public easement may defend their rights in court.

9. Easements shall be subject to state registration in keeping with the Federal Law on the State Registration of Rights to Immovable Property and Deals in It.

Article 24. Gratuitous Fixed-Term Use of a Plot of Land

1. The following plots of land may be granted for gratuitous fixed-term use:

1) out of state-owned or municipally-owned land by the governmental executive bodies or local self government bodies specified in Article 29 of the present Code to the legal entities specified in Item 1 Article 20 of the present Code for a term not exceeding one year;

2) out of land owned by citizens or legal entities to other citizens and legal entities under a contract;

3) out of land of the organisations specified in Item 2 of the present article to citizens in the form of a service land allocation.

4) from lands that are in state or municipal ownership by the executive bodies of state power or by the bodies of local self-government stipulated by Article 29 of this Code to religious organisations in accordance with Item 3 of Article 30 and Item 1 of Article 36 of this Code;

5) out of lands which are in the state or municipal ownership by the executive state power bodies and local authorities, provided for by Article 29 of this Code, to the persons with which a state or municipal contract is made for construction of a real estate unit to be financed in full from the federal budget, the budget of a constituent entity of the Russian Federation or from local budget on the basis of an order placed in compliance with the federal law on placement of orders to supply commodities, carry out works and render services to meet the state or municipal needs for the time period of the real estate unit's construction.

2. Service land allocations shall be granted for gratuitous fixed-term use to employees of organisations of specific branches of industry, in particular transport, forestry, the timber industry, hunting areas, state natural reserves and national parks.

The categories of employee of organisations of such branches of industry entitled to receive service land allocations, the terms for the granting thereof shall be established by the legislation of the Russian Federation and the legislation of Russian regions.

Service land allocations shall be granted to employees of such organisations for the term of existence of labour relations on applications filed by the employees and by decision of relevant organisations from among the plots of land that belong to them.

The rights and duties of persons who use service land allocations shall be defined in keeping with the rules set out in Item 1 of Article 41 and Paragraphs 2-4, 7-9 of Article 42 of the present Code.

Chapter V. Emergence of Rights to Land

Article 25. Grounds for the Emergence of Rights to Land

1. The rights to plots of land specified in Chapters III and IV of the present Code shall emerge on the grounds established by civil legislation, federal laws and they shall be subject to state registration under the Federal Law on the State Registration of Rights to Immovable Property and Deals in It.

2. The state registration of deals in plots of land shall be compulsory in the cases specified in federal laws.

3. The plots of land nationalised prior to January 1, 1991 under the legislation effective as of the time of land plot nationalisation shall not be subject to return and the value thereof shall not be subject to reimbursement or compensation.

Article 26. Documents on Rights to Plots of Land

1. The rights to plots of land specified in Chapters III and IV of the present Code shall be certified by documents in compliance with the Federal Law on the State Registration of Rights to Immovable Property and Deals in It.

2. Contracts of lease of a plot of land, sub-lease of a plot of land, gratuitous fixed-term use of a plot of land concluded for a term under one year shall not be subject to state registration, except for the cases established by federal laws.

Article 27. Restrictions on the Negotiability of Plots of Land

1. Plots of land shall be alienated in compliance with civil legislation and the present Code.

2. Plots of land classified as land excluded from alienability shall not be conveyed to become private property and shall not be objects of the deals specified by civil legislation.

Plots of land classified as land limited in alienability shall not be conveyed to become private property, except for the cases established by federal laws.

3. The content of limitation of alienability of plots of land is established by the present Code and federal laws.

4. Plots of land occupied by the following federally-owned facilities are excluded from alienability:

1) state natural reserves and national parks (except for the cases specified in Article 95 of the present Code);

2) buildings, houses and structures accommodating for permanent activity the Armed Forces of the Russian Federation, other troops, military formations and bodies;

3) buildings, houses and structures accommodating military courts;

4) facilities of the federal security service organisations;

5) facilities of the federal state guard organisations;

6) atomic energy facilities, nuclear material and radioactive substance storage facilities;

7) facilities in connection with whose activities restricted-access administrative-territorial entities have been formed;

8) the facilities of the institutions and organs of the federal service of the execution of penalties;

9) military and civilian cemeteries;

10) engineering-technical structures, communication lines and transmission lines and pipelines constructed for the purpose of defence and protection of the State Border of the Russian Federation.

5. The following state-owned or municipally-owned plots of land shall be limited in their alienability:

1) within the specially preserved natural territories, if these plots of land are not indicated in Item 4 of the present article;

2) from woodlands;

3) within whose limits there are bodies of water which are under state or municipal ownership;

4) occupied by especially valuable objects of the cultural heritage of the peoples of the Russian Federation, the objects included in the List of World Heritage, history and cultural reserves, objects of archaeological heritage;

5) granted for the purpose of ensuring defence and security, defence industry, customs needs and not specified in Item 4 of the present article;

6) not mentioned in Item 4 of the present article within the boundaries of restricted-access administrative-territorial entities;

7) granted for the needs of transport organisations, in particular, sea, river ports, stations, airfields and airports, air and water-way navigation support structures, terminals and terminal complexes in the areas of international transport corridor formation;

8) granted for communication needs;

9) occupied by space flight infrastructure facilities;

10) located under hydraulic engineering structures;

11) granted for the purpose of poisonous substances and narcotics;

12) polluted by hazardous waste, radioactive substances, exposed to biological pollution, other lands subjected to deterioration.

13) located within the boundaries of the lands reserved to meet state or municipal needs;

14) in the first and second belts of the zones of sanitary protection of water bodies used for the purpose of drinking and household-and-domestic water supply.

6. The alienability of agricultural-purpose land shall be regulated by a federal law on the alienability of agricultural-purpose land.

7. Item 6 of the present article does not extend to plots of land granted to citizens out of agricultural-purpose land for the purpose of individual housing and garage construction, personal auxiliary and summer cottage farming, gardening, cattle-breeding and vegetable farming and also to plots of land occupied by buildings, houses and structures.

8. It is hereby prohibited to privatise land plots within the limits of a coastal line established in keeping with the Water Code of the Russian Federation, and also of land plots of which there are ponds and watered opencast mines, within the borders of territories in general use.

Article 28. Acquisition of Rights to State-Owned and Municipally-Owned Plots of Land

1. Plots of land out of state-owned or municipally-owned lands shall be granted to citizens and legal entities by the right of ownership or lease and also shall be granted to legal entities for permanent (ongoing) use in the cases specified in Item 1 Article 20 of the present Code and to citizens and legal entities for gratuitous fixed-term use in the cases specified in Item 1 Article 24 of the present Code.

2. Citizens and legal entities shall obtain state-owned or municipally-owned plots of land for payment. The granting of plots of land to citizens and legal entities for ownership may be effected free of charge in the cases specified in the present Code, federal laws and the laws of Russian regions.

3. Abolished from September 1, 2006.

4. It is prohibited to refuse granting state-owned or municipally-owned plots of land to citizens and legal entities so that they become their property, except for the following cases:

exclusion of plots of land from alienability;

a ban on privatisation of plots of land imposed by a federal law;

reservation of lands for state or municipal needs.

It is prohibited to refuse granting state-owned or municipally-owned plots of land excluded from alienability to citizens and legal entities so that they become their property if a federal law has permitted to grant them to citizens and legal entities so that they become their property.

5. Under the present article foreign citizens, persons without citizenship and foreign legal entities shall obtain title to plots of land only for payment, with the rate thereof being set by the present Code.

Article 29. The Executive Governmental Bodies and Local Government Bodies Which Grant Plots of Land

Plots of land out of state-owned or municipally-owned lands shall be granted to citizens and legal entities under a decision of the executive governmental bodies or local government bodies having the right to grant relevant plots of land within the scope of their powers under Articles 9, 10 and 11 of the present Code.

Article 30. Procedure for the Granting of Plots of Land for Construction Purposes out of State or Municipally-Owned Lands

1. The granting of plots of land for construction purposes out of state-owned or municipally-owned lands shall be effected with the conduct of the work of formation thereof:

1) without a preliminary approval of the places where facilities are going to be located;

2) with a preliminary approval of the places where facilities are going to be located.

2. The granting of plots of land for construction purposes by the right of ownership without a preliminary approval of the places where facilities are going to be located shall be effected exclusively by means of a sale (tender, auction) under Article 38 of the present Code, except for the cases provided or by Item 2.1 of this Article.

2.1. A land plot that is in municipal ownership or a land plot whose state ownership is not delimited and which is not allotted to individuals or legal entities for use and(or) possession shall be provided for construction within the boundaries of the built-up territory in respect of which a decision has been rendered on the development thereof without holding a public auction to the person, with which in the procedure established by the legislation on town-planning activity a contract of development of the built-up territory has been made. The said land plot shall be allotted on a free-of-charge basis for ownership or on a leasehold basis at the choice of the person with which a contract of development of the built up territory has been made. The rental for the said land plot shall be fixed as equal to the rate of the tax land established by the legislation of the Russian Federation in respect of the relevant land plot.

The local authority or, in the cases established by laws of constituent entities of the Russian Federation in compliance with federal laws, the executive state power body of a constituent entity of the

Russian Federation authorised to dispose of the land plots, whose state ownership is not delimited, after endorsement of the planning documentation in respect of the built-up territory in respect of which a decision has been rendered on the development thereof, and on the basis of an application for allotment of the land plot specified in Paragraph One of this item of the person that has made with the local authority a contract of development of the built-up territory, shall determine the specifications of connecting facilities to engineering networks, rate of payment for these connections and shall render a decision on allotting the said land plot.

The decision on allotment of a land plot specified in Paragraph Two of this item shall serve as a ground for fixing in compliance with the application of the person that has made with the local authority a contract of development of the built-up territory, and at the expense thereof the boundaries of such land plot and its registration in the state cadastre.

3. The granting of land plots for construction with preliminary agreeing upon of the sites for the placement of the projects shall be carried out on lease, and to persons mentioned in Item 1 of Article 20 of this Code - for permanent (unlimited) use, and to religious organisations for the construction of buildings, structures and facilities of religious and charitable purpose - for gratuitous limited use for the period of the construction of such buildings, structures and facilities.

4. The granting of a plot of land for construction purposes without a preliminary approval of the place where a facility is going to be located shall be accomplished as follows:

- 1) the accomplishment of the works of formation of the plot of land:
preparing a draft land plot boundary layout and the establishment of its boundaries on the terrain;
indicating the purpose of authorised use of the plot of land;
setting out technical specifications for the connection of the facilities to transmission lines and pipelines and payment for connecting projects to the network of service pipelines, communications and technical maintenance (hereinafter referred to as payment for connection);
making a decision to hold a sale (tender, auction) or a decision to grant the plots of land without holding a sale (tender, auction);
publishing an announcement of the sale (tender, auction) or of acceptance of applications for plots of land if they are going to be granted without a sale (tender, auction);
- 2) recording the plot of land in the state land registry in keeping with the rules set out in Article 70 of the present Code;

3) holding a sale (tender, auction) for the purpose of selling the plot of land or selling the right to conclude a contract of lease in respect of the plot of land or granting the plot of land for lease without a sale (tender, auction) on the application of a citizen or legal entity interested in granting the plot of land. It shall be admissible for plots of land to be leased without a sale (tender, auction) on the condition that an announcement is preliminarily and well in advance published on the availability of plots of land offered for this transfer in cases when there is only one application;

4) the signing of minutes on the results of the sale (tender, auction) or the signing of the contract of lease of the plot of land as the result of the granting of the plot of land without a sale (tender, auction).

5. The granting of a plot of land for construction purposes with a preliminary approval of the place where a facility is going to be located shall be accomplished as follows:

- 1) picking up a plot of land and making a decision in the manner established by Article 31 of the present Code on a preliminary approval of the place where a facility is going to be located;
- 2) accomplishing the work of formation of the plot of land;
- 3) recording the plot of land in the state land registry in keeping with the rules set out in Article 70 of the present Code;

4) making a decision whereby the plot of land is granted for construction purposes in keeping with the rules set out in Article 32 of the present Code.

6. If a plot of land has been formed but has not been assigned to a citizen or a legal entity, its granting for construction purposes shall be accomplished in compliance with Subitems 3 and 4 Item 4 of the present Article, unless other procedure is established under this Code.

7. A decision of the executive governmental body or local government body specified in Article 29 of the present Code whereby a plot of land is granted for construction purposes or the minutes of results of a sale (tender, auction) shall serve as grounds for the following:

- 1) the state registration of a right of permanent (ongoing) use in the case of granting of a plot of land for permanent (ongoing) use;
- 2) the conclusion of a sale contract and the state registration of the buyer's right of ownership of a plot of land in cases of granting of a plot of land by the right of ownership;
- 3) the conclusion of a contract of lease of a plot of land and the state registration of this contract in cases of lease of a plot of land.

8. A decision whereby a plot of land is granted for construction purposes or whereby it is refused or an extract from such a decision shall be issued to the applicant within seven days after the date of the decision.

9. A decision of refusal to grant a plot of land for construction purposes shall be subject to court appeal that can be taken by the applicant.

10. If a court recognises as invalid a refusal to grant a plot of land for construction purposes the court in its decision shall obligate the executive governmental body or local government body specified in Article 29 of the present Code to grant a plot of land and indicate the terms and conditions for the granting thereof.

11. A preliminary approval of the place where a facility is going to be located shall be secured in the case of a facility being located in a city/town or rural inhabited locality under city construction documentation concerning the construction and the rules of land use and development (zoning) and also in cases when a plot of land is granted for agricultural production or land plots from woodlands or to a citizen for individual housing construction or personal auxiliary farming purposes.

12. Foreign citizens, persons without citizenship and foreign legal entities may obtain plots of land for construction purposes in the manner established by the present article in keeping with Item 2 of Article 5, Item 3 of Article 15, Item 1 of Article 22 and Items 4 and 5 of Article 28 of the present Code.

13. A joint stock company one hundred percent of whose shares is owned by the Russian Federation, a management company in case of engaging its services in the procedure stipulated under the legislation of the Russian Federation on special economic zones, for purposes of performing the functions associated with creation by using the funds of the federal budget, budget of the subject of the Russian Federation or local budget of objects of realty within the bounds of a special economic zone and on the territory adjoining thereto and with the management of those and earlier created such objects or the resident of special economic zone shall receive land plots without conducting tenders and prior approval of places to site those objects on the basis of applications filed in accordance with the legislation of the Russian Federation on special economic zones.

Article 30.1 Specifics of Provision of Land Plots for Housing Construction out of Land Held in State or Municipal Ownership

1. Land plots for housing construction out of land held in state or municipal ownership shall be made available either for ownership or lease, and in the cases established by Subitem 5 of Item 1 of Article 24 - for gratuitous fixed-time use without preliminary coordination of the site of the project.

2. The selling of land plots for housing construction or the selling of the right to make agreements for the lease of land plots for housing construction shall be carried out at auctions, except for the cases specified by Subitem 5 of Item 1 of Article 24, Subitem 2.1 of Article 30 and Item 27 of Article 38.1 of this Code.

3. Provision of a land plot for lease for individual housing construction may be effected on the basis of an application filed by a citizen interested in having a land plot thus provided.

The executive state body or local self-government body designated under Article 29 of this Code shall, within a two week period from receipt of an application of citizen for leasing a land plot, have the right to make a decision either to hold an auction for selling the land plot or the right to conclude an agreement for lease of the said land plot or to publish information of taking applications for leasing such land plot, by indicating the site of location of the land plot, its floor space, permitted use in a printed periodical to be designated by the Government of the Russian Federation or a higher state executive body of the subject of the Russian Federation or by the head of a municipal entity, accordingly and also to post on the Internet information about said applications on an official website of the Government of the Russian Federation, the subject of the Russian Federation, or municipal entity accordingly (with the availability of an official website of a municipal entity).

