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Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Federation

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>The purchase of public real estate is governed by virtually the same provisions as identified in the analysis of the legislative framework in business transactions of real estate between public bodies and private buyers. Given the limited scope of this project, we do not analyse specific exemptions.</p> <p>Acquiring public real estate and subsequently adapting it for specific business purposes is no standard procedure because the respective possibilities and the specific intended uses are wide. Thus standardised practises, which cover the whole process, do not exist in detail. Therefore we strongly recommend to also involve professional support into the envisaged purchase and development project.</p> <p>Assumption: the prospective real estate has been selected and seems to be suitable for the business envisaged.</p> <p>The persons responsible have to be identified (e.g. owner, competent authorities, professional support).</p>				

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<p>Current extract from the land register:</p> <p>The extract from the land register can be received from every district court ("Bezirksgericht") or notary public. Electronic access to the register can be given on request; the extract describes the property and shows the rights and encumbrances intabulated.</p>	<p>List of district courts: http://www.justiz.gv.at/internet/html/default/8ab4a8a422985de30122a90cd69e61e8.de.html</p> <p>Link for search for notaries public: http://www.notar.at/notar/de/home/notar_suche/</p>	<p>Law of 2 February 1955 relating to the land registers (Federal Law Gazette n. 39/1955, last amendment n. I 58/2010 - 01.08.2010)</p>	<p>Regulates the land registers</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001941/GBG%201955%2c%20Fassung%20vom%2002.12.2010.pdf</p>

Zoning and development plans:

Zoning plans seeks to supralocally order and regulate the use of land in an efficient and ethical way, thus preventing land use conflicts. Within the framework of the zoning plans, the development plans specify whether and in what form building activities are allowed on the property of one's choice.

Zoning and development plans are publicly available at the locally competent municipal offices.

As zoning plans fall within the competence of the Laender, the competent authority is a department of the office of the Laender's government.

Development plans fall within the competence of the municipalities.

For the respective Land please see below the parts dedicated to Styria, Carinthia and Burgenland.

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<p>Building codes:</p> <p>Building codes fall within the legislative competence of the Laender, thus there are variances in the codes from one Land to the other.</p> <p>Nevertheless certain attempts for harmonization can be seen. In general these building codes provide for specific regulations for the use of properties for buildings (building line, street line), the special requirements and procedures for obtaining the official authorisation for the construction and its realisation.</p> <p>The Building codes usually contain the following provisions: minimum and maximum room and exit sizes and location, allowable installation methodologies, specifications on components, energy provisions and consumption, fire code rules, drainage, waste water disposal, waste treatment, rules regarding parking and traffic impact.</p> <p>For the respective Land please see the parts dedicated to Styria, Carinthia and Burgenland in the Annexes.</p>				
<p>License for industrial plants:</p> <p>For most businesses - in particular for a plant or a factory - an industrial license must be obtained at the competent district authority (in most instances "Bezirkshauptmannschaft" or "Magistrat" for greater cities).</p> <p>The applicant has to prove that the conditions imposed by the competent authority have been fulfilled. These requirements usually include strict limits on permissible noise, dust, smoke or other emissions as well as no interference with neighbours' rights. In most cases regulations for the protection of employees are also foreseen.</p>	<p>List of districts and municipalities with their own statuts: http://de.wikipedia.org/wiki/Liste_der_Bezirke_in_%C3%96sterreich</p>	<p>Industrial Code 1994 (Federal Law Gazette n. 194/1994, last amendment n. I 66/2010 - 19.08.2010)</p>		<p>http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10007517/GewO%201994%2c%20Fassung%20vom%2002.12.2010.pdf</p>

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<p>Environmental approval for major industrial projects:</p> <p>For large-scale industrial projects, a thorough investigation into its environmental impacts is foreseen by law. According to the Annexes of the Environmental Impact Assessment Act 2000 different categories of projects have been defined that are subject to different administrative procedures. Section 1 for instance provides for waste management projects, thermal power plants and the use of nuclear substances strictly regulated procedures as to their environmental impact. A so called "light" regime is foreseen in Section 2 in particular for certain infrastructure projects.</p> <p>The competent authority has to establish a schedule for the administrative procedure, containing the individual procedural stages of the project due to its kind, dimensions and location. The time schedule has to be published in the internet. Considerable extensions of the deadlines envisaged have to be reasoned in the authority's approval.</p> <p>As environmental protection is key in Austria, the following provisions also have to be considered: e.g. Water Law Act, Waste Management Act, Forest Act, Immission Protection Acts (Water and Air).</p>		Environmental Impact Assessment Act 2000 (Federal Law Gazette n. 697/1993, last amendment n. I 87/2009 - 19.08.2009)	Environmental approval for major industrial projects	http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10010767/UVP-G%202000%2c%20Fassung%20vom%2016.12.2010.pdf

