

Analysis of legislative framework in business transactions of real estate in Austria - Regulations Governing Public Ownership and Sales Procedures



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Transnational Cooperation Programme

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Art. 10 paragraph 1 sub-paragraph 6 Federal Constitutional Law (Federal Law Gazette n. 1/1930, last amendment n. I 2/2008 - 01.07.2008)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40094596/NOR40094596.pdf	Regulates the competence for legislation	This section of the Federal Constitutional Law (Bundes-Verfassungsgesetz - B-VG) codifies that the Federation has powers of legislation and execution in the following matters: civil law affairs, including ... but excluding provisions for real property transactions, legal acquisition on death by individuals outside the circle of legal heirs not excepted, with aliens and transactions in built-up real property or such as is earmarked for development subject to restrictions by the administrative authorities.
Art. 11 paragraph 2 Federal Constitutional Law (Federal Law Gazette n. 1/1930, last amendment n. I 118/2004 - 01.01.2005)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40060448/NOR40060448.pdf	Regulates the competence for legislation	As far as a need for uniform regulations exists, the administrative procedure, the general provisions of administrative penal law, the administrative penal procedure and the administrative execution also in matters where legislation lies with the Laender, in particular too in matters pertaining to taxation, are regulated by Federal law; divergent regulations can be made in Federal or Laender laws settling the individual spheres of administration only when they are requisite for regularization of the respective matter.
Art. 15 paragraph 1 Federal Constitutional Law (Federal Law Gazette n. 1/1930, last amendment n. I 100/2003 - 01.01.2004)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40045741/NOR40045741.pdf	Regulates the competence for legislation	This section incorporates the principle that as far as a matter is not expressly assigned by the Federal Constitution to the Federation for legislation or execution, it remains within the Laender's autonomous sphere of competence.

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Art. 116 Federal Constitutional Law (Federal Law Gazette n. 1/1930, last amendment n. I 100/2003 - 01.01.2004)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40045821/NOR40045821.pdf	Ownership of properties of communities	This section specifies that municipalities have the power to buy, to own and to sell property within the general framework of Federation's and Laender's law.
Art. 118 paragraph 3 sub-paragraph 9 Federal Constitutional Law (Federal Law Gazette n. I/1930, last amendment n. I 100/2003 - 01.01.2004)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40045824/NOR40045824.pdf	Regulates the competence of communities	A municipality is guaranteed official responsibility in its own sphere of competence for performance that are exclusively or preponderantly the concern of the local community and suited to performance by the community within its local boundaries. The municipality's own sphere of competence includes notably: the local building police excluding Federal-owned buildings which serve public purposes (Art. 15 para 5); local development planning.
Agreement pursuant to Art. 15a of the Federal Constitutional Law concluded between the Federation and inter alia Styria, Carinthia and Burgenland in respect of civil law matters of the sale of building sites (Federal Law Gazette n. 260/1993, last amendment n. I 43/2009 - 24.01.2009)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/1001259/Bund%20-%20L%c3%a4nder%20Verkehr%20mit%20Baugrundst%c3%bccken%20(zivilr.%20Bestimmung)%20c%20Fassung%20vom%2001.12.2010.pdf	Civil law matters agreement	This agreement contains certain civil law matters which have to be respected by the Laender within Laender's legislation as to the sale of building sites. E.g. if the Laender's administrative approval is not granted, it will be forbidden to execute the legal transaction by intabulation of the agreement into the land register.

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Art. 290 Civil Code (Official Compilation of Laws n. 946/1811 - 01.01.1812)		http://www.ris.bka.gv.at/Dokumente/Buandesnormen/NOR12018015/NOR12018015.pdf	Regulates the sale of real estate to be owned by public bodies	<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.</p> <p>Regional authorities are entitled to be owners of real estates which are restricted for public use (in general this real estate is especially titled in the land registers - "öffentliches Gut"). 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 regional authorities. In general public bodies may not be forced to sell real estate.</p>

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Arts. 431 - 435 Civil Code (Official Compilation of Laws n. 946/1811 - 01.01.1812)		http://www.ris.bka.gv.at/MarkierteDokumente.wxe?Abfrage=Bundesnormen&Kundmachungsorgan=&Index=&Titel=ABGB&Gesetzesnummer=&VonArtikel=&BisArtikel=&VonParagraf=431&BisParagraf=435&VonAnlage=&BisAnlage=&Typ=&Kundmachungsnummer=&Unterscheidungsdatum=&FassungVom=02.12.2010&ImRisSeite=Undefined&ResultPageSize=100&Suchworte=&WxeFunctionToken=1c2d4fa3-eb56-46bc-821d-25b25a5c32e9	Regulates the sale of real estate	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 into the land register.