In event when, upon the expiration of a month since publication of information about taking applications for leasing a land plot, no application is received, the executive body of state authority or local self-government body designated under Article 29 of the Code shall take a decision to provide such a land plot for housing construction for lease to a citizen specified in Paragraph One of this Item. An agreement of lease of the land plot shall be made with the said citizen within a two week period following state cadastre registration of the said land plot.

When an application for lease of the land plot is received, an auction shall be held to sell the right to conclude an agreement for lease of the land plot.

Article 30.2. Specifics of Provision of Land Plots for Its Complex Development for Purposes of Housing Construction out of Land Held in State or Municipal Ownership

1. Land plots shall, for their complex development for the purposes of housing construction, which includes preparation of documents on territory layout, execution of work associated with functional preparation of the territory by construction of facilities of engineering infrastructure, the carrying out of housing and other construction in accordance with types of permitted use, out of land held in state or municipal ownership, be made available for lease without preliminary coordination of the site of the project.

2. Provision for lease of a land plot for its complex development for the purposes of housing construction shall be effected at an auction per procedure established under Article 38.2 of the Code.

3. The leaseholder of the land plot provided for its complex development for purposes of housing construction shall be obligated to comply with the requirements specified under Subitems (6-8) of Item 3 of Article 38.2 of the Code.

4. The leaseholder of the land plot granted for its complex development for purposes of housing construction shall have the right specified under Item 9 of Article 22 of the Code, regardless of the duration of agreement for lease of such land plot. Importantly, the new right-holder shall take over the obligations to meet the requirements specified under Item 3 of this Article concerning complex development of the land plot for the purposes of housing construction.

5. The leaseholder of the land plot provided for its complex development for purposes of housing development shall, following approval in the established procedure of the documents on territory layout and state cadaster registration of land plots intended for housing and other construction in accordance with types of permitted use, within the boundaries of land plot earlier provided, have an exclusive right to acquire said land plots into ownership or for lease.

6. The owner or leaseholder of land plots specified under Item 5 of this article intended for housing and other construction shall be obligated to comply with the requirements envisaged under Subitem (8) of Item 3 of Article 38.2 of the Code.

7. In case of turnover of land plots specified under Item 5 of this article intended for housing and other construction, new right-holders shall assume the obligations to comply with the requirements specified under Subitem 8 of Item 3 of Article 38.2 of the Code.

8. In case of non-fulfillment of obligations specified under Items 3, 4, 6 and 7 of this article and also in case of inadequate fulfillment of obligations, the rights to land plots may be terminated in accordance with this Code and the civil legislation.

9. In case of non-fulfillment of obligations specified under Items 3, 4, 6 and 7 of this article and also in case of inadequate fulfillment of obligations, a fine shall be collected in the amount of 1/150 of the refinance rate of the Central Bank of the Russian Federation prevailing on the day of fulfillment of such obligations, from the amount of the lease payment or the amount of the land tax for each day of delay, unless otherwise is provided under the agreement.

Article 31. Selection of Plots of Land for Construction Purposes

1. A citizen or legal entity interested in granting a plot of land for construction purposes shall file an application with the executive governmental body or local government body specified in Article 29 of the present Code for selection of a plot of land and a preliminary approval of the place where a facility is going to be located. The application shall contain an indication of the intended purpose of the facility, the would-be place of its location, a substantiation of a rough size of the plot of land and the kind of right requested for the plot of land. The application may be accompanied with a construction project feasibility study or the necessary calculations.

2. Upon the application of a citizen or a legal entity or the executive governmental body specified in Article 29 of the present code the local government body shall arrange for selection of a plot of land on the basis of state land registry documents and land management documents with due regard to the ecological, city construction and other conditions of use of the respective territory and sub-soil within the boundaries thereof by means of determining options for the location of the facility and securing approvals in the cases specified by federal laws from appropriate state bodies, local government bodies and municipal organisations.

The necessary information on authorised purpose of use of plots of land and on the provision of engineering, transport and social infrastructure facilities for these plots of land, the technical specifications for connecting the facilities to transmission lines and pipelines and also stand-by land registry maps (layouts) containing information on the location of plots of land shall be granted free of charge by appropriate state bodies, local government bodies, municipal organisations within two weeks after the receipt of a inquiry from the local government body.

3. The local government bodies of city/town or rurally inhabited localities shall inform the general public of the possible or forthcoming offer of plots of land for construction.

Citizens, public organisations (associations), religious organisations and the bodies of territorial social self-government shall have the right to participate in the solution of issues concerning the interests of the population and religious organisations and associated with withdrawal, including by way of purchase, of land plots for state and municipal needs and granting of such land plots for construction.

When plots of land are granted in the areas of traditional residence and economic activities of small-numbered indigenous peoples of the Russian Federation and ethnic communities for purposes not relating to their traditional economic activities and traditional trades meetings and referendums of citizens may be convened on the issues concerning the exclusion from alienability, in particular, by means of a compulsory purchase of plots of land for state or municipal needs and the granting of plots of land for the construction of facilities whose location affects the lawful interests of the said peoples and communities.

The executive governmental bodies or local government bodies specified in Article 29 of the present Code shall make decisions as to the granting of approval to the places of location of the facilities with due regard to the results of such meeting or referendums.

4. The local government body shall inform the users of land, tenants and lessees who hold state-owned or municipally-owned plots of land and whose lawful interests can be affected resulting from a possible exclusion from alienability for state and municipal needs of the plots of land they use or possess respectively in connection with the granting of these plots of land for construction purposes. If for the purpose of locating facilities compulsory purchase of plots of land owned by citizens or legal entities is to be effected, the local government body shall inform the owners of such plots of land of their would-be compulsory purchase. The procedure and conditions for the provision of such information may be established by federal laws and laws of Russian regions.

5. The results of selection of a plot of land shall be made formal by drawing up a certificate of selection of plots of land for construction purposes or where necessary also for the purposes of establishing a security or sanitary-protection area for such a plot of land. Attached to the certificate shall be a draft land plot boundary layout approved by the local government body for each plot in compliance with feasible selection options.

In the case of a would-be exclusion from alienability, in particular, by means of a compulsory purchase of a plot of land for state or municipal needs, the certificate of selection of the plot of land shall be in particular accompanied by calculation of the losses of owners of plots of land, users of land, tenants, lessees of plots of land.

6. The executive governmental body or local government body specified in Article 29 of the present Code shall adopt a decision of preliminary approval of the place where a facility is going to be located whereby the certificate of selection of plot of land is endorsed in line with one of the land plot selection options or a decision of refusal of location of the facility.

7. A copy of the decision of preliminary approval of the place of location of the facility accompanied with a draft land plot boundary layout or of the decision of refusal of location of the facility shall be handed over to the applicant within seven days after its endorsement.

8. A decision on a preliminary approval of the place of location of a facility shall serve as grounds for a subsequent decision to grant a plot of land for construction purposes and it shall be in effect for a three-year term.

If an owner of a plot of land, user of land, tenant or lessee of plot of land carries out construction on the plot of land or other improvement thereof as having been informed about a possible exclusion from alienability, in particular, by means of compulsory purchase of the plot of land for state or municipal needs, the owner of the plot of land, user of land, tenant or lessee of the plot of land shall bear the risks of becoming liable for the expenses and losses relating to the construction on the plot of land or other improvement thereof. In the event of the realisation by the owner of a land plot, by a land user, a landed proprietor, an allotment holder of construction or any other improvements of the land plot located within the boundaries of lands after the informing of said persons about the reservation of lands the owner of such land plot, the land user, the land proprietor and the allotment holder shall bear the risk by incurring expenses and losses connected with construction on such land plot or with any other improvement on it.

If upon the expiry of the effective term of the decision on a preliminary approval of the place of location of the facility no decision is made whereby a plot of land is granted, the persons whose rights have been limited shall claim reimbursement from the executive governmental body or local government body specified in Article 29 of the present Code which took such a decision of the losses incurred.

9. The decision of a preliminary approval of the place of location of a facility or of a refusal to allow the location of a facility shall be subject to court appeal that may be taken by the persons concerned. If a decision whereby the place of location of a facility was recognised by a court as invalid, the executive governmental body or local government body specified in Article 29 of the present Code which made such a decision shall reimburse the citizen or legal entity for the expenses incurred by them in connection with the preparation of documents required for the making of a decision as to a preliminary approval of the place of location of the facility.

10. In the Russian regions being the federal-significance Cities of Moscow and St.Petersburg, the selection of plots of land for construction purposes shall be carried out by the executive body of a relevant Russian region, except as otherwise required by the laws of these Russian regions.

Article 32. Making Decisions to Grant a Plot of Land for Construction Purposes

1. A decision whereby a preliminary approval is granted to the place of location of a facility and a draft land plot boundary layout shall serve as ground for the establishment on the applications of citizens or legal entities interested in granting a plot of land for construction purposes and on their account of the boundaries of such a plot of land on the terrain and for recording it in the state land registry in the manner established by federal laws.

2. On the basis of an application filed by a citizen or a legal entity interested in granting a plot of land for construction purposes and a land registry map (layout) of the plot of land, the executive

governmental body or local government body specified in Article 29 of the present Code shall within two weeks make a decision as to the granting of the plot of land for construction purposes.

3. Abrogated from January 1, 2007.

4. Conditions for the granting of plots of land for state or municipal needs shall envisage a reimbursement of all expenses relating to the exclusion of such plots of land from alienability incurred by users of land, tenants, to the rescission or termination of the contracts of lease relating thereto. The conditions may also envisage rights of other persons as a charge on the plots of land being granted or the limitations on the use of plots of land stipulated by Article 56 of the present Code.

Article 33. Rates Applicable in the Granting of Plots of Land

1. The limits (maximum and minimum) on the size of a plot of land granted to a citizen to become the citizen's property out of state-owned or municipally-owned land for the purpose of running a peasant's (farmer's) farm, for gardening, vegetable farming, cattle-breeding or summer cottage construction purposes shall be set by the laws of Russia's regions and for the purpose of running a personal auxiliary farm and for individual housing construction purposes by regulatory legal acts of local government bodies.

2. The maximum limits on the size of a plot of land granted free of charge to a citizen to become his property for the purposes envisaged by the rules set out in Item 1 of the present article shall be set by:
federal laws: out of federally-owned land;
laws of Russian regions: out of the land owned by Russian regions;
regulatory legal acts of local government bodies: out of the land owned by municipal entities.

3. For purposes not mentioned in Item 1 of the present article, the maximum limits on the size of a plot of land shall be set in keeping with the land allocation rates approved in the established manner for specific types of activity or under the land use and development rules, land management, city construction and design documentation.

Article 34. Procedure for Granting State-Owned or Municipally-Owned Plots of Land to Citizens for Purposes Not Relating to Construction

1. Governmental bodies and local government bodies shall make sure the plots of land they own and/or control are managed and disposed of on the principles of effectiveness, justice, public awareness, openness and transparency of the procedures whereby such plots of land are granted. For this purpose the said bodies shall:

adopt an act establishing procedures and criteria for the granting of such plots of land, in particular a procedure for consideration of application and decision-making. Consideration shall be given to all applications received by the date set by the said procedures. No preferences or special treatment shall be offered to specific categories of citizens, except as otherwise established by law;

authorise a special body to manage and dispose of plots of land and other immovable property;
make sure information is prepared on plots of land which are granted to citizens and legal entities on the basis of a specific right and on announced terms and conditions (for payment or free of charge) and is published in advance.

2. Citizens interested in granting or transferring plots of land into ownership or lease out of state-owned or municipal property for purposes not relating to construction shall file an application with the executive governmental body or local government body specified in Article 29 of the present Code.

3. The application indicated in Item 2 of the present article shall define a purpose of the use of the plot of land, its would-be size and location and the type of right to land requested.

4. On the basis of the application specified in Item 2 of the present article or an application of the executive governmental body specified in Article 29 of the present Code the local government body or an appropriate land management organisation acting on the instructions thereof shall within one month make sure a draft land plot boundary layout is drawn up and endorse it.

5. The executive governmental body or local government bodies specified in Article 29 of the present Code shall within two weeks take a decision to grant the plot of land asked for into ownership for payment or free of charge or a decision to grant the plot of land into lease, with a draft land plot boundary layout being attached thereto.

6. A contract of sale or lease of the plot of land shall be concluded within one week after the applicant's having filed a land registry map (layout) for the plot of land with the executive governmental body or local government body specified in Article 29 of the present Code.

Article 35. Transfer of a Right to a Plot of Land in the Case of Transfer of the Right of Ownership of a Building, House or Structure

1. In the case of transfer of the right of ownership of a building, house or structure located on another person's plot of land to another person he shall acquire the right of using the relevant part of the plot of land occupied by the building, house or structure which is necessary for the purpose of using them, on the same terms and within the same scope as the former owner thereof.

In the case of transfer of the right of ownership of a building, house or structure to several owners, the procedure for the use of the plot of land shall be determined with account taken of the shares in the right of ownership to the building, house or structure or the prevailing procedure for the use of the plot of land.

2. The area of the portion of the plot of land occupied by the building, house or structure which is necessary for the use thereof shall be calculated in compliance with Item 3 Article 33 of the present Code.

3. The owner of a building, house or structure located on another person's plot of land shall enjoy a preferential right of buying or leasing the plot of land which is exercised in the manner established by civil legislation for cases of the sale of a share in a right of common ownership to an outsider. If the plot of land is owned by the state or municipal entity, the rules set out in Item 1 Article 36 of the present Code shall apply.

4. Taking of a building, house or structure located on a plot of land which are owned by one person shall be effected together with the plot of land, except for the following cases:

1) taking of a part of a building, house or structure which cannot be physically separated together with a part of the plot of land;

2) taking of a building, house or structure located on a plot of land excluded from alienability under Article 27 of the present Code.

Taking of a building, house, structure located on a plot of land of limited alienability which are owned by one person shall be effected together with the plot of land if a federal law permits to grant such a plot of land into the ownership of citizens and legal entities.

It is prohibited to alienate a plot of land without the building, house, structure located thereon if they are owned by the same person.

Taking of a share in the right of ownership of a building, house or structure located on a plot of land owned by several persons shall cause taking of a share in the right of ownership of the plot of land pro rata to the share in the right of ownership of the building, house or structure.

5. Foreign citizens, persons without citizenship and foreign legal entities being owners of buildings, houses or structures located on another person's plot of land shall enjoy a preferential right of buying or leasing the plot of land in the manner established by the present article and in compliance with Item 2 Article 5, Item 3 Article 15, Item 1 Article 22 and Items 4 and 5 Article 28 of the present Code. The President of the Russian Federation may establish a list of types of building, house or structure not covered by this rule.

Article 36. Acquisition of Rights to State-Owned or Municipally-Owned Plots of Land Where Buildings, Houses or Structures Are Located

1. Citizens and juridical persons, having in ownership, gratuitous use, economic jurisdiction or operating management, buildings, structures or facilities situated on land plots that are in state or municipal ownership shall acquire rights to such land plots in accordance with this Code,

If not otherwise established by federal laws, an exclusive right to privatise land plots or to acquire the right of lease of land plots shall be enjoyed by citizens and legal entities being the owners of the buildings, constructions and structures. The said right shall be exercised in the manner and on the conditions established by the present Code and federal laws.