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<p>Administrative procedure:</p> <p>The General Administrative Procedure Act 1991 regulates the jurisdiction of administrative authorities, the persons and parties involved, the investigation procedures, the decision-making, the legal protection including appeal and special provisions for the procedure at independent appeal panels, the obligation to issue a decision on submissions of parties and the costs of administrative procedures.</p> <p>According to Art. 18 of the General Administrative Procedure Act, the procedures have to be led in an efficient and quick way. Unless the respective laws do not provide for different deadlines, due to Art. 73 paragraph 1 the authority has to decide on applications of the parties involved and appeals without undue delay, the latest after 6 months after the receipt of the application.</p>		General Administrative Procedure Act 1991 (Federal Law Gazette n. 51/1991, last amendment n. I 135/2009 - 01.01.2010)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10005768/AVG%2c%20Fassung%20vom%2015.12.2010.pdf
<p>Civil law provisions governing real estate purchases:</p> <p>The Civil Code regulates the fundamental principles of public and private ownership, controlling, acquisition, transfer, protection and cessation of ownership. It contains the rights and duties of both, vendor and purchaser. According to Art. 290 the regulations of the Civil Code governing the sale of real estate also apply when selling real estate owned by public bodies. Deviations and special regulations are possible. Regional authorities are entitled to be owners of real estates which are restricted for public use (this real estate can be especially titled in the land registers). They may also be owners of real estate which is not restricted to public use. These distinctions are important for the modalities of the sale of real estate of public bodies. In general public bodies may not be forced to sell real estate.</p> <p>As many legal and complex issues are at stake when it comes to purchasing public real estate, it is advisable to commission a notary public or a lawyer to draw up the contract and proceed with land register regulations.</p>		Art. 290 Civil Code (Official Compilation of Laws n. 946/1811 - 01.01.1812)	Regulates the sale of real estate owned by public bodies	http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR12018015/NOR12018015.pdf

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<p>The acquisition of ownership in real estates needs a purchase agreement (title) and its registration with the land register (modus). The registration with the land register is a very formal procedure. The agreement requires specific phrases and the legalisation of the signatures by a notary public or a district court. The registration of the title constitutes the property right. Specific procedures exist for real estate which is not intabulated with the land register.</p>		<p>Arts. 431 - 435 Civil Code (Official Compilation of Laws n. 946/1811 - 01.01.1812)</p>	<p>Regulates the sale of real estate</p>	<p>http://www.ris.bka.gv.at/MarkierteDokumente.wxe?Abfrage=Bundesnormen&Kundmachungorgan=&Index=&Titel=ABGB&Gesetzesnummer=&VonArtikel=&BisArtikel=&VonParagraf=431&BisParagraf=435&VonAnlage=&BisAnlage=&Typ=&Kundmachungsnummer=&Unterzeichnungsdatum=&FassungVom=02.12.2010&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&WxeFunctionToken=1c2d4fa3-eb56-46bc-821d-25b25a5c32e9</p>
<p>Division of real estate:</p> <p>This law for the division of real estate governs the basic principles of real estate's splitting, the competence of the courts for the land registers and overall aspects of consistency between land register, the maps of land registers and the cadastre of real properties.</p>		<p>Law of 19 December 1929 for the division of property (Federal Law Gazette n. 3/1930, last amendment n. I 100/2008 - 01.01.2009)</p>	<p>Regulates the division of property</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001787/LiegTcilG%2c%20Fassung%20vom%2008.12.2010.pdf</p>

