

## real estate - legal changes published in November 2020

**Emergency Ordinance no. 203/2020 regarding specific regulations for the sale of agricultural land located outside the built-up area ("GO no. 203/2020") was published in the Official Gazette, Part I no. 1132 of November 25, 2020, shall be enforceable after 3 days of its publication and shall apply until January 31, 2021.** The regulation in question was adopted in order to clarify the procedural conditions applicable to the sale procedures initiated and unsolved until October 13, 2020, respectively until the date of entry into force of *Law no. 175/2020 for the amendment and completion of Law no. 17/2014 regarding the measures for regulating the sale-purchase of agricultural lands located outside the built-up area and the amendments to Law no. 268/2001 on the privatization of companies that manage public and private land owned by the state for agricultural purposes and the establishment of the State Domains Agency ("Law no. 175/2020")*. Considering that Law no. 175/2020 provides a series of changes which may delay the sale process, in order to avoid potential negative implications, it was established that the sale procedures initiated and unsolved until October 13, 2020, shall be completed under the conditions provided by GEO no. 203/2020, until January 31, 2021. Regarding the sale procedures initiated after October 13, 2020, they shall remain subject to the provisions of Law no. 17/2014, as amended by Law no. 175/2020.

On this line, GEO no. 203/2020 regulates that the documents requesting the display of the sale offer, registered until October 13, 2020, including to the local public authorities within the administrative unit where the land is located, as well as the requests regarding the communication of the acceptance of the submitted offer within 30 days from the date of displaying the offer by the preemptor, shall be solved with the observance of the preemption right of the co-owners, tenants, neighboring owners, as well as Romanian Statem through the State Domains Agency, in this order, at a price and under equal conditions, attested by the final approval issued by the Ministry of Agriculture and Rural Development, or, for lands with an area of less than 30 hectares, by the territorial structures. If the preemptors have not shown, within 30 days from the date of the offer displaying, the intention to purchase, the competent authority shall issue the certificate of free sale. There are not provided other special conditions for concluding sales contracts in authentic form. The provisions of GEO no. 203/2020 are also applicable to citizens of a Member State of the European Union, of the States party to the Agreement on the European Economic Area (AEEA) or of the Swiss Confederation and of stateless persons domiciled in Romania, in a Member State of the European Union, a state that is party to the AEEA or to the Swiss Confederation, as well as to legal persons having Romanian nationality, respectively the nationality of a member state of the European Union, or of the states that are party to the AEEA or to the Swiss Confederation. Also, the property right over the agricultural lands located outside the built-up area can be acquired by the citizen of a third state and the stateless person residing in a third state, as well as by legal persons having the nationality of a third state, under conditions regulated by international treaties of reciprocity.