Religious organisations owning buildings, structures and facilities of religious and charitable purpose situated on land plots that are in state or municipal ownership shall be granted such plots into ownership free of charge.

Religious organisations having in accordance with federal laws on the right of gratuitous use buildings, structures and facilities of religious and charitable purpose situated on land plots that are in state or municipal ownership shall be granted such land plots on the right of gratuitous limited use for the period of the gratuitous use of such buildings, structures and facilities.

1.1. Land plots which are in the state or municipal ownership shall be sold to owners of buildings, structures and constructions located on these land plots at the price fixed accordingly by executive power bodies and local authorities. A procedure for determination of the price of these land plots and payment for them shall be established in respect:

1) of land plots which are in federal ownership - by the Government of the Russian Federation;

2) of land plots owned by constituent entities of the Russian Federation or in respect of which state ownership is not delimited - by state power bodies of constituent entities of the Russian Federation;

3) of land plots which are in municipal ownership - by local authorities.

1.2. The price of the land plots cited in Item 1.1 of this Article may not exceed their cadastral value. Pending the establishment by the Governments of the Russian Federation, the state power body of a constituent entity of the Russian Federation or a local authority of a procedure for fixing the price of a land plot it shall be fixed in the amount of the cadastral value thereof.

2. In an existing construction pattern plots of land on which structures incorporated in the common property of the apartment building, residential buildings and other houses are located shall be

granted as a common property into share ownership of the landlords in the manner and on the conditions established by the housing legislation.

3. If a building (accommodations therein) located on an indivisible plot of land is owned by several persons these persons are entitled to acquire share ownership of this plot of land or lease with several persons as lessee of this plot of land, except as otherwise required by the present Code and federal laws, subject to shares in ownership of the building.

If accommodations in a building located on an indivisible plot of land are owned by certain persons, are under the economic management or day-to-day management of other persons or under the economic management of all of them such persons are entitled to acquire this plot of land on lease terms with several persons as lessee, except as otherwise required by the present Code and federal laws. In this case a contract of lease of the plot of land shall be concluded on the condition that the parties agree to accession to this contract of other holders of a right to accommodations in this building.

Budget-supported enterprises and state or municipal institutions being holders of rights to accommodations in the building shall enjoy the right of a limited use of the plot of land for the purpose of exercising their rights to the accommodations they have.

4. If accommodations in a building located on an indivisible plot of land are granted to several budget-supported enterprises and state or municipal institutions, this plot of land shall be granted to the person that owns the greater part of premises in the building for permanent (ongoing) use and the rest of these persons shall enjoy a right of limited use of the plot of land for the purpose of exercising their rights to the accommodations granted to them.

5. For the purpose of acquiring a right to the plot of land the citizens or legal entities specified in the present article shall jointly file an application for acquisition of rights to the plot of land with the executive governmental body or local government body specified in Article 29 of the present Code, with a land registry map (layout) of the plot of land being attached to the application.

A list of documents to be attached to the application for acquisition of rights to a land plot shall be established by the federal executive body authorized to exercise the functions of normative legal regulation of land relations. Executive state power bodies or local authorities are not entitled to demand of an applicant the submission of any additional documents, except for those provided for by the said list.

6. The executive governmental body or local government body specified in Article 29 of the present Code shall within one month after the receipt of the application mentioned in Item 5 of the present article make a decision as to a gratuitous granting of the plot of land for ownership in keeping with Item 2 Article 28 of the present Code and in the cases specified in Item 1 Article 20 of the present Code by the right of permanent (ongoing) use or shall prepare a draft contract of sale or a draft contract of lease of the plot of land and forward it to the applicant together with a proposal for entering into a relevant contract.

7. If there is no land registry map (layout) of the plot of land, the local government body acting on the application of the citizen or the request of the legal entity or on the application of the executive governmental body specified in Article 29 of the present Code and on the basis of a stand-by land registry map (layout) containing data on the location of the plot of land and city construction documents shall within one month after the receipt of the said application or request shall arrange for the drawing of a land registry map (layout) of the plot of land and shall endorse land plot boundary draft.

The boundaries and size of the plot of land shall be determined with account taken of the actually used area of the plot of land in compliance with the granting of the land and city construction legislation. The boundaries of the plot of land shall be established with account taken of red lines, the boundaries of adjacent plots of land (if any), the natural boundaries of the plot of land.

8. The executive governmental body or local government body specified in Article 29 of the present Code shall within two weeks after the filing of the draft land plot boundary layout make a decision as to the granting of the plot of land to the persons specified in Item 5 of the present article and forward to them a copy of the decision together with the draft land plot boundary layout.

On the basis of the draft land plot boundary layout the boundary of the plot of land shall be established on the terrain on the account of the said persons and arrangements shall be made for drawing up a land registry map (layout) of the plot of land.

9. Foreign citizens, persons without citizenship and foreign legal entities being the owners of buildings, houses and structures shall be entitled to acquire title to plots of land in the manner established by the present item and in compliance with Item 2 of Article 5, Item 3 of Article 15 and Items 4 and 5 of Article 28 of the present Code.

Article 37. Peculiarities of the Purchase and Sale of a Plot of Land

1. Only plots of land recorded in the state land registry shall be the object of a purchase/sale. At the conclusion of a sale contract the seller shall provide the buyer with the information he has as concerning the encumbrances of the plot of land and limitations on the use of the plot of land.

2. The following terms and conditions of a purchase/sale of a plot of land shall be invalid:
establishing the seller's right to buy back the plot of land at the seller's own discretion;

imposing a limitation on the further disposition of the plot of land, in particular, on the mortgaging or leasing of the plot of land, on the accomplishment of other deals with land;

imposing a limitation on the seller's liability in the case of claims of third persons in respect of plots of land.

The said provisions shall also be applicable to a contract of barter.

3. If the seller furnishes deliberately false information to the buyer on the encumbrances of a plot of land and limitations on the use thereof in compliance with authorised use; on a building permit relating to construction on the plot of land; on the use of neighbouring plots of land significantly affecting the use and value of the plot in land offered for sale; on the qualitative properties of earth that can affect the use and value of the plot of land offered for sale which are planned by the buyer; other information capable of affecting the buyer's decision as to the purchase of the plot of land and information that must be provided under federal laws, the buyer shall be entitled to claim a cut in the purchase price or termination of the contract of sale of the plot of land and damages for the losses incurred.

4. The provisions of Item 3 of the present article shall also be applicable in the case of barter of a plot of land or lease of a plot of land.

Article 38. Acquisition of a Plot of Land out of State-Owned or Municipal Land or of a Right to Enter Into a Contract of Lease of Such a Plot of Land at Sale (Tender, Auction)

1. The object of a sale (tender, auction) may be a plot of land formed up in compliance with Subitem 1 Item 4 Article 30 of the present Code with set boundaries or a right to enter into a contract of lease of such a plot of land.

2. The seller of the plot of land or the right to enter into a contract of lease of such a plot of land shall be the executive governmental body or local government body specified in Article 29 of the present Code.

The sale (tender, auction) shall be organised by the owner or a specialised organisation acting under a contract with the owner.

3. The owner of the plot of land shall decide the form of the sale (tender, auction), the initial selling price of the object of the sale (tender, auction) and the amount of earnest money.

4. The procedure for organising and conducting a sale (tender, auction) for the purpose of selling plots of land or rights to enter into contracts of lease of such plots of land shall be determined by the Government of the Russian Federation in compliance with the Civil Code of the Russian Federation and the present Code.

5. The procedure for the organisation and holding of auctions for selling land plots out of land held in state or municipal ownership or the right to make agreements for lease of land plots out of land held in state or municipal ownership, for housing construction shall be determined by Article 38.1 of the Code.

6. The procedure for the organisation and holding of auctions for selling the right to make agreements for the lease of land plots out of land held in state or municipal ownership, for its complex development for purposes of housing construction shall be determined by Article 38.2 of the Code.

Article 38.1 The Procedure for the Organisation and Holding of Auctions to Sell Land Plots out of Land Held in State or Municipal Ownership or the Right to Make Agreements for Lease of the Land Plots out of Land Held in State or Municipal Ownership, for Housing Construction

1. The auction to sell a land plot out of land held in state or municipal ownership or the right to make an agreement for lease of such a land plot for housing construction (except for individual and low-floor housing construction) shall be held only in respect to a land plot that has undergone state cadastre registration, in case when a decision has been made as to the permitted use of such land plot based on the results of engineering surveys, parameters of permitted construction of the project of capital construction and also the technical regulations for connection of the project to the network of service pipelines, communications and technical maintenance and payment for the connection.

2. An auction to sell a land plot out of land held in state or municipal ownership or the right to make an agreement for lease of such a land plot for individual and low-floor housing construction shall be held only in respect of a land plot that has undergone state cadastre registration in case when a decision has been made as to the permitted use of such land plot and also the technical regulations for connection of the project to service pipelines, communications and technical maintenance and payment for the connection.

3. An auction to sell a land plot for housing construction out of land held in state or municipal ownership or the right to make an agreement for leasing such a land plot shall be open in terms of participants therein and the form in which the application shall be filed (hereinafter referred to as an auction for purposes of this Article).

4. The executive state power body or local self-government body designated under Article 29 of the Code shall act as the seller of a land plot or of the right to make an agreement for leasing such a land plot.

- 5.** The seller of the land plot or of the right to make an agreement for leasing such land plot shall make a decision as to holding an auction.
- 6.** The auction promoter shall be the seller of the land plot or of the right to make an agreement for leasing the land plot or a specialized organisation operating under an agreement with the promoter.
- 7.** The seller of the land plot or of the right to make an agreement for leasing such land plot shall determine a starting price for the object of the auction, the amount of deposit and essential terms of agreement, including a period of lease. The starting price for an object of the auction (starting price of a land plot or initial amount of lease payment) shall be fixed in accordance with the legislation of the Russian Federation on evaluation activity.
- 8.** The auction promoter shall fix the time, place and procedure for holding an auction, form and deadlines for filing applications for participation in the auction, procedure for payment and refund of deposit, the amount of increase in the starting price for the object of the auction ("the auction step"). The "auction step" shall be fixed within the limits ranging from one to five per cent from the starting price for the object of the auction.
- 9.** The auction promoter shall, within no less than thirty days before the day of the auction, publish a notification of holding an auction in a printed periodical to be designated by the Government of the Russian Federation, higher executive body of state authority of the subject of the Russian Federation or by the head of a municipal entity respectively and also post information on the Internet about holding an auction on an official website of the Government of the Russian Federation, executive body of the subject of the Russian Federation, or municipal entity accordingly (with the availability of an official website of the municipal entity)
- 10.** Notification or information about holding an auction shall include data specifying:
- 1) auction promoter;
 - 2) denomination of the state power body or local self-government body that has taken the decision to hold an auction, essential data of the decision;
 - 3) place, date, time and procedure for holding an auction;
 - 4) subject of the auction, including the site, floor space, boundaries, encumbrances on the land plot, restrictions associated with the use of same, cadastre No., permitted use of the land plot, parameters of permitted construction of the project of capital construction, technical regulations for connection of the project to the network of service pipelines, communications and technical maintenance and information on payment for the connection;
 - 5) starting price for the object of the auction (starting price of the land plot or initial amount of lease payment);
 - 6) "auction step";
 - 7) form of application for participation in the auction, procedure for admission, address of admission, date and time of commencement and termination of taking applications for participation in the auction;
 - 8) amount of deposit, procedure for paying deposit by participants in the auction and refund of same, essential requisites of account to remit the deposit to;
 - 9) essential terms of agreement, including a period of lease;
- 11.** The auction promoter shall have the right to decide not to hold an auction not later than fifteen days before holding the auction. The notification not to hold an auction shall be published by the auction promoter within three days in the printed periodicals which published a notification of the auction. The information of not holding an auction is posted on the Internet on an official website of the Government of the Russian Federation, executive body of the subject of the Russian Federation, municipal entity (if the municipal formation has an official website). The auction promoter shall within three days be obligated to notify the participants in the auction of its refusal to hold an auction and to refund to participants in the auction the deposit that has been paid.
- 12.** To take part in the auction the applicants shall submit within the deadline specified in the notification of the auction the following documents:
- 1) application for participation in the auction made after the pre-set form indicating the details required to refund the deposit;
 - 2) extract from the uniform state register of legal persons - in case of legal persons and an extract from the uniform state register of individual entrepreneurs - in case of individual entrepreneurs, copies of documents of identification - in case of individuals;
 - 3) documents confirming payment of deposit.
- 13.** The auction promoter shall have no right to demand that other documents over and above those specified under Item 12 of this Article be presented.
- 14.** The taking of documents shall cease no earlier than five days prior to the day of holding an auction.
- 15.** One applicant shall be entitled to file just one application for participation in the auction.
- 16.** The application for participation in the auction received upon the expiration of the deadline for taking such application shall be returned on the day of its receipt to the applicant.

17. The applicant shall not be admitted as a participant in the auction for the following reasons:

1) non-submission of documents specified under Item 12 of this article as essential for participation in the auction or submission of inaccurate data;

2) non-receipt of the deposit into the account specified in the notification of holding an auction, prior to the deadline for taking documents for participation in the auction;

3) submission of application for participation in the auction to sell a land plot by a person who under the federal laws has no right to acquire land plots as ownership;

18. Denying admission to participate in the tender for any other reasons, except those stated under Item 17 of this article, shall not be allowed.

19. The auction promoter shall keep a protocol of receipt of applications for the participation in the auction that shall carry data on applicants, dates of application filing, deposits paid, and also data on the applicants not admitted to participate in the auction by indicating reasons for denial. The protocol of receipt of applications shall be signed by the auction promoter within one day upon the expiry of the deadline for taking applications. The promoter shall become a participant in the auction as soon as the auction promoter has signed the protocol of receipt of applications.

20. The applicants recognized as participants in the auction and applicants not admitted to the auction shall be notified of the decision that has been taken, no later than within the next day following formalization of the decision as a protocol of receipt of applications for participation in the auction.

21. The auction promoter shall be obligated to refund the deposit that has been paid to the applicant not admitted to the auction, within three days after formalization of the protocol of receipt of applications for the auction.

22. The applicant shall have the right to withdraw an application for auction that has been accepted by the auction promoter prior to expiration of the deadline for taking applications by notifying thereof in writing the auction promoter. The auction promoter shall be obligated to return to the applicant the deposit that was paid within three days of registration of withdrawal of the application. Should an application be withdrawn by the applicant later than the expiration of the deadline for taking applications, the deposit shall be returned in the procedure established for auction participants.

23. The auction promoter shall keep a protocol of the auction to record the latest offer of a price for a land plot to be acquired as ownership or of the amount of lease payment.

24. The results of auctions shall be formalized as a protocol that shall be signed by the auction promoter and the winner of the auction on the day when the auction is held. The protocol of auction results shall be made up in duplicate, one of which shall be handed over to the auction winner and the other shall be kept by the auction promoter. The protocol shall also indicate:

1) the object of the auction including data on location, floor space, boundaries, encumbrances on the land plot, restrictions upon its use, its cadastre number, permitted use of the land plot, parameters of the permitted use of the object of capital construction based on the results of engineering surveys and on technical regulations for connection of the object to networks of service pipelines, communications and technical maintenance and also on payment due for the connection;

2) winner of the auction;

3) price of the land plot to be acquired into ownership or the amount of the lease payment therefor.

25. The auction promoter shall within three days from the signing of the protocol on auction results be obligated to return deposits to persons that participated in the auction but failed to win it.