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<p>Real estate owned by the Federation: Competence for selling</p> <p>Art. 64 of the Finance Act entitles the minister of finance to dispose of real estate owned by the Federation e.g. by selling. For example the selling of this kind of property is permissible if this property is not needed by the Federation in the future. This Finance Act will expire on 31 December 2012 and will be replaced by the Finance Act 2013 (cf. http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2009_I_139/BGBLA_2009_I_139.pdf).</p> <p>Another possible procedure for the sale of real estate is the explicit authorization by law (cf. http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20006995/Ver%c3%a4u%c3%9ferung%20von%20unbeweglichem%20Bundesverm%c3%b6gen%2c%20Fassung%20vom%2009.12.2010.pdf).</p>				
<p>Approval procedure for third-country-citizens:</p> <p>As the rules for the sale of land to foreigners fall within the competence of the Laender, please see below the parts dedicated to Styria, Carinthia and Burgenland.</p>				
<p>Real estate transfer tax ("Grunderwerbsteuer"):</p> <p>The conclusion of the real property sales contract triggers taxes of 3.5 % of the agreed price. The intabulation of the transfer of property rights needs an official notification of the tax authorities that these fees have been paid. All parties of the contract are liable for the tax payment.</p> <p>Certain professions, e.g. notary public are authorized to self assess the real estate transfer tax and issue certificates as to the calculation and payment for the district courts.</p>	<p>Form: https://www.bmf.gv.at/Service/Anwend/FormDB/show_mast.asp</p>	<p>Law of 2 July 1987 on levy of taxes in respect of the acquisition of real estate (Federal Law Gazette n. 309/1987, last amendment n. I 135/2009 - 31.12.2009)</p>	<p>Taxes for the contract</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10004531/GrESTG%201987%2c%20Fassung%20vom%2009.12.2010.pdf</p>

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<p>Registration of property rights with the land register:</p> <p>This law regulates the specific requirements for the intabulation into the land registers by courts.</p> <p>Austria's land registers are public registers accessible for everyone. The land registers are electronic registers (including also historic cadastres with deleted entries), the access to the information is also possible via Internet (liable to fees). The records of the land registers were kept by the 141 district courts of Austria. The extract of the land register in respect of a specific lot of land consists of three parts. The first one ("A-Blatt") describes the property (size of the lot, dedication, address etc.). The second one ("B-Blatt") shows the actual owner(s), the third one ("C-Blatt") the encumbrances.</p> <p>The order of registration in the land register is determined by the date of the receipt of the respective application at the locally competent district court. It is vital to inspect the land register in detail, as all rights entered in the order of registration before the purchaser's property right is registered must generally be assumed by him or are effective upon him.</p>	<p>List of district courts: http://www.justiz.gv.at/internet/html/default/8ab4a8a422985de30122a90cd69e61e8.de.html</p>	<p>Law of 2 February 1955 relating to the land registers (Federal Law Gazette n. 39/1955, last amendment n. I 58/2010 - 01.08.2010)</p>	<p>Regulates the land registers</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001941/GBG%201955%2c%20Fassung%20vom%2002.12.2010.pdf</p>
<p>Court's intabulation fee:</p> <p>The intabulation into the land register triggers court fees of 1 % of the purchase price. These fees will rise to 1.1 % as of 1 January 2011.</p>		<p>TP 9 of the Law on court fees (Federal Law Gazette n. 501/1984, last amendment n. I 29/2010 - 01.07.2010)</p>	<p>Taxes for the intabulation</p>	<p>http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40118070/NOR40118070.pdf</p>

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<p>Zoning plans:</p> <p>Zoning plans seek to supralocally order and regulate the use of land in an efficient and ethical way, thus preventing land use conflicts.</p> <p>This law regulates regional planning in Burgenland and seeks to guarantee the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to secure the economic and social efficiency, health and well-being of urban and rural communities.</p> <p>The Unit for zoning plans and subsidised housing of the Government of Burgenland is responsible for the Land's and municipal developments.</p> <p>For more detailed information also see: http://www.burgenland.at/media/file/1403_Leitbild_Landesentwicklungsplan_fuer_das_Burgenland.pdf</p>	<p>Government of Burgenland: Dipl.-Ing. Thomas Perlaky Stabsstellenleiter Europaplatz 1 7000 Eisenstadt Tel.: +43 (0) 57 600/2456 Fax: +43 (0) 57 600/2055 post.ro@bgld.gv.at</p>	<p>Burgenland's regional planning law of 20 March 1969 (Law Gazette of Burgenland n. 18/1969, last amendment n. 1/2010 - 01.09.2010)</p>	<p>Planning law</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/10000072/Burgenl%c3%a4ndisches%20Raumplanungsgesetz%2c%20Fassung%20vom%2010.12.2010.pdf</p>
<p>Development plans:</p> <p>Within the framework of the zoning plans, the development plans specify whether and in what form building activities are allowed on the property of one's choice.</p> <p>The municipalities are competent within their own sphere of competence for the definition of the local development plans.</p>	<p>Burgenland's administrative districts: http://www.burgenland.at/politik-verwaltung/bezirkshauptmannschaften</p> <p>Link to Burgenland's municipalities: http://www.burgenland.at/burgenland/bezirkeundgemeinden</p>	<p>Burgenland's regional planning law of 20 March 1969 (Law Gazette of Burgenland n. 18/1969, last amendment n. 1/2010 - 01.09.2010)</p>	<p>Planning law</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/10000072/Burgenl%c3%a4ndisches%20Raumplanungsgesetz%2c%20Fassung%20vom%2010.12.2010.pdf</p>