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Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Art. 64 Finance Act (Federal Gazette Act n. 213/1986, last amendment n. I 139/2009)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR12057732/NOR12057732.pdf	Authorisation to sell real estate to be owned by the Federation	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). 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%20a4u%20ferung%20von%20unbeweglichem%20Bundesverm%20b6gen%20Fassung%20vom%2009.12.2010.pdf).
Law in respect of reorganisation of Federal administration of construction and real property (Federal Law Gazette n. I 141/2000, last amendment n. I 144/2005 - 15.12.2005)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/2001062/Bundesimmobiliengesetz%20%20Fassung%20vom%2009.12.2010.pdf	Private Corporation for selling of property	The Federation established a limited liability company ("Bundesimmobiliengesellschaft mbH", abbreviated "BIG") to manage Federation's real estate such as for instance making available properties for the requirements of the Federation but also for the selling of property owned by the state. Thus a lot of property rights were transferred to this company (they are listed as annex to the act). The Federation holds 100 % of the shares. The company is entitled to sell its real estate according to this law, which also describes the procedures to be followed.
Law for the discharge and assignment of motorways and expressways (Federal Law Gazette n. I 50/2002 - 01.04.2002)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20001848/Bundesstra%20%20fen-%20%20bertragungsgesetz%20Fassung%20vom%2013.12.2010.pdf	Corporation for motorways and expressways	This law is another example of the Federation conveying property to the Laender as well as to its corporation ASFINAG by law without intabulation into the land registers.

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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)	Council Directive 2007/36/EC	http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001941/GBG%201955%2c%20Fassung%20vom%2002.12.2010.pdf	Regulates the land registers	This law regulates the specific requirements for the intabulation into the land registers by courts. Austria's land registers are public registers accessible for everyone. The land registers are electronic registers, 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.
General Procedural Law including provisions for Land Register Procedure (Federal Law Gazette n. I 111/2003, last amendment n. I 58/2010 - 01.08.2010)	Council Directives 2005/60/EC, 2006/70/EC and 2005/36/EC	http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20003047/Au%2c%20StrG%2c%20Fassung%20vom%2006.12.2010.pdf	Special procedural law for courts	This law contains a wide range of procedural provisions for civil law proceedings including certain aspects of family law, cartel law and land registration. Thus it is applicable subsidiary to the law on land registers and mainly regulates the specific procedures for parts of the operation in court proceedings.
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)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001787/LiegTeilG%2c%20Fassung%20vom%2008.12.2010.pdf	Regulates the division of property	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.

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Law of 19 December 1929 on the setting up and the structure of the land register (Federal Law Gazette n. 2/1930, last amendment n. I 112/2003 - 01.01.2005)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001786/Allg%20GAG%2c%20Fassung%20vom%2003.12.2010.pdf	Structure of land register	We expect that the topic of not intabulated real estate will be solved in Austria according to the last amendments of the respective laws. However, we also added some links to illustrate possible actual problems for the sake of completeness and as a warning for potential purchasers, as some difficulties will probably still remain. So it is not guaranteed that the register will show the ownership of public real estates for public use ("öffentliches Gut"), and thus will not be 100% reliable.
Law of 27 November 1980 on conversion of the land register (Federal Law Gazette n. 550/1980, last amendment n. I 52/2009 - 01.07.2009)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10002501/GUG%2c%20Fassung%20vom%2002.12.2010.pdf	Intabulation of real estate into the land register	Art. 2c of this law enables to intabulate real estate, not part of the land register so far, into the land register. Although it is planned to incorporate all real estates - especially the public real estates for public use ("öffentliches Gut") - into the land registers (Art. 2b) according to the amendment published in the Federal Law Gazette n. I 100/2008 this electronic incorporation has not taken place till 1 January 2011. Thus it could happen that relevant public real estate is not included into the land register itself. Please note that special attention and special proceedings have to be observed, which also should include individual legal advice.

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Law of 2 July 1987 on levy of taxes concerning the acquisition of real estate (Federal Law Gazette n. 309/1987, last amendment n. I 135/2009 - 31.12.2009)		http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10004531/GrESStG%201987%2c%20Fassung%20vom%2009.12.2010.pdf	Taxes for the contract	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 that these fees have been paid.
TP 9 of the Law on court fees (Federal Law Gazette n. 501/1984, last amendment n. I 29/2010 - 01.07.2010)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40118070/NOR40118070.pdf	Taxes for the intabulation	The intabulation with the land register triggers court fees of 1 % of the purchase price. These fees will rise to 1.1 % as of 1 January 2011.
Art. I of the Introductory Law of the Administrative Procedure Acts 2008 (Federal Law Gazette n. I 87/2008, last amendment n. I 20/2009 - 01.01.2010)		http://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40104712/NOR40104712.pdf	Application of administrative procedure	According to Art. I paragraph 2 of this Introductory Law i.a. the General Administrative Procedure Act 1991 has to be applied to all official administrative procedures i.a. procedure of the ordinary public administration in the Laender, the institutions of towns with their own statut, the institutions of municipalities and the institutions for property transfer (thus not for courts!).