26. The auction shall be declared invalid when:

1) the auction was attended by less than two persons;

2) following three announcements of the starting price for the object of the auction none of the participants in the auction declared his intention to acquire the object of the auction at its starting price.

27. In case when the auction is declared invalid for reasons specified under Subitem (1) of Item 26 of this article, the sole participant in the auction shall, no later than ten days after the day of the auction, have the right to conclude an agreement of purchase and sale or an agreement for lease of a land plot put on auction whereas the state power body or local self-government body, by whose decision the auction was held, shall be obligated to make an agreement with the sole participant in the auction at the starting price of the auction.

28. The auction promoter shall, in case when the auction is declared invalid or when no agreement of purchase and sale or agreement for lease of the land plot is made with the sole participant in the auction, have the right to announce a repeated auction. In that case the terms of the auction may be altered.

29. The information on auction results shall be published by the auction promoter within three days from the day of signing a protocol on auction results in the printed periodicals which have notified of holding the auction and shall also be posted on the Internet on an official website of the Government of the Russian Federation, executive authority of the subject of the Russian Federation, municipal entity (with the availability of an official website) accordingly.

Article 38.2. Specifics of Holding an Auction to Sell the Right to Conclude an Agreement for Lease of the Land Plot out of Land Held in State or Municipal Ownership, for Its Complex Development for Purposes of Housing Construction

1. An auction to sell the right to conclude an agreement for lease of a land plot out of lands held in state or municipal ownership for its complex development for purposes of housing construction (hereinafter referred to for purposes of this Article as an auction) shall be held only in respect of the land plot that has undergone state cadastre registration.

2. The auction shall be held in accordance with Article 38.1 of the Code with due regard for the provisions of this article.

3. The notification of holding the auction, in addition to data specified in Subitems 1-3, 6-9 of Item 10 of Article 38.1 of the Code, shall be required to specify:

1) the object of the auction, including data on the location, floor space, boundaries, encumbrances of the land plot, restrictions put on its utilization, cadastre number of the land plot;

2) price of redemption of land plots specified under Item 5 of Article 30.2 of the Code and intended for housing and other construction, estimated per unit of the floor space;

3) starting price of the object of the auction (starting price for the right to make an agreement for lease of the land plot intended for its complex development for purposes of housing construction);

4) the amount of lease payment for the land plot intended for its complex development for purposes of housing construction, estimated per unit of the floor space and procedure for alteration of same;

5) the methods to secure the obligations of complex development of the land plot for purposes of housing construction and the scope of same;

6) the maximum time limits for preparing a scheme of territory layout and a scheme of territory surveying within the boundaries of the land plot intended for its complex development for purposes of housing construction;

7) the maximum time limits for execution of work involved in functional preparation of the territory by way of construction of facilities of engineering infrastructure, to be passed over, upon termination of the construction, for state or municipal ownership and also the terms of such transfer;

8) the maximum time limits for carrying out housing and other construction in accordance with the types of permitted use of land plots.

4. Further to the requirements specified under Subitems (6-8) of Item 3 of this article other requirements may be set concerning complex development of the land plot. Notably, no requirements may be set pertaining to execution of any work or provision of services that may entail extra costs to the winner of the auction over and above those fixed under this Article.

5. To be able to take part in the auction, the applicants shall submit within the deadlines set in a notification of the auction documents specified under Item 12 of Article 38.1 of the Code and also documents carrying proposals regarding layout, surveying and development of the territory in line with the rules on land use and housing development and norms of town-planning design within the boundaries of the land plot the right to conclude an agreement for whose lease is to be acquired at an auction.

6. The auction promoter shall have no right to demand that other documents be presented except those specified under Item 5 of this article.

7. The winner at the auction shall be a participant in the auction that has offered the highest price for the right to make an agreement for lease of the land parcel for its complex development.

Article 39. Retaining a Right to a Plot of Land Enjoyed by Persons Not Being Owners of the Plot of Land in Cases of Destruction of a Building, House or Structure

1. In the case of destruction of a building, house or structure caused by fire, natural disaster or dilapidation, the rights to the plot of land granted for servicing them shall be retained by the persons who possess the plot of land by the right of permanent (ongoing) use or life-time inheritable possession on the condition that building, house or structure restoration shall be commenced within three years. The executive governmental body or local government body specified in Article 29 of the present Code shall have the right to extend this term.

2. The conditions for retaining the rights specified in Item 1 of the present articles by a lessee and sublessee shall be determined by the contract of lease (sublease) of a plot of land.

Chapter VI. The Rights and Duties of Owners of Plots of Land, Users of Land, Tenants and Lessees of Plots of Land in the Use of Plots of Land

Article 40. The Rights of Owners of Plots of Land to Use the Plots of Land

1. The owner of a plot of land shall be entitled to:

1) use in the established manner for his own needs the generally-spread mineral resources available on the plot of land, sweet underground water and also ponds, water-filled quarries in compliance with the legislation of the Russian Federation;

2) erect residential, production, cultural/everyday service and other buildings, houses, structures in keeping with the designated purpose of the plot of land and its authorised use, given the observance of the provisions of city construction regulations, building, ecological, sanitary and hygienic, fire and other rules and regulations;

3) accomplish in keeping with the authorised use irrigation, drainage, cultural-technical and other amelioration works, build ponds and other bodies of water in compliance with the ecological, construction, sanitary-hygienic and other special standards established by law;

4) exercise other rights of using the plot of land stipulated by law.

2. The owner of a plot of land shall have the right of ownership to:

1) the plantings, produced agricultural products and earnings from the sale thereof, except cases when the owner leases the plot of land, transfers it for permanent (ongoing) use or life-time inheritable possession or gratuitous fixed-term use;

2) abrogated.

Article 41. The Rights Whereby Plots of Land Can Be Used by Users of Land, Tenants and Lessees of Plots of Land

1. Persons not being owners of plots of land, except holders of easements, shall exercise the rights of owners of plots of land established by Article 40 of the present Code, except for the rights established by Subitem 2 Item 2 of the said article.

2. Under Item 1 Article 23 of the present Code the rights of persons using a plot of land under a private easement shall be determined by a contract, the rights of persons using a plot of land under a public easement shall be determined by the law or another regulatory legal act whereby the public easement has been instituted.

Article 42. The Duties of Owners of Plots of Land and Persons Not Being Owners of Plots of Land Relating to the Use of the Plots of Land

Owners of plots of land and persons not being owners of plots of land shall:

use the plots of land in compliance with their designated purpose and classification under a specific category of land and authorised use in a way that does not inflict harm to the environment, in particular, to land as a natural facility;

preserve the land boundary, survey and other special-purpose signs installed on the plots of land as required by the legislation;

take land preservation measures, observe the procedure for use of forests, bodies of water and other natural facilities;

commence the use of the plots of land in due time in case when a term is set for land reclamation in the contract;

make payment for the land when due;

while using the plots of land, observe the provisions of city construction regulations, building, ecological, sanitary-hygienic, fire and other rules and regulations;

to abstain from polluting, dumping, degrading and deteriorating land fertility on the lands of relevant categories;

comply with the other provisions of the present Code, federal laws.

Article 43. Exercising the Rights to a Plot of Land

1. Citizens and legal entities shall exercise their rights to plots of land at their own discretion, except as otherwise required by the present Code and federal laws.

2. Citizens' and legal entities' waiver of their rights to plots of land shall not entail a termination of their duties established by Article 42 of the present Code.

Chapter VII. Termination and Limitation of Rights to Land

Article 44. Grounds for Terminating the Right of Ownership of a Plot of Land

The right of ownership of a plot of land shall be terminated when the owner disposes of the plot of land for the benefit of other persons, the owner waives his right of ownership of the plot of land and when the plot of land is compulsorily taken from the owner in the manner established by the civil legislation.

Article 45. Grounds for Terminating the Right of Permanent (Ongoing) Use of a Plot of Land, the Right of Life-Time Inheritable Possession of a Plot of Land

1. The right of permanent (ongoing) use of a plot of land, the right of life-time inheritable possession of a plot of land shall be terminated when the user of land or tenant waive their right to the plot of land on the conditions and in the manner stipulated in Article 53 of the present Code.

2. The right of permanent (ongoing) use of a plot of land, the right of life-time inheritable possession of a plot of land shall be compulsorily terminated where:

- 1) the plot of land is used out of compliance with its designated purpose and classification under a specific category of land established by Article 7 and 8 of the present Code;
- 2) the plot of land is used in a way that causes a significant reduction of agricultural land fertility or a significant deterioration of the environment;
- 3) the following land legal offences that have been deliberately committed fail to be eliminated:
 - a poisoning, polluting, damaging or destroying the fertile layer of earth that result form a violation of the rules of handling fertilisers, plant growth agents, pesticides and other hazardous chemical or biological compounds in their storage, use or transportation and that have caused harm to human health or the environment;
 - violating of the land use regime established by applicable provisions of Articles 95-100 of the present Code in respect of the land of specially preserved natural territories, nature conservation and recreational-purpose land, history and culture-purpose land, especially valuable land, other land with special use terms and also lands exposed to radioactive contamination;
 - systematically failing to implement compulsory measures for land improvement, soil protection against wind and water erosion and prevention of other processes causing land deterioration;
 - systematically failing to pay land tax;
- 4) a failure to use a plot of land intended for agricultural production or housing or another construction in the cases stipulated by civil legislation for these purposes within three years, unless a longer term is set by a federal law, except for the period of time when the plot of land could not be used as earmarked due to natural calamity or other circumstances precluding such a use thereof;
- 5) the taking of a plot of land for state or municipal needs in compliance with the rules set out in Article 55 of the present Code;
- 6) requisition of a plot of land in compliance with the rules set out in Article 51 of the present Code;
- 7) in other cases provided for by federal laws.

3. The decision of termination of rights to plots of land in the cases specified in Item 2 of the present article shall be adopted by the court in compliance with Article 54 of the present Code, except for the cases established by federal laws.

Article 46. Grounds for Terminating Lease of a Plot of Land

1. The lease of a plot of land shall be terminated on the grounds and in the manner laid down in civil legislation.

2. Apart from the cases mentioned in Item 1 of the present article, the lease of a plot of land may be terminated on the lessor's initiative in the case of:

- 1) the use of the plot of land out of compliance with its designated purpose and classification under a specific category of land specified in Article 8 of the present Code;
- 2) the use of the plot of land causing a significant deterioration of agricultural land fertility or the environment;
- 3) a failure to eliminate a deliberate land offence that manifested itself as poisoning, polluting, damaging or destroying the fertile soil layer as the result of violation of the rules of handling fertilisers, plant growth agents, pesticides and other hazardous chemical or biological compounds in their storage, use and transportation that have caused harm to human health or the environment;
- 4) a failure to use the plot of land intended for agricultural production or housing or other construction within three years, unless a longer term is set by a federal law or the contract of lease of the plot of land, with the exception of the period of time required for land plot reclamation and also the period of time in which the plot of land could not be used as earmarked due to a natural disaster or other circumstances precluding such use;
- 5) the plot of land being taken for state or municipal needs in compliance with the rules established by Article 55 of the present Code;
- 6) requisition of the plot of land in compliance with the rules established by Article 51 of the present Code;
- 7) in other cases provided for by federal laws.

3. Termination of lease of a plot of land on the grounds specified in Subitem 2 Item 2 of the present article is prohibited:

- 1) during the term of field agricultural works;
- 2) in the other cases established by federal laws.

Article 47. Grounds for Terminating the Right of Gratuitous Fixed-Term Use of a Plot of Land

1. The right of gratuitous fixed-term use of a plot of land shall be terminated by decision of the person who has granted the plot of land or by agreement of the parties:

- 1) upon the expiry of the term for which the plot of land was granted;
- 2) on the grounds specified in Items 1 and 2 Article 45 of the present Code.

2. The right to a service land allocation shall be terminated by virtue of termination of the employee's labour relations in relation to which the land allocation has been granted, except for the cases specified in Items 3 and 4 of the present article.

3. The right to a service land allocation shall be retained by an employee who has terminated labour relations at his old-age or disability retirement.

4. The right to a service land allocation shall be retained by a member of the family:

1) of an employee drafted to undergo fixed-term military or alternative service, for the whole term of service;

2) of an employee enrolled to undergo training/education, for the whole term of studies in the educational institution;

3) an employee killed in connection with his execution of service duties.

The right to a service land allocation shall be retained by a disabled spouse and old-age parents of the employee for life-time, and by the employee's children until they become adult.

5. Termination of the right to a service land allocation shall be made formal by a decision of the organisation that has granted this service plot of land for use.

6. An employee who has terminated labour relations with the organisation that has granted a service plot thereto for use shall be entitled to use this service plot of land after the termination of labour relations during a term required for completing agricultural works.

Article 48. Grounds for Terminating an Easement

1. A private easement may be terminated on the grounds set out in the civil legislation.

2. A public easement may be terminated by the adoption of an act of termination of the easement in case when the needs for which it has been instituted no longer exist.

Article 49. Seizure, in Particular, by Means of Compulsory Purchase Plots of Land for State or Municipal Needs

1. Seizure, in particular by means of compulsory purchase for state or municipal needs, shall be effected in exceptional cases relating to:

1) performance under the international obligations of the Russian Federation;

2) the siting of the following projects of state or municipal significance in the absence of other versions of possible siting of those projects;

facilities of federal power supply systems and facilities of power supply systems of regional importance;

atomic energy facilities;

defence and security facilities;

facilities of federal transport, railways, informatics and communication and also facilities of transport, railways, informatics and communication of regional significance;

facilities providing for space activity;

facilities providing for the status and protection of the State border of the Russian Federation;

linear facilities of federal and regional significance providing for the activity of subjects of natural monopolies;

facilities of electric power, gas, heat and water-supply of municipal significance;

motor roads of federal, regional or intermunicipal, as well as of local importance.

3) other circumstances in the cases established by federal laws and in as much as it concerns the seizure, in particular, by means of compulsory purchase of plots of land owned by Russian regions or municipal entities in the cases established by laws of Russian regions.

2. Abolished from January 5, 2005.

3. The conditions and the procedure for seizure, in particular, by means of compulsory purchase of plots of land for state or municipal needs are established by Article 55 of the present Code.

Article 50. Confiscation of a Plot of Land

A plot of land may be taken from its owner without compensation by decision of a court in the form of penalty for committing a crime (confiscation).

Article 51. Requisition of a Plot of Land

1. In cases of natural disasters, accidents, epidemics, epizootic, or other circumstances which bear an extraordinary character, a plot of land may be taken temporarily from its owner by authorised executive governmental bodies for the purpose of protecting vital interests of citizens, the society and the state from threats emerging in connection with these extraordinary circumstances, with the owner of the plot of land being compensated for losses incurred (requisition) and a document on requisition being issued to the owner.

2. Requisition shall not include the taking of plots of land, in particular, by means of compulsory purchase for state or municipal needs on the conditions and in the manner established by Article 55 of the present Code.

3. If a requisitioned plot of land cannot be returned, compensation shall be paid to the owner thereof for the market value of the plot of land set in compliance with Article 66 of the present Code or a plot of land of equal value shall be granted to the owner, if he so wishes.

4. An owner of a plot of land whose plot of land has been requisitioned shall be entitled when the circumstances due to which the requisition occurred to claim in court return of the requisitioned plot of land.

5. Upon the onset of the circumstances specified in Item 1 of the present article, given the lack of need for requisition of a plot of land, it can be temporarily, for the effective term of such circumstances, occupied to be used for the purposes specified in Item 1 of the present article, with compensation paid to the owner of the plot of land for losses incurred in connection with the temporary limitation of his rights.