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<p>Building permit:</p> <p>The respective municipal office is competent for the procedure and for issuing the building permit. They have to take into account the zoning plan of the municipality. The respective requirements are listed in detail.</p> <p>According to the building code the application dossier usually has to contain the following documents: application for building permit, extract from the land register and/or the consent of the real estate owner, list of the neighbouring real estates including the contact to their owners and project plan also signed by the neighbours.</p> <p>If a construction project also needs permits according to other legal provisions, the construction hearing shall take place together with other hearings, if possible, according to Art. 18 paragraph 6 Construction law of Burgenland of 20 November 1997.</p> <p>In addition to the construction law of Burgenland the Regulation of the government of Burgenland of 24 June 2008 in respect of technical specifications for buildings specifies the requirements, in particular as to building techniques, fire protection, hygiene, health, environmental protection and soundproofing.</p>	<p>Link to Burgenland's municipalities: http://www.burgenland.at/burgenland/bezirkeundgemeinden</p> <p>Government of Burgenland (Dep. 5): Dr. Josef Hochwarter, Europaplatz 1 7000 Eisenstadt Tel.: +43 (0) 57 600 2300 post.abteilung5@bgld.gv.at</p>	<p>Construction law of Burgenland of 20 November 1997 (Law Gazette of Burgenland n. 10/1998, last amendment n. 53/2008 - 30.05.2008)</p> <p>Regulation of the government of Burgenland of 24 June 2008 in respect of technical specifications for buildings (Burgenland Law Gazette n. 63/2008 - 01.07.2008)</p>	<p>Construction law, building code</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrBglid/10000504/Bgld.%20BauG%2c%20Fassung%20vom%2007.12.2010.pdf</p> <p>http://www.ris.bka.gv.at/GeltendeFassung/LrBglid/20000684/Bgld.%20BauVO%202008%2c%20Fassung%20vom%2007.12.2010.pdf</p>

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<p>Real estate owned by Burgenland: Competence for selling:</p> <p>This Article specifies that every sale of real estate owned by Burgenland must be approved by Burgenland's parliament or needs its authorization.</p>		<p>Art. 37a of the Constitutional Law of Burgenland (Law Gazette of Burgenland n. 42/1981, last amendment n. 54/2005 - 26.07.2005)</p>	<p>Competence</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrBgl/LBG40005516/LBG40005516.pdf</p>
<p>Real estate owned by municipalities in Burgenland: Competence for selling:</p> <p>Arts. 61 to 65 of the Publication of the state government of Burgenland of 15 July 2003 in respect of the renewed official statement of Burgenland's local government law differentiate between various kinds of real properties of the municipality (e.g. "Gemeindevermögen", "öffentliches Gut" and "Gemeindegut" according to Art. 288 Civil Code). Thus different procedures have to be applied in business transactions of real estate.</p> <p>Depending on the value of the real property different executive bodies of the municipality are entitled to conclude the sales contract.</p> <p>According to Art. 87 the sale of a real estate of a municipality needs in some cases the approval of Burgenland's government.</p> <p>Art. 50 determines the requirements for a valid signature of the municipality (e.g. the seal of the municipality).</p> <p>Cities with their own statuts (in Burgenland: Eisenstadt and Rust) have their special ordinances.</p> <p>Whenever such a purchase is envisaged, it is vital for the buyer to contact the municipality in time.</p>	<p>Link to Burgenland's municipalities: http://www.burgenland.at/burgenland/bezirkeundgemeinden</p>	<p>Publication of the state government of Burgenland of 15 July 2003 in respect of the renewed official statement of Burgenland's local government law (Law Gazette of Burgenland n. 55/2003, last amendment n. 33/2010 - 29.05.2010)</p>	<p>Competences of communities</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrBgl/20000221/Kundmachung%20c3%bcber%20die%20Wiederverlautbarung%20der%20Burgenl%c3%a4ndischen%20Gemeindeordnung%2c%20Fassung%20vom%2006.12.2010.pdf</p>

