

Purchase of immovable property by foreign citizens in Slovenia

Pursuant to Article 68 of the Constitution of the Republic of Slovenia, foreign citizens may acquire property rights to immovable property under conditions provided by law or a treaty ratified by the National Assembly.

European Union

Pursuant to Article 3a of the Constitution and the Act Ratifying the Treaty of Accession, with which Slovenia acceded to the European Union, the treaties on which the EU is founded entered into force in Slovenia. Since Slovenia has not adopted any exceptions and transitional periods with regard to the free movement of capital in the area of immovable property, citizens of EU Member States may, as of the date of accession of Slovenia to the EU, acquire immovable property in the territory of Slovenia on a legal basis and under the same conditions that apply to citizens of Slovenia. Citizens of EU Member States are therefore not obliged to obtain an administrative decision on established reciprocity to acquire immovable property in Slovenia.

European Union candidate countries

Article 4 of the Act Governing Conditions for the Acquisition of Title to Property by Natural Persons and Legal Entities of European Union Candidate Countries (Official Gazette RS, No. 61/2006), which entered into force on 28 June 2006, lays down that natural persons and legal entities of candidate countries and candidate countries can acquire property rights to immovable property if reciprocity exists. Reciprocity is established in accordance with the Reciprocity Act (Official Gazette RS, No. 9/99).

Material reciprocity is established by the Ministry of Justice with a decision issued separately in the manner and under the procedure specified in the Reciprocity Act for immovable property that is entered in the land register independently or together with other immovable property under one land register entry.

Pursuant to the first paragraph of Article 7 of the Reciprocity Act, reciprocity exists if a citizen of Slovenia or a legal person with its head office in Slovenia can acquire the right to immovable property in the foreign citizen's country under the same or similar conditions as those under which foreign citizens may acquire the right to immovable property in Slovenia, and if, for a citizen of Slovenia or a legal person with its head office in Slovenia, the conditions to be fulfilled are not considerably more demanding than those applying to foreign citizens under the legal order of Slovenia (material reciprocity).

The procedure is initiated at the request of a foreign citizen who wishes to purchase immovable property. Foreign citizens who do not reside in Slovenia are obliged to appoint an authorised person in Slovenia in accordance with the General Administrative Procedure Act. Under Article 8 of the Reciprocity Act, the following shall be submitted jointly with the application for establishing reciprocity:

- personal data about the foreign citizen (the original document or a certified copy);
- evidence of citizenship (the original document or a certified copy);
- a copy of the entry in the land register;

- the applicant's legal interest; the requirement of legal interest is satisfied by a document showing that at least one of the conditions for acquiring the property right under the law or international treaty has been fulfilled (e.g. a draft contract of sale, preliminary contract or the contract itself);
- a statement regarding the purposes of property acquisition (e.g. residence, secondary residence, activity);
- a document on the type of immovable property subject to acquisition, which is issued by the branch office of the Surveying and Mapping Authority of Slovenia in accordance with the Instruction on filling in the form with data on immovable property in the procedure of establishing reciprocity (Official Gazette RS, No. 24/99) and which must be presented no later than 45 days from the date of its issue.

When submitting an application, an administrative fee in the amount of EUR 17.73 must be paid in accordance with the first paragraph of Article 16 of the Administrative Fees Act. The administrative fee may be paid (manner of payment):

1. **in person** at the dispatch centre at the Ministry's headquarters; in this case, the client shall submit evidence of payment to the Ministry, or
2. **by money order form**: The administrative fee shall be paid into the account: **01100-1000315637; Ref. 11/20117-7111002 Ministry of Justice, Župančičeva 3, 1000 Ljubljana**

The client shall submit evidence of payment by money order form to the Ministry.

If the aforementioned fee is not paid within 15 days of receipt of a notice of payment of the said fee, the client will be sent a reminder for payment of the regular fee and the fee for the reminder.

On the basis of a complete application, from its existing records, or by sending a letter of request to the country of the foreign citizen, the Ministry of Justice of the Republic of Slovenia will obtain information on how the acquisition of a property right to the same or similar kind of immovable property located in the same or a similar kind of area is regulated for citizens of Slovenia under the legal order of the country of the foreign citizen. The ministry will issue a decision on the existence of reciprocity within 90 days of receipt of a complete application. The client must enclose the final decision with the proposal for the entry of the property right of a foreign citizen in the land register.

Other countries

Citizens of all other countries can acquire property right to immovable property in the territory of the Republic of Slovenia only on the basis of inheritance on condition of reciprocity as laid down in Article 6 of the Inheritance Act (Official Gazette of the Socialist Republic of Slovenia, No. 15/76).

Slovenes abroad

Article 66 of the Act Regulating Relations between the Republic of Slovenia and Slovenes Abroad (Official Gazette RS, No. 43/2006) lays down that a person with the status of a Slovene without Slovenian citizenship has the right to acquire property rights to immovable property in the Republic of Slovenia under the same conditions that apply to citizens of the Republic of Slovenia.

In accordance with Article 59 of the Act Regulating Relations between the Republic of Slovenia and Slovenes Abroad (Official Gazette RS, No. 43/2006), the status of a Slovene without citizenship of the Republic of Slovenia can be obtained by those individuals who:

- are of Slovenian origin;
- actively participate in organisations of Slovenes outside the Republic of Slovenia and are actively connected with the Republic of Slovenia;
- are not members of societies, political parties and other organisations that are opposed to international legal, constitutional and legally protected rights of Slovenes abroad, or actively act against the constitutional order of the Republic of Slovenia;
- have not been deprived of the citizenship of the Republic of Slovenia under the provisions of the law governing the citizenship of the Republic of Slovenia.