6. The valuation used to compensate the value of a requisitioned plot of land to the owner thereof, losses incurred in connection with the requisition thereof or temporary limitation of the owner's rights shall be subject to dispute in a court initiated by the owner of the plot of land.

Article 52. Conditions and Procedure for Disposal of a Plot of Land

A plot of land may be disposed of by its owner for the benefit of other persons in the manner established by the civil legislation, with due regard to the limitations on the alienability of plots of land envisaged by Article 27 of the present Code.

Article 53. Conditions and Procedure for a Person's Waiver of His Right to a Plot of Land

1. Abrogated from January 1, 2007.

2. In the case of a waiver of the right of ownership of a plot of land the plot of land shall acquire the legal status of an ownerless immovable object in respect of which procedure for termination of a right to such a thing is established by the civil legislation.

3. In the event of waiving the right to permanent (termless) use of a land plot or the right to life-long heritable tenure thereof, an application for waiver of the right to a land plot shall be filed with the executive state power body or local authority provided for by Article 29 of this Code. To an application for waiver of the right to permanent (termless) use of a land plot or the right to life-long heritable tenure thereof shall be attached the cadastral map (plan) of the land plot (if any), the originals of the documents proving the right to the land plot or, where there are no such documents, a copy of the decision of the executive state power body or local authority on allotment of the land plot, as well as a copy of the document certifying the identity (if an individual) or a copy of the document certifying the state registration of a legal entity. To applications of the legal entities specified in Item 1 of Article 20 of this Code and of the state and municipal enterprises has to be attached the document proving the consent of the body that has established the appropriate legal entity or of another body, acting in the name of the founder thereof, to the waiver of the right to permanent (termless) use of the land plot.

4. In the event of waiving the right to permanent (termless) use of a land plot or the right to life-long heritable tenure thereof, the executive state power body or local authority provided for by Article 29 of this Code on the basis of an application for waiver of the right to the land plot within a one-month term as of the date of receiving such application shall render a decision on termination of either the right to permanent (termless) use of the land plot or the right to life-long heritable tenure of the land plot.

A copy of the decision specified in this item shall be sent to the person that has filed an application for waiver of the right to the land plot.

5. The right of a person that has filed an application for waiver of the right to a land plot which is not registered in the Comprehensive State Register of Rights to Immovable Property and Transactions Therewith shall be terminated as of the time of rendering the decision specified in Item 4 of this Article.

If the right to a land plot has been previously registered in the Comprehensive State Register of Rights to Immovable Property and Transactions Therewith, the executive state power body or local authority provided for by Article 29 of this Code within a one-week term as of the date of rendering the decision indicated in Item 4 of this Article shall be obliged to apply to the body engaged in the state registration of rights to immovable property and transactions therewith for the state registration of termination of the right to permanent (termless) use of the land plot or the right to life-long heritable possession of the land plot.

6. The executive state power body or local authority provided for by Article 29 of this Code shall be obliged to notify of waiver of the right to a land plot, the right to which has not been previously registered in the Comprehensive State Register of Rights to Immovable Property, the tax authority at the location of such land plot and the body engaged in the activity of keeping the state land cadastre within one week as of the date of rendering the decision specified in Item 4 of this Article.

Article 54. Conditions and Procedure for Compulsory Termination of Rights to a Plot of Land of Persons Who Are Not Its Owners Due to Improper Use of the Plot of Land

1. Compulsory termination of the right of life-time inheritable possession of a plot of land, the right of permanent (ongoing) use of a plot of land, the right of gratuitous fixed-time use of a plot of land in the case of its improper use shall be effected on the grounds specified in Item 2 Article 45 of the present Code.

2. Compulsory termination of the right of life-time inheritable possession of a plot of land, the right of permanent (ongoing) use of a plot of land, the right of gratuitous fixed-term use of a plot of land shall be effected if there is a failure to eliminate the events of improper use of the plot of land after the imposition of an administrative sanction in the form of a fine.

3. Simultaneously with the imposition of an administrative sanction the authorised executive governmental body in charge of state land control shall issue a warning to the person at fault for the breach of the land legislation concerning the land offences committed and then notify the body specified in Article 29 of the present Code which has granted the plot of land.

The said warning shall comprise the following:

- 1) an indication of the land offence committed;
- 2) a term set for the elimination of the land offence;
- 3) an indication of possible compulsory termination of the right to the plot of land if the land offence fails to be eliminated;
- 4) an explanation of the rights of the person at fault for the breach of the land legislation in the case of opening proceedings for compulsory termination of the rights to the plot of land;
- 5) other necessary terms and conditions.

The form of warning shall be established by the Government of the Russian Federation.

4. If the land offences specified in the warning fail to be eliminated within the set term, the executive governmental body that issued the warning shall forward materials on termination of the right to the plot of land due to its improper use to the executive governmental body or local government body specified in Article 29 of the present Code.

5. The executive governmental body or local government body specified in Article 29 of the present Code shall file a petition with the court for termination of the right to the plot of land. Upon the expiry of ten days after the court's decision whereby the right to the plot of land is terminated the executive governmental body or local government body specified in Article 29 of the present Code shall file a state registration application for termination of the right to the plot of land together with the act with the body responsible for state registration of rights to immovable property and deals in it.

6. Termination of a right to a plot of land shall not relieve the persons at fault for breach of the land legislation from their duty to compensate the damage inflicted as required by Article 76 of the present Code.

7. A decision to seize a plot of land due to improper use thereof shall be subject to court appeal.

Article 55. Conditions and Procedure for Seizing Plots of Land for State or Municipal Needs

1. Taking, in particular, by means of compulsory purchase of plots of land for state or municipal needs shall be effected on the grounds established by Article 49 of the present Code.

2. Compulsory taking of a plot of land for state or municipal needs may be accomplished only on the condition of a preliminary and equivalent compensation of the value of the plot of land under a court decision.

3. The procedure for compulsory purchase of a plot of land for state or municipal needs from its owner, procedure for setting the compulsory purchase price of a plot of land compulsorily purchased for state or municipal needs, procedure for termination of the right of ownership and use of a plot of land in the case of its being taken for state or municipal needs, the rights of the owner of a plot of land subject to compulsory purchase for state or municipal needs shall be established by civil legislation.

Article 56. Limitations on Rights to Land

1. Rights to land may be limited on the grounds established by the present Code and federal laws.

2. The following limitations on rights to land may be established:

- 1) special conditions for the use of plots of land and regime of economic activity in preservation and sanitary safety areas;
- 2) special conditions of environmental protection, in particular, animals and plants, monuments of history and culture, archaeological objects, preservation of fertile soil layer, natural habitat and migration routes of wild animals;
- 3) conditions of the commencement and completion of construction or land plot reclamation within a set term in compliance with a project design approved in the established manner, the

construction, repair or maintenance of a motor vehicle road (a section thereof) in the case of granting of rights to a state-owned or municipally-owned plot of land;

4) other limitations on the use of plots of land in the cases established by the present Code and federal laws.

3. Limitations on rights to land shall be established by acts of executive governmental bodies, acts of local government bodies or court decisions.

4. Limitations on rights to land shall be established for an infinite term or a fixed term.

5. Limitations on rights to land shall be retained when the right of ownership of a plot of land is transferred to another person.

6. A limitation of right to land shall be subject to state registration in the manner established by the Federal Law on the State Registration of Rights to Immovable Property and Deals in It.

7. A limitation of rights to land shall be subject to appeal that may be taken to the court by the person whose rights have been limited.

Article 56.1. The Restriction of the Rights to Land in Connection with the Reservation of Lands to Meet State or Municipal Needs

1. The rights of the owners of land plots, land users, land proprietors, and allotment holders to the use of land plots which are provided for by Subitems 2 and 3 of Item 1 of Article 40 of this Code, may be limited in connection with the reservation of lands to meet state or municipal needs.

2. The limitations on the right of ownership and other real rights to land plots in connection with the reservation of lands to meet state or municipal needs shall be established by the present Code and other Federal Laws.

Chapter VIII. Compensation for Losses in Case of Seizing Plots of Land for State or Municipal Needs

Article 57. Compensation of Damages in Cases of Seizing Plots of Land for State or Municipal Needs, Deterioration of Land Quality, Temporary Taking of Plots of Land, Limitation of Rights of the Owners of Plots of Land, Users of Land, Tenants and Lessees of Plots of Land

1. Losses inflicted in the following way shall be subject to full compensation, in particular, lost benefit:

- 1) by taking of plots of land for state or municipal needs;
- 2) by deterioration of land quality as a result of activities of other persons;
- 3) by temporary occupation of plots of land;
- 4) by limitation of rights of the owners of plots of land, users of land, tenants and lessees of plots of land.

5) a change in the intended use of a land plot on the basis of an application from a state power body or local self-government body on the transfer of a land plot of one category of land to another without the agreement of the person holding rights to the land plot.

2. Damages shall be compensated:

1) for the benefit of users of land, tenants and lessees of plots of land in the cases specified in Item 1 of the present article;

2) for the benefit of the owners of plots of land in the cases specified in Subitems 2, 3 and 4 Item 1 of the present article.

3. Compensation of damages shall be effected on the account of relevant budgets or by persons for whose benefit plots of land are taken or rights to plots of land are limited and also by persons whose activities caused a need for the establishment of preservation, sanitary-safety areas and it shall entail the imposition of a limitation on rights of the owners of the plots of land, users of land, tenants and lessees of plots of land or deterioration of land quality.

4. When the amount of compensation is being calculated, the damages sustained by the owners of plots of land, users of land, tenants and lessees of plots of land shall be determined with account taken of the value of their property as of the date preceding the making of the decision on taking the plots of land, on temporary occupation of the plots of land or on the imposition of a limitation on rights of the owners of the plots of land, users of land, tenants and lessees of the plots of land.

5. Procedure for compensating damages to the owners of plots of land, users of land, tenants and lessees of plots of land inflicted by the taking or temporary occupation of plots of land, imposition of limits on rights of the owners of plots of land, users of land, tenants and lessees of plots of land or deterioration of land quality resulting from other persons' activities shall be established by the Government of the Russian Federation.

Article 58. Abrogated from January 1, 2008.

Chapter IX. Protection of Rights to Land and Consideration of Land Disputes

Article 59. Recognition of the Right to a Plot of Land

1. The right to a plot of land shall be recognised by the court.
2. A court decision establishing the right to land shall serve as a legal ground in the presence of which the bodies responsible for state registration of rights to immovable property and deals in it are obligated to accomplish state registration of the right to land or deal in land in the manner established by the Federal Law on the State Registration of Rights to Immovable Property and Deals in It.

Article 60. Restoring the Status Quo Preceding a Violation of a Right to a Plot of Land and Stopping Actions That Violate a Right to a Plot of Land or Endangering Such a Right

1. A violated right to a plot of land shall be subject to restoration in cases when:
 - 1) a court recognises as invalid the act of a state governmental body or the act of a local government body that has entailed the violation of the right to the plot of land;
 - 2) the plot of land has been squatted;
 - 3) in the other cases specified by federal laws.
2. Actions violating citizens' and legal entities' rights to land or endangering such rights may be stopped by means of:
 - 1) recognition as invalid by a court in keeping with Article 61 of the present Code of acts of executive governmental bodies or acts of local government bodies which do not comply with legislation;
 - 2) suspension of performance under acts of executive governmental bodies or acts of local government bodies which do not comply with legislation;
 - 3) suspension of industrial, civil housing and other construction, mineral resource and peat mining, the operation of facilities, agrochemical, forest amelioration, geological prospecting, exploration, survey and other works in the manner established by the Government of the Russian Federation;
 - 4) restoration of the status quo that existed prior to the violation of the right and the stopping of the actions whereby the right is violated or endangered.

Article 61. Recognition as Invalid of an Act of an Executive Governmental Body or an Act of a Local Government Body

1. A non-regulatory act of an executive governmental body or a non-regulatory act of a local government body and, in the cases specified by law, also a regulatory act which does not comply with a law or another regulatory legal act and which violate a citizen's or legal entity's rights and interests protected under law in the field of land use and preservation may be recognised by a court as invalid.
2. Losses caused to a citizen or a legal entity as a result of the issuance of an act of an executive body of state power or an act of a body of local self-government contrary to a law or another legal act and violating the rights to land and legally protected interests of a citizen or legal entity, shall be subject to reimbursement in accordance with the civil legislation.

Article 62. Compensation of Damages

1. Damages caused by a violation of rights of the owners of plots of land, users of land, tenants and lessees of plots of land shall be compensated in full, in particular, including lost profit in the manner specified in civil legislation.
2. Under a court decision a person at fault for violation of rights of the owners of plots of land, users of land, tenants and lessees of plots of land may be forced to perform his duty in kind (to restore soil fertility, restore plots of land in their former boundaries, erect buildings, houses, structures that have been demolished or to demolish unlawfully erected buildings, houses, structures, to restore land boundary and information signs, to eliminate other land offences and perform under obligations that have emerged).

Article 63. Guarantees of Right to Land in Cases of Taking Plots of Land for State or Municipal Needs

1. The taking of plots of land, in particular, by means of compulsory purchase for state or municipal needs shall be effected after:
 - 1) the granting of equivalent plots of land, if the persons from which the plots of land are being taken, in particular, by means of compulsory purchase wish so;
 - 2) compensation of the value of residential, production and other buildings, houses, structures located on the plots of land being taken;
 - 3) compensation under Article 62 of the present Code in full of the damages, in particular, lost profit.
2. The owners of plots of land, users of land, tenants, lessees of plots of land shall not later than one year before the forthcoming taking, in particular, by means of compulsory purchase of plots of land shall be notified about it by the executive governmental body or local government body which has made the decision on the seizure, in particular, by means of compulsory purchase of the plots of land.

The seizure, in particular, by means of compulsory purchase of plots of land prior to the expiry of one year after the receipt of the notice is permitted only upon the consent of the owners of the plots of land, users of land, tenants, lessees of the plots of land.

3. Expenses incurred by the owners of plots of land, users of land, tenants, lessees of plots of land towards construction on the plots of land of major buildings and implementation of other measures whereby the value of the land is significantly increased shall not be subject to compensation after the notice of the forthcoming seizure, in particular, by means of compulsory purchase.

4. Compensation shall be paid to the owner of a plot of land in the case of its being taken for state or municipal needs, together with the guarantees stipulated by Items 1 and 2 of the present Article, for the market value of the plot of land, unless an equivalent plot of land is granted to the owner for ownership.

Article 64. Consideration of Land Disputes

1. Land disputes shall be considered by the court.
2. Before the case is taken by a court the land dispute may be referred by the parties to an umpire for settlement.

Chapter X. Payment for Land and Valuation of Land

Article 65. Land Is to Be Used for Payment

1. The use of land in the Russian Federation shall be carried out for payment. The form of payment for the use of land shall be the land tax (until the institution of an immovable property tax) and rent.

2. Procedure for calculation and payment of the land tax shall be established by the taxes and fees legislation of the Russian Federation.

3. Rent shall be levied for lands in lease.

The procedure for setting the rate of rent, the procedure, conditions and term for rent payment for land owned by the Russian Federation, Russian regions or municipal entity shall be established by the Government of the Russian Federation, the governmental bodies of Russian regions, local government bodies respectively.

The rate of rent shall be a significant condition of a contract of lease of a plot of land.

If upon the expiry of three years as of the date of letting on lease a land plot which is in the state or municipal ownership for housing construction, except for the cases of allotting land plots for individual housing construction, the immovable property unit erected on such land plot is not put into operation, the rental for such land plot shall be established at equal to at least twofold rate of land tax for the appropriate land plot, unless otherwise established by the land legislation.