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<p>Approval procedure for third-country-citizens:</p> <p>The Law of 1 February 2007 regulating the sale of real estate in Burgenland specifies in its part 4 (Arts. 11 and 12) the rules for the sale of land with participation of third-country-citizens. As foreigners are considered i.a. (i) individual persons who do not have Austrian citizenship, (ii) legal persons with registered offices abroad and (iii) legal persons with registered offices in Austria but more than 50 % shareholders or members of the board of management without Austrian citizenship. The sale of real estate to a foreigner generally requires a mandatory approval. Citizens or legal persons of member states of the European Union (EU), or of a signatory party to the Agreement on the European Economic Area (EEA) or according to special State Treaties enjoy the same status as Austrian citizens.</p> <p>The investor should directly contact the respective district administration authority (Bezirksverwaltungsbehörde) for the acquisition of real estate where they can obtain the information on province specific terms and precise details (e.g. deadlines).</p> <p>The documents required are as follows:</p> <ul style="list-style-type: none"> - written request for approval (application form or informal request) - contract - declaration on the intended use of the property <p>Requests will be generally approved if the transaction is of cultural, social, or macroeconomic interest of Burgenland or one of its municipalities and no national interests are negatively affected.</p>	<p>Burgenland's administrative districts:</p> <p>http://www.burgenland.at/politik-verwaltung/bezirkshauptmannschaften</p> <p>Government of Burgenland (Dep. 4a):</p> <p>Mag. Sonja Windisch</p> <p>Europaplatz 1</p> <p>7000 Eisenstadt</p> <p>Tel: +43 (0) 57 600 2360</p> <p>post.abteilung4a@bgld.gv.at</p>	<p>Law of 1 February 2007 regulating the sale of real estate in Burgenland (Law Gazette of Burgenland n. 5/2007 - 06.04.2007)</p>	<p>Acquisition of property by foreigners</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/20000615/Bgld.%20GVG%202007%2c%20Fassung%20vom%2001.12.2010.pdf</p>

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The Regulation of the government of Burgenland of 10 July 2007 to execute the Law regulating the sale of real estate specifies some regulations of the law on the sale of real estate in Burgenland which have to be respected.		Regulation of the government of Burgenland of 10 July 2007 to execute the Law regulating the sale of real estate (Law Gazette of Burgenland n. 45/2007, last amendment n. 77/2008 - 11.09.2008)		http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/20000629/Bgld.%20GV%20Fassung%20vom%2007.12.2010.pdf

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<p>Zoning plans:</p> <p>Zoning plans seek to supralocally order and regulate the use of land in an efficient and ethical way, thus preventing land use conflicts.</p> <p>This law regulates regional planning in Carinthia and seeks to order und regulate the use of land in an efficient and ethical way, thus preventing land use conflicts. Planning permits may not be granted if they are inconsistent with this regional planning law.</p> <p>The Department 20 of the Government of Carinthia is responsible for the Land's and municipal developments.</p>	<p>Government of Carinthia (Dep. 20): DI Peter Fercher Mießtaler Straße 1 9021 Klagenfurt am Wörthersee Tel.: +43 (0)50 536 32002 Fax.: +43 (0)50 536 32007 post.abt20@ktn.gv.a</p>	<p>Carinthian regional planning law of 24 November 1969 (Carinthian Law Gazette n. 76/1969, last amendment n. 136/2001 - 01.01.2002)</p>	<p>Regional planning</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrK/1000036/K-ROG%2c%20Fassung%20vom%2007.12.2010.pdf</p>
<p>Development plans:</p> <p>Within the framework of the zoning plans, the development plans specify whether and in what form building activities are allowed on the property of one's choice.</p> <p>The Government of Carinthia has to assist the municipalities on their request free of charge to elaborate the regional development concept.</p> <p>This law deals primarily with the design and management of municipal space and the way this space is experienced and used. The municipal council has the duty to issue a zoning plan which has to divide the municipal territory into building areas, grassland and traffic zones. This plan has to be in accordance with the aims and principles of Carinthia's regional planning law.</p>	<p>Carinthia's administrative districts: http://www.ktn.gv.at/39868_DE-VERWALTUNG-Bezirke</p> <p>Carinthia's municipalities: http://www.ktn.gv.at/45087_DE-Gemeinden-Gemeindeliste</p>	<p>Carinthian planning law for communities 1995 (Carinthian Law Gazette n. 23/1995, last amendment n. 88/2005 - 13.12.2005)</p>	<p>Urban planning</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrK/1000193/K-GplG%201995%2c%20Fassung%20vom%2007.12.2010.pdf</p>

