

## **Dear ladies and gentlemen, dear colleagues!**

First of all, Ukrainian delegation would like to express sincere gratitude for invitation to take part in the XVI International Congress on Registration Law and the given opportunity to deliver a speech in the front of this respected audience and to share some thoughts on registration law.

One of the main priorities of state policy of Ukraine is the ensuring of the guarantee on legal private certainty **by the Constitution of Ukraine**, Convention of Human Rights and Fundamental Freedoms, First Protocol to this Convention on Protection of Property. One of the institutions, which has to provide this guarantee should be the Unified System of State Immovable Property Rights Register.

It is evident that, the dynamics of economic process, investment climate as well as welfare of citizens depends on the choice of legal pattern in the immovable property relations.

The issue of immovable property rights registration is a relatively new institution in Ukrainian legal system. Immovable property rights registration is a vital element of state economy in which turnover of immovable property exists. The development of this question allows to conclude that the peculiar characteristics of immovable property and its legal regulation is the core element (benchmark) for establishment of registration rights system, i.e. (id est) choice of its pattern. These conclusions are confirmed by the experience of each state with existing registration systems.

Hence, it might be concluded that Ukraine is in a favorable position since it had the opportunity to familiarize with the international experience in this sphere and to choose its own way of establishment of Immoveable Property Rights Registration System.

Let me introduce you the Ukrainian registration system.

Four year ago on the 1<sup>st</sup> of July 2004 Law of Ukraine “**On State Registration of *Jus in Rem* of Immoveable Property and its Limitation**” was adopted.

**The Law, in particular, foresees:**

- State registration of rights in a single body both for land plots and the objects on it;
- Establishment as a part of Land Cadastre State Register of Immoveable Property Rights – state electronic information system, which comprises data on immovable property rights, its encumbrance and the objects and subjects of these rights;

- Establishment of a state bodies system on rights registration, which consists of special authorized central body of executive power responsible for realization of state policy in the sphere of rights registration and a legal body under it responsible for management, its local affiliates, which are the local bodies of state rights registration;
- Establishment of main principles of state rights registration: *the compulsory and publicity of state registration; guarantee by state the authenticity of registered rights; realization of state registration in accordance with object disposition of immovable property;*
- Awarding of a registry number to the object of immovable property during the state registration. This number is individual, unique and unchangeable during the time of existence of this object;
- Determination of an accurate list of documents on the basis of which the state registration is implemented. These documents certify the origin, transfer and termination of immovable rights as well as the rights limitations;
- The time-limits of state registration;
- Determination of a complete list of cases on refuse in state registration;
- Establishment of order of state rights registration and their encumbrance;

The principal part of components, necessary for establishment of the Unified State Register of Rights has been already realized and functions in the Ministry of Justice. These components are: The Unified Register of Prohibitions on Alienation of Immovable Property Objects (1999); Inheritance Register (2000); Register of Immovable Property Rights (2002); State Register of Transactions (2004); Mortgage State Register (2004). The mentioned registers are realized by the Ministry of Justice from the 1999, and are organized in a unified centralized database, the administration and realization of which is carried out by special state enterprise “**Information centre**” of Ministry of Justice of Ukraine;

The data on land right is published *in Land Register*, which is implemented by State Land Committee. The Land Register is implemented within the State Land Cadastre and is composed of two elements:

- Records of state registration acts on property rights and permanent usage land rights, contracts of land tenancy with cadastre numbers of land plots;

- Land Records, which has the information about land plot.

Thus, at this moment Ukraine is in the process of development and commencing of unified state system of immovable property rights and their encumbrance registration, moreover all of you understand that it is difficult and interesting as well as time-consuming way.

**Bearing in mind** the objective reasons, which jeopardize the development of the unified register system in a short-time period and comprehending that root and branch changes in the sphere of state rights registration should not influence the property owners' rights anyway, the Government is examining the following suggestion. **Before the establishment of the state registration system based on the principle of a "unified window" it is essential to introduce the registration system, based on the existing elements of the registers, which will function during the transformation period of three years.**

**Based on the transformation pattern** all data on immovable property rights and encumbrance both on land plots and the objects on them **is entered into the Unified State Immovable Property Rights and Encumbrance Register.**

Accordingly, the system of rights registration bodies is suggested to remain within the existing at the moment institutions and organizations, which in accordance with their powers register the immovable property rights:

**Bureau of Technical Inventory** (*enterprises, which register property rights on the objects of immovable property, which is located on the land – construction, building, apartments*);

**Territory Subdivisions of State Land Committee** (*territory subdivisions of State Land Committee, which register land property right by entering the data to Records, which comprise Land Register*);

**Notariat of Ukraine** (*public notary offices, private notaries, which register mortgages, as well as attachment of property and prohibitions on alienation of immovable objects, which are imposed by competent state bodies (court, investigative authorities, etc).*

Ministry of Justice in this pattern is a specially empowered body in the sphere of state rights registration and holder of State Register of Immovable Property Rights and Encumbrance, as well as the manager - a legal entity, administered by the Ministry of Justice.

Gradually, the registration system, based on the existing registration system elements will be transformed in the system of registration pursuant to a principle of "unified window", in particular, it will be transformed:

- State Immovable Property Rights and Encumbrance Register into the Unified State Immovable Property Rights and Encumbrance Register. Hence, during the transformation period necessary for Unified State Register cartographer base will be established as well as appropriate information data base on registered immovable property rights, including rights on land plots;
- The existing at the moment registration bodies into the Unified System of Registration Bodies, which will be the local bodies of state registration and will realize all necessary actions directed to property rights registration;
- Necessary for today a number of extractions (*a document, which confirms the right in an appropriate register*) and accordingly the payment for each of them into the Unified Rights Register, and one payment.

Last, but not least, the registration in accordance with the principle of “unified window” not only will allow to save time and owners money, but to provide the proper level of security of legal and physical entities immovable rights; promote the development of immovable property market; improvement of investment climate and increase investment image of the state, additional attraction of investments to Ukraine as well.

**Thank you very much for your attention!**