4. The procedure, conditions and term for rent payment for plots of land under private ownership shall be set by contracts of lease of the plots of land.

5. For taxation purposes and in the other cases specified by the present Code, federal laws a land registry value of a plot of land shall be set.

Article 66. Valuation of Land

1. The market value of a plot of land shall be set in compliance with the federal law on valuation activity.

2. For the purpose of setting a land registry value of plots of land a land registry valuation of lands shall be carried out, except for the cases specified in Item 3 of the present article. The procedure for conducting state land registry valuation of land shall be established by the Government of the Russian Federation.

Executive governmental bodies of subjects of the Russian Federation shall approve an average level of registry value for a municipal rayon (city/town okrug).

3. If the market value of a plot of land has been determined, the land registry value of the plot of land shall be set as a percentage of the market value thereof.

Chapter XI. The Monitoring of Lands, Land Management, the State Land Cadastre and the Reservation of Lands to Meet State and Municipal Needs

Article 67. State Land Monitoring

1. State land monitoring is a system whereby the condition of lands is being monitored. The objects of state land monitoring shall be all lands in the Russian Federation.

2. Below are the tasks of state land monitoring:

1) timely detection of changes occurring in the condition of land, appraisal of these changes, forecasting and elaboration of recommendations as to the prevention and elimination of the aftermath of negative processes;

2) information support to the state land registry, state land control over land use and preservation, other functions of state and municipal land resources administration and also of land management;

3) provision of information to citizens on the condition of the environment in as much as the condition of land is concerned.

3. Depending on the aims of observation and the specific territory being observed, state land monitoring can be federal, regional and local. State land monitoring shall be pursued in compliance with federal, regional and local programmes.

4. The procedure for the pursuance of state land monitoring shall be established by the Government of the Russian Federation.

Article 68. Land Management

1. Land management shall include measures for studying the condition of land, planning and organising a rational use of land and land preservation, forming new and streamlining the existing land management objects and establishing their boundaries on the terrain (territorial land management), the organisation of a rational use of plots of land by citizens and legal entities for the purpose of pursuing agricultural production and also the organisation of the territories used by communities of minority indigenous peoples of the North, Siberia and Far East of the Russian Federation.

2. Documents prepared as the result of land management actions shall be used for keeping the state land registry and land monitoring.

Article 69. Organisation and Procedure for the Conduct of Land Management

1. Land management shall be implemented on the initiative of authorised executive governmental bodies, local government bodies, owners of plots of land, users of land, tenants and under court decisions.

2. Land management shall be implemented in a compulsory way in the cases envisaged by the present Code, federal laws.

3. Information concerning land management shall be open for the general public, except for information classified as a state secret and information relating to personal details of owners of plots of land, users of land, tenants or lessees of plots of land.

4. When land management is being implemented, account shall be taken of the lawful interests of persons whose rights may be affected by this management by means of notices being served to them in writing by land managers at least seven calendar days prior to the commencement of works. The absence of persons who have been properly notified at the site of land management works cannot obstruct land management. The persons concerned shall be entitled to take appeal in the established manner from actions that infringe their rights and lawful interests.

5. If plots of land are taken, in particular, by means of compulsory purchase for state or municipal needs, the owners of the plots of land, users of land, tenants and lessees of the plots of land shall provide access to the plots of land for land management purposes.

6. Legal entities or individual entrepreneurs may perform any type of land management work without special permissions, except as otherwise required under federal laws.

7. Land management procedure shall be established by federal laws, laws and other regulatory legal acts of Russian regions.

Article 70. The State Land Registry

1. The state land registry is a systematised collection of documented information on state land registry objects, on the legal regime of lands in the Russian Federation, on the land registry value, location, size of plots of land and the immovable property items affixed thereto. The state land registry shall comprise information on the subjects of rights to plots of land.

2. The state land registry shall be kept according to a system which is uniform for the whole of the Russian Federation. The objects of state land registry shall be plots of land and other pieces of immovable property affixed thereto.

3. The procedure for keeping the state land registry shall be established by a federal law on the state land registry.

Article 70.1. The Reservation of Lands to Meet State or Municipal Needs

1. The reservation of lands to meet state or municipal needs shall be carried out in the cases provided for by Article 49 of the present Code, whereas the reservation of lands held in state or municipal ownership and not granted to individuals and juridical persons shall be carried out in cases associated with the location of the infrastructures of the engineering, transport and social infrastructures, defence and security facilities, the creation of specially protected natural territories, the construction of reservoirs and other man-built water bodies.

2. The reservation of lands shall be allowed in the zones of the planned location of the facilities of capital construction to meet state or municipal needs, and also within the limits of other territories necessary in conformity with federal laws to meet state or municipal needs.

3. Lands for state or municipal needs may be reserved for a period of not less than seven years. It shall be allowed to reserve lands held in state or municipal property and not granted to individuals and juridical persons for building highways, railways and other linear facilities for a period of up to 20 years.

4. The procedure for the reservation of lands for state and municipal needs shall be determined by the Government of the Russian Federation.

Chapter XII. Control of the Observance of the Land Legislation, Land Preservation and Use (Land Control)

Article 71. State Land Control

1. Specifically authorised state bodies shall be responsible for exercising state land control of the observance of the land legislation, land preservation and use standards by organisations, irrespective of their organisational and legal forms and forms of ownership, by their heads, officials and citizens.

2. State land control shall be pursued in accordance with the legislation of the Russian Federation in the manner established by the Government of the Russian Federation.

Article 72. Municipal and Public Land Control

1. Municipal land control of the use of lands on the territory of a municipal entity shall be pursued by local government bodies or bodies authorised by them.

2. Municipal land control of the use of lands on the territory of a municipal entity shall be exercised in accordance with the legislation of the Russian Federation and in the manner established by regulatory legal acts of local government bodies.

2.1. Laws of the entities of the Russian Federation - the cities of federal importance Moscow and St. Petersburg - may refer the authority of the bodies of local self-government for exercising the land control over the use of lands and for establishing a procedure of its exercise stipulated by Items 1 and 2 of this Article, to the authority of the bodies of state power of those entities of the Russian Federation.

3. Public land control shall be exercised by territorial public self-government bodies, other public organisations (associations), citizens in respect of observance of the procedure established for the preparation and adoption of decisions by the executive governmental bodies and local government bodies specified in Article 29 of the present Code affecting citizens' and legal entities' rights and legal interests stipulated by the present Code and also in respect of observance of land use and preservation standards.

Article 73. Production Land Control

1. Production land control shall be exercised by an owner of a plot of land, user of land, tenant, lessee of a plot of land in the course of economic activity on the plot of land.

2. A person using a plot of land shall provide information on the organisation of production land control to the specifically authorised state land control body in the manner established by the Government of the Russian Federation.

Chapter XIII. Liability for a Breach of Law in the Field of Land Preservation and Use

Article 74. Administrative and Criminal Liability for Land Offences

1. Persons guilty for committing land offences shall be held administratively or criminally liable in the manner established by legislation.

2. The fact that a person guilty for committing land offences is held administratively or criminally liable shall not relieve him from his duty to eliminate the land offences committed and compensate for the damage so inflicted.

Article 75. Disciplinary Liability for Land Offences

1. Officials and employees of an organisation who are guilty of committing land offences shall be held disciplinary liable in cases when their improper execution of their service or labour duties has led to the organisation's being held administratively liable for designing, locating and commissioning of facilities that negatively (harmfully) affect the condition of land, cause chemical and radioactive, as well as industrial waste and sewerage water pollution of land.

2. The procedure for holding a person disciplinary liable shall be set out by the labour legislation, the legislation on state and municipal service, the legislation on disciplinary liability of the heads of administrations, federal laws and other regulatory legal acts of the Russian Federation, laws and other regulatory legal acts of Russian regions.

Article 76. Compensation of Harm Inflicted by Land Offences

1. Legal entities and citizens shall compensate in full the harm inflicted as the result of land offences they commit.

2. Squatted plots of land shall be returned to their owners, users of land, tenants, lessees of plots of land without reimbursement of the expenses incurred by the persons guilty for breach of the land legislation for the term of unlawful use of such plots of land.

3. The bringing of plots of land into a condition suitable for use in the case of dumping of plots of land, other kinds of damage, squatting, the demolition of buildings, houses, structures in the case of squatting of plots of land or unauthorised construction and also the restoration of destroyed boundary signs shall be accomplished by the legal entities and citizens guilty for the said land offences or on their account.

Chapter XIV. Agricultural-Purpose Lands

Article 77. The Term "Agricultural-Purpose Lands" and the Composition Thereof

1. "Agricultural-purpose lands" means lands outside of inhabited locality boundaries which have been granted for agricultural needs and also intended for such purposes.

2. The composition of agricultural-purpose lands shall include agricultural land areas, land occupied by in-farm roads, transmission lines and pipelines, the stands intended for protecting land from negative (harmful) natural, man-made and industrial phenomena, bodies of water and also buildings, houses or structures used for the purpose of production, storage and primary processing of agricultural products.

Article 78. Use of Agricultural-Purpose Lands

1. Agricultural-purpose lands may be used for pursuing agricultural production, fostering protective stands, scientific research, educational and other agricultural production-related purposes:

by citizens, in particular, those running a peasant (individual) farm, personal auxiliary farm, pursuing gardening, cattle-breeding or vegetable farming;

economic partnerships and companies, production co-operatives, estate and municipal unitary enterprises, other commercial organisations;

non-commercial organisations, in particular, consumer co-operatives and religious organisations; Cossack societies;

experimental production, educational, educational experimental and educational production units of scientific research organisations, agricultural educational institutions and general educational institutions;

communities of small-numbered indigenous peoples of the North, Siberia and Far East of the Russian Federation for the purpose of preserving and developing their traditional way of life, economic and procurement activities.

2. Agricultural-purpose lands or land plots within such lands that are granted for the period of construction of roads, electrical power transmission lines, communication lines (including cable line facilities), petroleum pipelines, gas pipelines and other pipelines shall be used if there is an approved design for re-cultivating such lands for the needs of agriculture without a change in the classification of agricultural-purpose lands to lands of other categories.

Article 79. Peculiarities of the Use of Agricultural Land Areas

1. Agricultural land areas - arable land, hay-mowing land, pasture land, fallow land, lands occupied by perennial plants (gardens, vineyards etc.) - as agricultural-purpose lands shall enjoy preferential treatment in their use and shall be subject to special preservation.

2. Abolished from January 5, 2005.

3. Abolished from January 5, 2005.

4. High-yield special-value agricultural land areas, in particular the agricultural land areas belonging to experimental production units of scientific research organisations and educational experimental units of general higher-education institutions, agricultural land areas with land registry value significantly exceeding average level of registry value for a municipal rayon (city/town okrug), may be included in a list of lands prohibited for use for other purposes under the legislation of Russian regions.

5. The use of land shares emerging as the result of privatisation of agricultural land areas shall be regulated by a federal law on agricultural-purpose land alienation.

Article 80. Land Re-Distribution Stock

1. For the purpose of re-distribution of agricultural production lands, formation and expansion of peasant (individual) farms, personal auxiliary farms, gardening, cattle-breeding, vegetable farming, hay-

mowing, cattle-grazing a land re-distribution fund shall be maintained as a part of agricultural-purpose stock.

2. Land re-distribution stock shall be maintained on the account of plots of land out of agricultural-purpose land coming to this stock:

1) in the case of a voluntary waiver of a plot of land;

2) in cases when there no heirs under law or under will or in case when neither of the heirs has accepted the estate or all the heirs are left without inheritance by the testator, or a heir has waived inheritance for the benefit of the state or without indicating for whose benefit the waiver is;

3) in the case of forced taking of a plot of land as envisaged by the present Code, federal laws.

3. The use of the lands incorporated in a land re-distribution stock shall be carried on in keeping with Article 78 of the present Code in the manner established by laws and other regulatory legal acts of the Russian Federation.

4. Information on the availability of lands within a land re-distribution stock shall be open for the general public.

Article 81. Granting of Agricultural-Purpose Land to Citizens for the Purpose of Running a Peasant (Individual) Farm and a Personal Auxiliary Farm, to Citizens and Associations Thereof for the Purpose of Gardening, Vegetable Farming and Summer Cottage Construction

1. Citizens who have expressed their wish to run a peasant (individual) farm shall be granted plots of land out of agricultural-purpose land under the present Code and the federal law on the peasant (individual) farm.

2. The procedure for granting plots of land to citizens and associations thereof for the purpose of gardening, vegetable farming and summer cottage construction shall be established by the present Code, the federal law on gardening, vegetable farming and summer cottage non-commercial associations of citizens.

3. Citizens who expressed their wish to run a personal auxiliary farm shall be granted plots of land under the present Code and the federal law on personal auxiliary farms.

4. The terms and conditions for granting plots of land to citizens out of agricultural-purpose land for the purpose of hay-mowing and cattle-grazing shall be established by the present Code, the federal law on the alienability of agricultural-purpose lands, other federal laws and also laws of Russian regions.

Article 82. Granting of Agricultural-Purpose Land to Companies and Partnerships, Production Co-Operatives, State and Municipal Unitary Enterprises, Other Commercial Organisations, Religious Organisations, Cossack Societies, Scientific Research Organisations, Agricultural Educational Institutions, Communities of Minority Indigenous Peoples of the North, Siberia and Far East of the Russian Federation

The terms and conditions for granting plots of land out of agricultural-purpose land to companies and partnerships, production co-operatives, state and municipal unitary enterprises, other commercial organisations, religious organisations, Cossack societies, scientific research organisations, agricultural educational institutions, communities of small-numbered indigenous peoples of the North, Siberia and Far East of the Russian Federation for the purpose of pursuance of agricultural production, formation of protective stands, scientific research, educational and other purposes relating to agricultural production and also for the purpose of preserving and developing the traditional way of life, economic and procurement activities of the minority indigenous peoples of the North, Siberia and Far East of the Russian Federation shall be established by the federal law on the alienability of agricultural-purpose lands.

Chapter XV. Lands of Localities

Article 83. The Concept of Lands of Localities

1. As lands of localities shall be deemed the lands used or intended for construction and development of localities.

2. The boundaries of urban and rural localities shall separate the lands of the localities from lands of other categories. The boundaries of urban or rural localities may not cross the boundaries of municipal entities or overrun the boundaries thereof, or cross the boundaries of land plots allotted to individuals or legal entities.

Article 84. Procedure for Establishing or Modifying the Boundaries of Localities

1. The following shall be deemed the establishment or modification of boundaries of localities:

1) endorsement or modification of the general layout of an urban circuit or settlement showing the boundaries of the localities situated within the boundaries of the appropriate municipal entity;

2) endorsement or modification of the territorial planning scheme of a municipal district showing the boundaries of rural localities situated within the limits of settlements (in inter-settlement territories).

2. The modification of the boundaries of the cities of federal importance Moscow and Saint-Petersburg shall be endorsed by decision of the Federation Council of the Federal Assembly of the Russian Federation.

3. The inclusion of land plots within the boundaries of localities shall not entail termination of the rights of owners of the land plots, of land users, landowners and tenants of the land plots.

Article 85. Composition of Lands of Localities and Zoning

1. Plots of land classified according to city construction regulations under the following zones may be included in the lands of localities:

- 1) residential;
- 2) public and business;
- 3) production;
- 4) engineering and transport infrastructure;
- 5) recreational;
- 6) agricultural-use;
- 7) special-purpose;
- 8) military facilities;
- 9) other zones.