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<p>Building permit:</p> <p>The respective municipal office is competent for the procedure and for issuing the building permit. They have to take into account the zoning plan of the municipality. The respective requirements are listed in detail.</p> <p>According to the building code the application dossier usually has to contain the following documents: application for building permit, extract from the land register and/or the consent of the real estate owner, list of the neighbouring real estates including the contact to their owners and project plan.</p> <p>For more detailed provisions, please also see the Regulation of the Government of Carinthia of 25 June 2002 in respect of construction application below.</p> <p>In addition to Carinthia's construction law the Carinthian Law for construction regulations of 19 June 1985 contains a set of rules that specifies the minimum acceptable level of safety for constructed objects. It foresees specific requirements including e.g. energy provisions and consumption, minimum and maximum room and exit sizes including location, provisions for outer and inner walls as well as ceiling heights.</p>	<p>Carinthia's municipalities: http://www.ktn.gv.at/45087_DE-Gemeinden-Gemeindeliste</p>	<p>Carinthian construction law 1996 (Carinthian Law Gazette n. 62/1996, last amendment n. 16/2009 - 01.04.2009)</p> <p>Carinthian Law for construction regulations of 19 June 1985 (Carinthian Law Gazette n. 56/1985, last amendment n. 10/2008 - 20.02.2008)</p>	<p>Construction law</p> <p>Construction law (building code)</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000201/K-BO%201996%2c%20Fassung%20vom%2007.12.2010.pdf</p> <p>http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000103/K-BV%2c%20Fassung%20vom%2007.12.2010.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Carinthia

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
According to Carinthia's construction law this regulation foresees the preconditions for a construction application.		Regulation of the Government of Carinthia of 25 June 2002 in respect of construction application (Carinthian Law Gazette n. 42/2002, last amendment n. 14/2008 - 12.03.2008)	Building code	http://www.ris.bka.gv.at/GeltendeFassung/LrK/2000110/Bauansuchenverordnung%2c%20Fassung%20vom%2013.12.2010.pdf
Real estate owned by Carinthia: Competence for selling: Art. 64 provides that the sale of real estate owned by Carinthia needs - in addition to the decision of Carinthia's government - the approval or the authorization of the Carinthian Parliament.		Art. 64 of the Constitutional Law of Carinthia (Law Gazette of Carinthia n. 85/1996, last amendment n. 77/2010 - 12.10.2010)	Competence	http://www.ris.bka.gv.at/GeltendeFassung/LrK/1000208/K-LVG%2c%20Fassung%20vom%2007.12.2010.pdf

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Carinthia

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Real estate owned by municipalities of Carinthia: Competence for selling:</p> <p>The municipal council has the competence to conclude sales contracts for real estate owned by the municipality (Art. 34).</p> <p>According to Art. 104 the sale of a real estate needs in some cases the approval of Carinthia's government.</p> <p>Art. 71 determines the requirements for a valid signature of the municipality (e.g. the seal of the municipality).</p> <p>Cities with their own statuts (in Carinthia: Klagenfurt am Wörthersee and Villach) have their special ordinances.</p> <p>Whenever such a purchase is envisaged, it is vital for the buyer to contact the municipality in time.</p>	<p>Carinthia's municipalities: http://www.ktn.gv.at /45087_DE-Gemeinden-Gemeindeliste</p>	<p>Carinthian general local government law (Carinthian Law Gazette n. 66/1998, last amendment n. 63/2010 - 01.09.2010)</p>	<p>Competence of communities</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000276/K-AGO%2c%20Fassung%20vom%2006.12.2010.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Carinthia

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Approval procedure for third-country-citizens:</p> <p>The Law of 18 December 2003 regulating the sale of real estate in Carinthia specifies in its part 3 (Arts. 13 - 16) the rules for the sale of land to third-country-citizens. Foreigners are defined according to Art. 6 of this law i.a. (i) individual persons who do not have Austrian citizenship, (ii) legal persons who do not have its registered seat, its main office or its principal place of business in Austria and (iii) legal persons with registered seat in Austria but shareholders predominantly from abroad. Citizens or legal persons of member states of the European Union (EU), or of a signatory party to the Agreement on the European Economic Area (EEA) or according to special State Treaties enjoy the same status as Austrian citizens. The sale of real estate to a foreigner generally requires a mandatory approval.</p> <p>The investor should directly contact the respective district administration authority ("Bezirksverwaltungsbehörde") for the acquisition of real estate where they can obtain the information on province specific terms and precise details (e.g. deadlines).</p> <p>The documents required are as follows:</p> <ul style="list-style-type: none"> - written request for approval (application form or informal request) - (draft of) contract - declaration on the use of the property - information about the personal situation of the purchaser. <p>Applications will be approved if the intended use of the estate does neither violate the zoning plan nor an individual building permit; in addition the transaction has to be of cultural, social, or macroeconomic interest and must not negatively affect national interests.</p>	<p>Carinthia's administrative districts:</p> <p>http://www.ktn.gv.at/39868_DE-VERWALTUNG-Bezirke</p>	<p>Law of 18 December 2003 regulating the sale of real estate in Carinthia (Carinthian Law Gazette n. 9/2004 - 01.04.2004)</p>	<p>Acquisition of property by foreigners</p>	<p>http://www.ris.bka.gv.at/GeltendeFassung/LrK/2000167/K-GVG%2c%20Fassung%20vom%2001.12.2010.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Styria

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Zoning plans:</p> <p>Zoning plans seek to supralocally order and regulate the use of land in an efficient and ethical way, thus preventing land use conflicts.</p> <p>This law determines regional planning in Styria. In particular planning permits violating this regional planning law may not be granted.</p> <p>In the office of the Government of Styria the Department 13B is competent for local zoning plans.</p> <p>The Department 16 of the Government of Styria is responsible for the Land's and municipal developments.</p> <p>For more detailed information also see: http://www.raumplanung.steiermark.at/cms/dokumente/11164779_280339/3c105f9e/Landesentwicklungsprogramm_LGBI_Nr_75-2009.pdf</p>	<p>Government of Styria (Dep. 13B): Mag. Andrea Teschinegg Stempfergasse 7 8010 Graz Tel.: +43 316 877 2536 Fax: +43 316 877 2673 fa13b@stmk.gv.at</p> <p>Government of Styria (Dep. 16): Mag. Doris Kampus Stempfergasse 7 Tel.: +43 316 877 3644 Fax: +43 316 877 3711 a16@stmk.gv.at</p>	<p>Styrian regional planning law 2010 (Styrian Law Gazette n. 49/2010 - 01.07.2010)</p>	<p>Planning law</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrStmk/LRS_T_8000_002/LRST_8000_002.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Styria

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Development plans:</p> <p>Within the framework of the zoning plans, the development plans specify whether and in what form building activities are allowed on the property of one's choice.</p> <p>The Government of Styria has to assist the municipalities on their request to elaborate the local development concept (Arts. 21 and 23), the zoning plans (Art. 25) and the development plans (Art. 40).</p> <p>In the office of the Government of Styria the Department 13B is competent for local zoning plans.</p>	<p>Government of Styria (Dep. 13B) Mag. Andrea Teschinegg Stempfergasse 7 8010 Graz Tel.: +43 316 877 2536 Fax: +43 316 877 2673 fa13b@stmk.gv.at</p>	<p>Styrian regional planning law 2010 (Styrian Law Gazette n. 49/2010 - 01.07.2010)</p>	<p>Planning law</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrStmk/LRS_T_8000_002/LRST_8000_002.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Styria

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Building permit:</p> <p>This law incorporates the regulations as to the use of properties for buildings, the special requirements and procedures for obtaining the official authorisation for the construction and its realisation. It also contains the provisions for the respective taxes.</p> <p>The respective municipal office is competent for the procedure and for issuing the building permit.</p> <p>The application dossier usually has to contain the following documents: application for building permit, extract from the land register and/or the consent of the real estate owner, list of the neighbouring real estates including the contact to their owners, description of the suitability of the real estate (e.g. energy supply, wast water disposal) and project plan.</p> <p>If a construction project needs an authorisation according to Art. 19 and also requires a permit for an industrial plant (according to the Arts. 74 ff Industrial Code 1994) the construction hearing shall take place together with the hearing for the industrial plant. The procedures shall only be combined on application according to Art. 24 paragraph 4.</p>	<p>Styria's municipalities: http://www.gemeinde.steiermark.at/system/web/gemeindeinfo.aspx?menuonr=219132785&typ=all</p>	<p>Styrian construction law (Styrian Law Gazette n. 59/1995, last amendment n. 49/2010 - 01.07.2010)</p>	<p>Construction law</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrStmk/LRS_T_8200_003/LRST_8200_003.pdf</p>
<p>Real estate owned by Styria: Competence for selling:</p> <p>Art. 20 of Styria's Constitution states that the selling of real estate owned by Styria needs - in addition to the decision of Styria's government - the consent of Styria's parliament if this real estate has a value above 50,000 Euro. Up to a value of 50,000 Euro the government of Styria is competent (Art. 41 paragraph 1 sub-paragraph 4).</p>		<p>Art. 20 of the Constitutional Law of Styria (Law Gazette of Styria n. 77/2010 - 20.10.2010)</p>	<p>Competence</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrStmk/LRS_T_0001_007/LRST_0001_007.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Styria