2. Zone boundaries shall comply with the requirement whereby each plot of land is to belong to one zone only.

The land use and construction rules establish city construction regulations specifically for each zone with due regard to its location and development and also the possibility of a territorial combination of different types of use of plots of land (residential, public/business, production, recreational and other types of use of plots of land).

For plots of land located within the boundaries of one zone single city construction regulations shall be established. The city construction regulations of a zone shall set out a basis for the legal regime of plots of land and equally for everything above and under the surface of the plots of land and they shall be applied in the course of construction and subsequent operation of buildings, houses and structures.

3. City construction regulations shall be binding on all the owners of plots of land, users of land, tenants and lessees of plots of land, irrespective of the form of ownership and other rights to plots of land.

The said persons may use plots of land in compliance with any city construction regulations envisaged for each zone in accordance with the type of authorised use.

4. A plot of land and immovable property pieces affixed thereto shall be deemed as not being in compliance with the established city construction regulations if:

- the types of use thereof are not included in the list of types of authorised use;
- their sizes do not comply with the limits set by the city construction regulations.

the said plots of land and the immovable property pieces affixed thereto may be used without setting a term for bringing them in line with the city construction regulations, except for cases when their use is a threat to human life and health, the environment, monuments of history and culture.

In instances when the use of land plots not corresponding to the town planning regulations and of objects of realty closely linked thereto poses a threat to the life or health of human beings, to the environment, to objects of cultural heritage (monuments of history and culture), a ban may be imposed on the use of such objects in accordance with the federal laws.

The reconstruction and expansion of the existing pieces of immovable property and also the construction of new pieces of immovable property affixed to the said plots of land may be accomplished only in compliance with the established city construction regulations.

5. Plots of land incorporated in residential zones are intended for residential housing construction as well as construction of culture and everyday service and other facilities. Residential zones may be intended for individual housing construction, low-rise mixed housing construction, medium-rise mixed housing construction and high-rise housing construction and also other types of construction in compliance with city construction regulations.

6. Plots of land incorporated in public/business zones are intended for the construction of administrative buildings, educational, culture and everyday service facility, social-purpose facilities and other facilities intended for public use in keeping with city construction regulations.

7. Plots of land incorporated in production zones are intended for the construction of industrial, public services/warehouse facilities and other production facilities intended for such purposes in keeping with city construction regulations.

8. Plots of land incorporated in engineering and transport infrastructure zones are intended for the construction of railway, motor vehicle, river, sea, air and pipeline transport, communications, engineering infrastructure facilities and also facilities with other purposes in keeping with city construction regulations.

9. Plots of land incorporated in recreational zones, in particular plots of land occupied by city woods, public gardens, parks, city gardens, ponds, lakes and water reservoirs are used for recreation of citizens and tourism.

10. Specially preserved zones may be discerned within the boundaries of localities as incorporating plots of land of special nature conservation, scientific, historical and cultural, aesthetic, recreational, health rehabilitation and other special significance.

Plots of land incorporated in special preserved zones are used in compliance with the provisions of Articles 94 - 100 of the present Code.

Plots of land with facilities not being monuments of history and culture but located within zones of protection of monuments of history and culture are used in compliance with city construction regulations established with account taken of the standards governing protection of monuments of history and culture.

11. Plots of land incorporated in agricultural use zones in localities - plots of land occupied by arable land, perennial plants and also agricultural-purpose buildings, houses, structures - are used for the purpose of pursuance of agricultural production until the time when the type of their use is changed in keeping with the general layouts of the localities and land use and construction rules.

12. Plots of land of common use which are occupied by squares, streets, drives, motor roads, embankments, city gardens, boulevards, bodies of water, beaches and other facilities may be incorporated in different zones and they shall not be subject to privatisation.

Article 86. Suburban Zones

1. Suburban zones may incorporate lands located outside of the boundary of city/town inhabited localities, such plots of land making up a single social, natural and economic territory and not being incorporated in the lands of other inhabited localities.

2. Agricultural production territories, public recreational zones and reserve lands for city development are discerned within suburban zones.

3. The boundaries and legal regime of suburban zones, except for the suburban zones of the federal-significance Cities of Moscow and St.Petersburg shall be endorsed and changed by laws of Russian regions.

4. The boundaries and legal regime of the suburban zones of the federal-significance Cities of Moscow and St.Petersburg shall be endorsed and changed by federal laws.

5. Green zones which perform sanitary, sanitary-hygienic and recreational functions and in which economic and other activities negatively (harmfully) affecting the environment are prohibited may be discerned within suburban zones.

It shall be allowed to use land plots from among the lands of industry, power engineering, transport, communication, wired sound broadcasting, television, information science, the lands used for space exploration, the lands used for defence and security purposes and the lands of a different special designation in which green zones are located, for the purpose of the construction, reconstruction and operation of electric power transmission lines, communication lines, highways, pipelines and other linear facilities, and also by decision of the Government of the Russian Federation on the construction, reconstruction and operation of airfields.

6. It is hereby prohibited to re-classify the woodlands where forest parks are located as land of other categories.

Chapter XVI. Industry, Power Production, Transport, Communications, Radio-Broadcasting, Television, Information Technology, Space-Flight Support, Defence, Security Lands and Other Special-Purpose Lands

Article 87. The Composition of Industry, Power Production, Transport, Communications, Radio-Broadcasting, Television, Information Technology, Space-Flight Support, Defence, Security Lands and Other Special-Purpose Lands

1. Industry, power production, transport, communications, radio-broadcasting, television, information technology, space-flight support, defence, security lands and other special-purpose lands are lands located outside of locality boundaries and used or intended for supporting the activities of organisations and/or operation of facilities of industry, power production, transport, communications, radio-broadcasting, television, information technology, space-flight support, defence, security lands and facilities intended for other special tasks to which rights accrued to participants in land relationships on the grounds set out by the present Code, federal laws and laws of Russian regions (hereinafter referred to as "industry and other special-purpose lands").

Under Article 7 of the present Code industry and other special-purpose lands make up an independent category of land of the Russian Federation.

2. Industry and other special-purpose lands shall be divided as follows depending on the nature of the special tasks for which they are used or intended:

- 1) industry land;
- 2) power production land;
- 3) transport land;
- 4) communications, radio-broadcasting, television, information technology land;
- 5) space-flight support land;
- 6) defence and security land;
- 7) other special-purpose land.

The peculiarities of the legal regime of these lands shall be established by Articles 88 - 93 of the present Code and they shall be taken into account in zoning.

3. For the purpose of ensuring the security of the general public and fostering the necessary conditions for operating industry, power production facilities, high-radiation hazard and nuclear hazard facilities, nuclear material and radioactive substance storage facilities, transport and other facilities, industry and other special-purpose lands may incorporate preservation/protection, sanitary-preservation and other zones with special land use conditions.

Plots of land incorporated in such zones shall not be taken from the owners of the plots of land, users of land, tenants and lessees of the plots of land but a special regime for the use thereof may be established within their boundaries as limiting or banning kinds of activity which are incompatible with the purposes for which the zones are established.

4. Industry land and other special-purpose land occupied by federal power production systems, atomic power facilities, federal transport, railways, federal information technology and communications facilities, space-flight support facilities, defence and security facilities, defence industry facilities, facilities ensuring the status and defence of the State Border of the Russian Federation, other facilities under the cognisance of the Russian Federation in compliance with Article 71 of the Constitution of the Russian Federation, shall be deemed federal property.

5. The procedure for using specific types of industry and other special-purpose land and for establishing zones with special conditions of the use a land of a specific category, unless otherwise established by this Code, shall be determined by:

- 1) the Government of the Russian Federation in respect of the said land under federal ownership;
- 2) the executive bodies of Russian regions in respect of the said land under the ownership of Russian regions;
- 3) local government bodies in respect of the said land under municipal ownership.

6. Industry land and other special-purpose land in keeping with Article 24 of the present Code may be granted for gratuitous fixed-term agricultural or another type of use.

Article 88. Industry Land

1. Industry land is land used or intended for maintaining the activities of organisations and/or operation of industrial facilities and in respect of which rights accrued to participants in land relationships on the grounds set out in the present Code, federal laws and laws of Russian regions.

2. For the purpose of maintaining the activities of organisations and/or operation of industrial facilities, plots of land may be granted so that the following can be located thereon: production and administrative buildings, houses, structures and facilities servicing them and also sanitary-preservation areas and other areas with special conditions of land use as specified in Item 1 of the present article.

3. The sizes of plots of land granted for the purposes specified in Item 2 of the present article shall be set in compliance with the rates approved in the established manner or with design/technical documentation.

4. Plots of land shall be granted to mining as well as oil and gas industry organisations after the execution of a mineral tract allocation, approval of land re-cultivation project and restoration of lands processed before. Especially valuable high-yield agricultural land areas shall be granted in compliance with Article 79 of the present Code after work has been completed on the other agricultural land areas located within the mineral tract allocation boundary.

Article 89. Power Production Land

1. Power production land is land used or intended for maintaining the activities of organisations and/or operation of power production facilities and in respect of which rights accrued to participants in land relationships on the grounds set out in the present Code, federal laws and laws of Russian regions.

2. For the purpose of maintaining the activities of power production organisations and facilities, plots of land may be granted for:

- 1) the placement of hydraulic power plants, atomic power plants, nuclear plants, nuclear material and radioactive substance storage facilities, radioactive waste storage facilities, thermal power plants and other power plants, structures and facilities servicing them;

2) placement of facilities of the electrical-network sector and of other facilities of the electrical-energy sector determined by the legislation of the Russian Federation on the electrical-energy sector.

For ensuring the safe and accident-free functioning and safe operation of facilities of the electrical-network sector and of other facilities of the electrical-energy sector determined by the legislation of the Russian Federation on the electrical-energy sector, there shall be established protection zones with special conditions of the use of the land plots irrespective of the category of the lands of which such land plots form a part. The procedure for establishing such protection zones and of the use of the relevant land plots shall be determined by the Government of the Russian Federation.

3. The rules of determining the sizes of plots of land for the placement of overhead power transmission lines and communications line poles servicing electric grids shall be established by the Government of the Russian Federation.

Article 90. Transport Land

1. Transport land is land used or intended for maintaining the activities or organisations and/or facilities operating motor road, sea, inland waterway, railway, air and other types of transport and in respect of which rights accrued to participants in land relationships on the grounds set out in the present Code, federal laws and laws of Russian regions.

2. Plots of land may be granted for the purpose of maintaining the activities of organisations and operation of railway transport for:

- 1) the placement of railway tracks;
- 2) the placement, operation, expansion and reconstruction of buildings, houses, structures, in particular, railway terminals, railway stations and also equipment and other facilities required for the operation, maintenance, construction, reconstruction, repair, development of ground and underground buildings, houses, structures, equipment and other railway facilities;
- 3) the establishment of railway allocation strips and safety areas.

Free plots of land on railway allocation strips within railway land may be leased to citizens and legal entities for agricultural use, provision of services to passengers, cargo storage, arrangement of cargo handling grounds, construction of near-the-track warehouses (except for fuel and lubricant warehouses and motor vehicle filling stations of any type and also warehouses intended for storing hazardous substances and materials) and for other purposes, given the observance of the traffic safety standards established by federal laws.

The procedure for the establishment and use of railway allocation strips and safety areas shall be determined by the Government of the Russian Federation.

3. For the purpose of ensuring road activities, plots of land may be allotted for the following:

- 1) placement of motor roads;
- 2) placement of roadside service facilities, of facilities intended for the exercise of road activities and of fixed stations of internal affairs bodies;
- 3) establishment of motor road allocation strips.

3.1. Land plots within the boundaries of motor road allocation strips may be allotted in the procedure established by this Code to individuals and legal entities for placement of roadside service facilities. Roadsides of motor roads shall be established for the purpose of creating the required conditions of motor roads' usage and their conservation, ensuring compliance with the requirements of road traffic safety and securing citizens' safety. The boundaries of motor road allocation strips and of roadsides of motor roads shall be established and such motor road allocation strips and roadsides shall be used in compliance with the legislation of the Russian Federation on motor roads and road activities.

4. Plots of land may be granted for the purpose of maintaining the activities of organisations and operation of sea, inland waterway transport facilities for:

- 1) the placement of artificial inland waterway routes;
- 2) the placement of sea and river ports, piers, dwarfs, hydraulic engineering structures, other facilities required for the operation, maintenance, construction, reconstruction, repair, development of ground and underground buildings, houses, structures, equipment and other sea, inland waterway transport facilities;
- 3) the allocation of a bank strip.

An inland waterway route bank strip shall be allocated for the purpose of conducting works relating to inland waterway navigation and transport outside of the territories of localities. The procedure for allocating a bank strip and using it shall be determined by the Code of Inland Waterway Transport of the Russian Federation.

5. Plots of land may be granted for the purpose of maintaining the activities of organisations and operation of air transport facilities for the placement of airports, airfields, air terminals, runways, other ground facilities required for the operation, maintenance, construction, reconstruction, repair, development of ground and underground buildings, houses, structures and other air transport facilities.

6. Plots of land may be granted for the purpose of maintaining the activities or organisations and operation of pipeline transport facilities for:

- 1) the placement of oil pipelines, gas pipelines, other pipelines;
- 2) the placement of facilities required for the operation, maintenance, construction, reconstruction, repair, development of ground and underground buildings, houses, structures, equipment and other pipeline transport facilities;
- 3) the establishment of safety areas with the special regime of land plot use.

The boundaries of safety areas where gas supply facilities are located shall be designated according to construction rules and regulations, main pipeline safety/security rules, other regulatory documents endorsed in the established manner. When the said plots of land are being used for economic purposes, construction of any buildings, houses, structures is prohibited on them within the minimum distance limits from gas supply facilities. It is prohibited to hinder the organisation being the owner of a gas supply system or an organisation authorised by it to perform the work of servicing and repairing gas supply facilities or eliminate the aftermath of an accident or disaster occurring there.

7. Land reservation shall be carried out for the purposes of creating conditions for the construction and reconstruction of motor road, waterway, railway, air and other types of transport. The procedure for land reservation for the said purposes shall be established by federal laws.

Article 91. Communications, Radio-Broadcasting, Television and Information Technology Land

1. Communications, radio-broadcasting, television and information technology land is land used or intended for the purpose of maintaining the activities of communications, radio-broadcasting, television and information technology organisations and/or facilities and in respect of which rights accrued to participants in land relationships on the grounds set out by the present Code, federal laws and laws of Russian regions.

2. Plots of land may be granted for the purposes of maintaining communications (except for space communications), radio-broadcasting, television, information technology for the placement of facilities of relevant infrastructure, in particular:

- 1) operational communications enterprises having on their balance sheet radio-relay, overhead, cable communication lines and appropriate exclusion areas;
- 2) cable, radio-relay and overhead communication lines and wire radio lines on communication cable and overhead and wire radio line routes and appropriate communication line exclusion areas;
- 3) underground cable and air communication and wire radio lines and appropriate communication line safety areas;
- 4) overground and underground maintenance-free amplification units on cable communication lines and appropriate safety areas;
- 5) overground satellite communication structures and infrastructure.

Article 92. Space-Flight Support Land

1. Space-flight support land is land used or intended for maintaining the activities of space-flight support organisations and/or facilities and in respect of which rights accrued to participants in land relationships on the grounds set out in the present Code, federal laws and laws of Russian regions.

2. Plots of land may be granted for the purpose of maintaining space-flight activities for the placement of space infrastructure facilities, in particular, including space-launch centres, launch complexes and launch pads, control and instrument complexes, space-flight control centres and posts, information gathering, storing and processing centres, space material storage facilities, missile detachable part drop areas, space vehicle landing areas and runways, space experimental research and development facilities, cosmonaut training centres and equipment, other ground structures and equipment used in space activities.

3. Plots of land used from time to time as areas intended for dropping detachable parts of missiles shall not be taken from the owners of the plots of land, users of land, tenants and lessees of the plots of land.

The procedure for compensating damages to them shall be established by the Government of the Russian Federation.

Article 93. Defence and Security Land

1. Defence and security land is land used or intended for maintaining the activities of the Armed Forces of the Russian Federation, other troops, military formations and bodies, organisations, enterprises, institutions performing the functions of armed defence of the integrity and inviolability of the territory of the Russian Federation, defence and protection of the State Border of the Russian Federation, information security, other types of security in restricted-access administrative-territorial entities and in respect of which rights accrued to participants in land relationships on the grounds set out in the present Code and federal laws.

2. Plots of land may be granted for the purposes of ensuring defence for:

1) the creation, training and maintaining at proper level of readiness of the Armed Forces of the Russian Federation, other troops, military formations and bodies (deployment of military organisations, institutions and other facilities, troops and navy forces, conduct of exercises and other actions);

2) the research and development, manufacture and repair of weapons, military, special-purpose, space material and ammunition (testing grounds, weapons destruction grounds and waste disposal grounds);

3) the maintenance of stockpile of material assets in the state and mobilisation reserves (storage facilities, warehouses etc.).

If it is necessary to use lands (territories) temporarily for the purpose of conducting exercises and other actions relating to defence needs plots of land shall not be taken from the owners of the plots of land, users of land, tenants and lessees of the plots of land.

The use of such lands shall be pursued as governed by the procedure established for the performance of exploration work and also for areas with special conditions of use.

3. Land strips or land tracts shall be allocated for permanent (ongoing) use for the purposes of ensuring the defence and protection of the State Border of the Russian Federation in the manner established by the legislation of the Russian Federation as intended for arranging and maintaining engineering structures and obstacles, border signs, border wood-cuttings, communications, check-points on the State Border of the Russian Federation and other facilities.

The rates of allocation of land strips, the sizes of plots of land required for ensuring the defence and protection of the State Border of the Russian Federation, the procedure for using them, in particular, the peculiarities of economic, procurement and other activities shall be determined by the legislation of the Russian Federation.

4. Plots of land shall be granted for permanent (ongoing) use or lease for the purpose of placing facilities intended for research and development, manufacture, storage and disposal of mass destruction weapons, processing of radioactive and other materials, military-purpose and other facilities in restricted-access administrative-territorial entities.

In a restricted-access administrative-territorial entity, a special regime of land use shall be established by decision of the Government of the Russian Federation.

The executive governmental bodies and local government bodies specified in Article 29 of the present Code shall take the necessary measures for granting plots of land for the purpose of meeting the needs of the general public for the development of gardening, vegetable farming, agricultural production, housing and summer cottage construction outside of the restricted-access administrative-territorial entity.

5. The executive governmental bodies specified in Article 29 of the present Code may grant in the manner established by the Government of the Russian Federation plots of land out of lands granted for defence and security needs, for lease or gratuitous fixed-term use to legal entities and citizens for agricultural, forestry and other uses.

6. In the case of declaration of emergency or martial law the use of plots of land for defence and security purposes may be pursued in the manner established by Article 51 of the present Code.

7. Restricted areas may be established on the plots of land adjacent to the arsenals, bases and warehouses of the Armed Forces of the Russian Federation, other troops, military formations and bodies for the purpose of ensuring the safety/security of storage of weapons and military equipment, other material, protection of the general public and production, social and everyday service and other facilities and also environmental protection in the case of occurrence of man-made and natural emergencies.

Chapter XVII. Specially Preserved Territory and Facility Lands

Article 94. The Term "Specially Preserved Territory Land" and the Composition Thereof

1. "Specially preserved territory land" means land having a special nature conservation, scientific, historical and cultural, aesthetic, recreational, health rehabilitation and another valuable significance which is excluded from economic use and alienability under decisions of federal governmental bodies, governmental bodies of Russian regions or decisions of local government bodies either in full or in part and in respect of which a special legal regime has been established.

2. Specially preserved territory lands shall include:

1) the land of specially preserved natural territories, in particular territories of health treatment and rehabilitation localities and health resorts;

2) nature conservation land;

3) recreational-purpose land;

4) historical and cultural-purpose land;

5) other lands of special value in compliance with the present Code, federal laws.

3. The procedure for classifying land as a federal-significance specially preserved territory, the procedure for using and preserving federal-significance specially preserved territory land shall be established by the Government of the Russian Federation under federal laws.

4. The procedure for classifying land as regional-significance and local-significance specially preserved territories, the procedure for using and preserving regional-significance and local-significance specially preserved territory land shall be established by the governmental bodies of Russian regions and local government bodies in compliance with federal laws, laws of Russian regions and regulatory legal acts of local government bodies.

5. The Government of the Russian Federation, relevant executive bodies of Russian regions, local government bodies may establish other types of land of specially preserved territories (lands where preserved bank lines, preserved city landscapes, biological stations, micro-sanctuaries etc. are located).

6. The land of specially preserved natural territories, land occupied by objects of cultural heritage of the Russian Federation shall be used for relevant purposes. The use of the land for other purposes shall be limited or prohibited in the cases specified in the present Code and federal laws.

Article 95. The Land of Specially Preserved Natural Territories

1. The land of specially preserved natural territories includes the land of state natural sanctuaries, in particular biosphere, state natural reserves, monuments of nature, national parks, nature parks, dendrologic parks, botanical gardens, territories traditionally used by minority indigenous peoples of the North, Siberia and Far East of the Russian Federation and also the land of health treatment and rehabilitation localities and health resorts.

2. The land of specially preserved natural territories are classified as national wealth objects and they may be under federal ownership, the ownership of Russian regions and municipal ownership. In the cases specified by federal laws, plots of land owned by citizens and legal entities may be included in the land of specially preserved natural territories.

3. Activities not relating to the preservation and study of natural complexes and objects for which there is no provision in federal laws and laws of Russian regions shall be prohibited on the land of state natural sanctuaries, in particular, biosphere, national parks, nature parks, state natural reserves, monuments of nature, dendrologic parks and botanical gardens incorporating ecological systems and objects of special value for the sake of preservation of which a specially preserved natural territory has been established. Change of the intended use of land plots or termination of rights to land for needs running contrary to their designated purpose shall be prohibited on the land of specially preserved natural territories.

On specifically designated plots of land of partial economic use within the land of specially preserved natural territories economic and recreational activities may be limited in compliance with the special legal regime established for them.

4. For the purpose of preserving the land of specially preserved natural territories from negative man-made effects safety areas or districts with regulated economic activity regime may be established on the plots of land adjacent thereto. Activities exerting a negative (harmful) effect on the natural complexes of the specially preserved natural territories shall be prohibited within these areas. The boundaries of safety areas shall be marked with special information signs. Plots of land located within the boundaries of the safety areas shall not be taken from the owners of the plots of land, users of land, tenants and lessees of the plots of land and they shall be used by these persons in observance of the special legal regime established for these plots of land.

5. For the purpose of forming new and expanding the existing lands of specially preserved natural territories, the governmental bodies of Russian regions are entitled to adopt decisions to reserve the lands supposed to be declared as lands of specially preserved natural territories, with these lands being later taken, in particular, by means of compulsory purchase, and to impose limitations on economic activity on them.

6. The land and land plots of state sanctuaries and national parks are in federal ownership and shall be granted thereto in the procedure established by the legislation of the Russian Federation. Plots of land located within the boundaries of state sanctuaries and national parks shall not be subject to privatisation. In some cases it is permitted that plots of land of other users and also owners exist within the boundaries of national parks, with the activity of such users and owners not exerting a negative (harmful) effect on the land of the national parks and not breaking the regime of use of the land of the national sanctuaries and national parks. National parks shall enjoy a preferential right of acquiring the said land.

7. The following shall be prohibited on the land of federal-significance specially preserved natural territories:

- 1) the granting of gardening and summer cottage plots;
- 2) the construction of motor roads, pipelines, power transmission lines and other lines/pipelines and also the construction and operation of industrial, economic and housing facilities not relating to permitted on natural territories under special protection in keeping with federal laws;
- 3) the traffic and parking of motor vehicles not relating to the operation of the specially preserved natural territories, passage of cattle outside of motor roads;
- 4) other types of activity prohibited by federal laws.

8. The territories of national parks shall be located on lands granted thereto for permanent (ongoing) use; natural parks are hereby permitted to be located on lands of other users and also owners.

9. The declaration of lands as a state natural game reserve is permitted either involving taking, in particular, by means of compulsory purchase of lots of land from their owners, users of land, tenants or not involving it.

10. Plots of land occupied by natural complexes and objects declared in the established manner monuments of nature may be taken from the owners of these plots of land, users of land, tenants.

Article 96. The Land of Health Treatment and Rehabilitation Localities and Health Resorts

1. The land of health treatment and rehabilitation localities and health resorts are classified as specially preserved natural territories and it is intended for the purpose of medical treatment and leisure of citizens. This land shall incorporate lands possessing natural health treatment resources (sources of mineral water, mud, the natural brine of limans and lakes), favourable climate and other natural factors and conditions which are used or can be used to prevent diseases and to provide medical treatment to the people.

2. For the purpose of preserving favourable sanitary and ecological conditions for the organisation of disease prevention and treatment on the lands of territories of health treatment and rehabilitation localities and health resorts sanitary (mountain sanitary) safety districts shall be established in compliance with legislation. the boundaries and regime of sanitary (mountain sanitary) safety districts of federal-significance health resorts shall be established by the Government of the Russian Federation.

3. Plots of land located within the boundaries of sanitary areas shall not be taken or purchased from the owners of the plots of land, users of land, tenants or lessees of the plots of land, except for cases when under the established sanitary regime a complete exclusion of the plots of land from alienability is envisaged (the first sanitary (mountain sanitary) safety area of health treatment and rehabilitation localities and health resorts). Plots of land in private ownership shall be subject to compulsory purchase from their owners in compliance with Article 55 of the present Code. The use of plots of land within the boundaries of the second and third sanitary (mountain sanitary) safety areas shall be limited in compliance with the legislation on specially preserved natural territories.

Article 97. Nature Conservation-Purpose Land

1. Nature conservation-purpose land shall include the lands of:

- 1) abolished;
- 2) restricted strips and fish spawning protective strips;
- 3) occupied by the protective forests envisaged by the forest legislation (except for the protective forests located on woodlands or on the land of territories under special protection);
- 4) abrogated;
- 5) other lands performing nature conservation functions.

2. A limited economic activity is permitted on nature conservation lands, given the observance of the land preservation regime established under federal laws, laws of Russian regions and regulatory legal acts of local government bodies.

3. Legal entities in whose interests plots of land are allocated with special conditions of use shall mark their borders with special information signs.

4. A special legal regime of land use shall be instituted within the boundary of nature conservation-purpose land imposing a limitation or ban on types of activity incompatible with the basic designated purpose of the land. Plots of land within the boundary of this land shall not be taken or purchased from the owners of the plots of land, users of land, tenants and lessees of the plots of land.

5. In the places of traditional residence and economic activities of minority indigenous peoples of the Russian Federation and ethnic communities in the cases specified by federal laws on numbered indigenous peoples, territories of traditional nature use of minority indigenous peoples may be formed. The procedure for using natural resources in the said territories shall be established by federal laws and their boundaries shall be designated by the Government of the Russian Federation.

Article 98. Recreational-Purpose Land

1. Recreational-purpose land shall include land intended and used for the organisation of leisure, tourism, physical and health rehabilitation and sport activities of citizens.

2. Recreational-purpose land shall include plots of land where the following are located: rest homes, boarding houses, camping-sites, physical activity and sports facilities, tourist bases, stationary and tent tourism and health rehabilitation camps, houses of the fishermen and hunters, children's tourist stations, tourist parks, forest parks, training tourist paths, routes, children's and sports camps and other similar facilities.

3. The use of training tourist paths and routes designated by agreement with the owners of plots of land, users of land, tenants and lessees of plots of land may be pursued on the basis of easements, with the said plots of land not being taken for use in that case.

4. Also recreational-purpose land shall include the land of suburban green zones.

5. Activities which do not comply with recreational land's designated purpose are prohibited on such land.

Article 99. Historical and Cultural-Purpose Land

1. Historical and cultural-purpose land includes the land of:

1) objects of cultural heritage of peoples of the Russian Federation (monuments of history and culture), in particular, objects of archaeological heritage;

2) sights of significance, in particular, the areas of historical procurement activities, manufacture and crafts;

3) places of military and civilian burial.

2. Historical and cultural-purpose land shall be used strictly in compliance with their designated purpose.

Change of intended use of historical and cultural-purpose land and activities out of compliance with their designated purpose are prohibited.

3. Plots of land classified as historical and cultural-purpose land shall not be taken from the owners of the plots of land, users of land, tenants and lessees of the plots of land, except for the cases established by the legislation.

On specific historical and cultural-purpose lands, in particular, the land of objects of cultural heritage subject to research and conservation, any economic activity may be prohibited.

4. For the purposes of preserving the historical, landscape and city construction environment in keeping with federal laws, laws of Russian regions cultural heritage preservation areas shall be established. Within historical and cultural-purpose lands outside of the boundaries of the land of localities a special legal regimen of land use shall be instituted as prohibiting an activity incompatible with the basic purpose of the land. The use of plots of land not classified as historical and cultural-purpose land and located in the said preservation areas shall be determined by land use and construction rules in compliance with the requirements governing preservation of monuments of history and culture.

Article 100. Especially Valuable Land

1. Especially valuable land includes land on which there are natural objects and objects of cultural heritage of special scientific, historical and cultural value (typical or rare landscapes, culture landscapes, communities of plants, animals, rare geological formations, plots of land intended for pursuance of activities of scientific research organisations).

2. The owners of such plots of land, users of land, tenants and lessees of such plots of land are vested with the duty of preserving them. Information on especially valuable lands shall be entered in state land registry documents, the documents of state registration of rights to immovable property and deals in it and other documents certifying rights to land.

Chapter XVIII. Forestry, Water Stock Land and Reserve Land

Article 101. Forestry Land

1. Forestry land shall include forest land (land covered by forest plants and not covered by them but intended for the restoration thereof - clearings, burned-out forest, glades, openings etc.) - and non-forest lands intended for forestry purposes (cuttings, roads, marshland etc.).

2. Abrogated.

3. Abrogated.

4. Abrogated.

5. Abrogated.

6. the procedure for the use and preservation of the lands of forestry land stock shall be regulated by the present Code and forestry legislation.

Article 102. Water Resource Lands

1. "Water resource lands" are lands:

1) covered with surface waters concentrated in bodies of water;

2) occupied by hydro-engineering facilities and other facilities located on bodies of water.

2. No land plots shall be formed on lands covered with surface waters.

3. Land reservation shall be carried out for the purpose of constructing reservoirs and other artificial bodies of water.

4. The procedure for using and protecting water resource lands shall be defined by the present Code and the water legislation.

Article 103. Reserve Land

1. Reserve land includes state-owned and municipally-owned land which has not been granted to citizens or legal entities, except for the lands of the land re-distribution stock maintained in compliance with Article 80 of the present Code.

2. The use of reserve land is permitted after their having been re-classified under another category.

President
of the Russian Federation

V. Putin

Moscow, the Kremlin