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Real estate owned by municipalities in Styria: Competence for selling:</p> <p>Arts. 70 to 73 differentiate between different kinds of real properties of the community (e.g. "Gemeindevermögen", "öffentliches Gut" and "Gemeindegut" according to Art. 288 Civil Code). Thus different procedures have to be applied in business transactions of real estate.</p> <p>In principle the municipal council has the competence to conclude sales contracts in respect of real estate of the community.</p> <p>According to Art. 90 the selling of a municipal real estate needs in some cases the approval of Styria's government (e.g. if the price is lower than the market price). This approval has to be granted or to be refused within a three-month time period - a prolongation of up to six months is possible.</p> <p>Art. 63 determines the requirement for a valid signature of the municipality (e.g. the seal of the municipality).</p> <p>Cities with their own statutes (in Styria: Graz) have their special ordinances.</p> <p>Whenever such a purchase is envisaged, it is vital for the buyer to contact the municipality in time.</p>	<p>Styria's municipalities: http://www.gemeinde.steiermark.at/system/web/gemeindeinfo.aspx?menuonr=219132785&typ=all</p>	<p>Law of 14 July 1967 in respect of Styria's local government law with exception to cities with its own statute (Styrian Law Gazette n. 115/1965, last amendment n. 81/2010 - 25.10.2010)</p>	<p>Competences of communities</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_100_002/LRST_100_0_002.pdf</p>

Analysis of administrative procedures in business transactions of real estate between public bodies and private buyers in Austria

Case study: purchase of public real estate for business purposes in Styria, Carinthia and Burgenland - Styria

Procedure	Contacts	Name, Date, Title	Area of Application	Link to Website
<p>Approval procedure for third-country-citizens:</p> <p>The Law of 28 September 1993 regulating the sale of real estate in Styria specifies in its part III (Arts. 22 - 28) the rules for the sale of land with participation of third-country-citizens. As foreigners are considered i.a. (i) individual persons who do not possess Austrian citizenship, (ii) legal persons with registered office abroad and (iii) legal persons with registered office in Austria but shareholders predominantly from abroad. The sale of real estate to a foreigner generally requires a mandatory approval. Exceptions are applicable e.g. for citizens of the European Union, companies in terms of Art 54 TFEU and according to specific State Treaties.</p> <p>The investor should directly contact the respective district administration authority ("Bezirksverwaltungsbehörde") for the acquisition of real estate where to obtain the information on province specific terms and precise details (e.g. deadlines).</p> <p>The documents usually required are as follows:</p> <ul style="list-style-type: none"> - request for approval (application form or informal request) - contract - declaration on the use of the property <p>Requests are generally approved if the transaction is of cultural, social, or macroeconomic interest and no national interests are negatively affected. If there are no specific provisions, the provisions of the General Administrative Act will apply.</p>	<p>List of Styria's administrative districts authorities: http://www.bezirkshauptmannschaften.steiermark.at/cms/beitrag/10085331/106195/</p> <p>Government of Styria (Dep. 10A): Dr. Roland Günther Tel. +43 316 877 6912 Fax +43 316 877 6900 roland.guenther@steiermark.gv.at</p> <p>http://www.verwaltung.steiermark.at/cms/beitrag/10003299/218175/</p>	<p>Law of 28 September 1993 regulating the sale of real estate in Styria (Styrian Law Gazette n. 134/1993, last amendment n. 5/2010 - 30.01.2010)</p>	<p>Acquisition of property for foreigners</p>	<p>http://www.ris.bka.gv.at/Dokumente/LrStmk/LRS_T_6800_002/LRST_6800_002.pdf</p>