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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	Application of administrative procedure	This Act regulates the jurisdiction of administrative authorities, the persons and parties involved, the investigative 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.
Industrial Code 1994 (Federal Law Gazette n. 194/1994, last amendment n. I 66/2010 - 19.08.2010)	Council Directives 2005/60/EC, 2006/70/EC, 1996/61/EC, 1996/82/EC, 1999/13/EC, 2002/92/EC, 2003/87/EC, 2002/49/EC and 2005/36/EC.	http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10007517/GewO%201994%2c%20Fassung%20vom%2002.12.2010.pdf	License for industrial plants	Arts. 74 ff contain the rules for the installation and the operation of industrial plants. Due to the potential danger of such plants their installation and operation need specific administrative approvals.
Environmental Impact Assessment Act 2000 (Federal Law Gazette n. 697/1993, last amendment n. I 87/2009 - 19.08.2009)	Council Directive 85/337/EEC	http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10010767/UVP-G%202000%2c%20Fassung%20vom%2016.12.2010.pdf	Environmental approval for major industrial projects	This law provides for major industrial projects a thorough investigation into its environmental impacts. According to the Annexes different categories of projects are defined that are subject to various administrative procedures. Section 1 for instance provides strictly regulated procedures as to their environmental impact for waste management projects, thermal power plants and the use of nuclear substances. A so called "light" regime is foreseen in Section 2 in particular for certain infrastructure projects.

Analysis of legislative framework in business transactions of real estate in Austria - Styria

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
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)		http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_6800_002/LRST_6800_002.pdf	Acquisition of property for foreigners	<p>This law of the Land of Styria ("Bundesland Steiermark") specifies in its part III (Arts. 22 - 28) the rules for the sale of land with participation of third-country-citizens.</p> <p>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.</p> <p>The sale of real estate to a foreigner generally requires a mandatory approval. Exeptions are applicable e.g. for citizens of the European Union, companies in terms of Art 54 TFEU and according to specific State Treaties.</p>
Agreement pursuant to Art. 15a of the Federal Constitutional Law concluded between the Federation and inter alia Styria, Carinthia and Burgenland in repect of civil law matters of the sale of building sites (Styrian Law Gazette n. 34/1993, last amendment n. 45/2009 - 24.01.2009)		http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_8204_010/LRST_8204_010.pdf	Civil law matters agreement	<p>This agreement contains certain civil law matters which have to be respected by the Laender within Laender's legislation as to the sale of building sites. E.g. if the Laender's administrative approval is not granted, it will be forbidden to execute the legal transaction.</p>
Art. 20 of the Constitutional Law of Styria (Law Gazette of Styria n. 77/2010 - 20.10.2010)		http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_0001_007/LRST_0001_007.pdf	Competence	<p>Art. 20 of Styria's Constitution states that the selling of real estate owned by Styria needs 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 pararagraph 1 sub-paragraph 4).</p>

Analysis of legislative framework in business transactions of real estate in Austria - Styria

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
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)		http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_1000_002/LRST_1000_002.pdf	Competences of communities	<p>Arts. 70 to 73 differentiate between different kinds of municipal real properties (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 requirements 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>
Styrian regional planning law 2010 (Styrian Law Gazette n. 49/2010 - 01.07.2010)	Council Directives 96/82/EC, 2001/42/EC, 2002/49/EC and 2003/a/EC	http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_8000_002/LRST_8000_002.pdf	Planning law	This law regulates regional planning in Styria. In particular planning permits violating this regional planning law may not be granted.
Styrian construction law (Styrian Law Gazette n. 59/1995, last amendment n. 49/2010 - 01.07.2010)	Council Directives 2002/91/EC and 2006/123/EC	http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_8200_003/LRST_8200_003.pdf	Construction law	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.

Analysis of legislative framework in business transactions of real estate in Austria - Styria

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Ordinance of Styria's government of 22 March 1993 for the density of built-up areas (Styrian Law Gazette n. 38/1993, last amendment n. 61/2003 - 19.07.2003)		http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_8000_126/LRST_8000_126.pdf	Construction law	According to Styria's regional planning law this ordinance provides minimum and maximum values of density for building sites.
Styrian Law of 28 June 1977 for the preservation and design of the overall appearance of communities (Styrian Law Gazette n. 54/1977, last amendment 71/2001 - 01.01.2002)		http://www.ris.bka.gv.at/Dokumente/LrStmk/LRST_8040_001/LRST_8040_001.pdf	Townscape	In specified areas of municipalities, characteristic for this community, the owners of real properties have to respect special duties as to the outward appearance of their buildings.

Analysis of legislative framework in business transactions of real estate in Austria - Carinthia

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Law of 18 December 2003 regulating the sale of real estate in Carinthia (Carinthian Law Gazette n. 9/2004 - 01.04.2004)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/20000167/K-GVG%2c%20Fassung%20vom%2001.12.2010.pdf	Acquisition of property by foreigners	<p>This law of the Land of Carinthia ("Bundesland Kärnten") specifies in its part 3 (Arts. 13 - 16) the rules for the sale of land to third-country-citizens.</p> <p>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.</p> <p>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>
Agreement pursuant to Art. 15a of the Federal Constitutional Law concluded between the Federation and inter alia Styria, Carinthia and Burgenland in respect of civil law matters of the sale of building sites (Carinthian Law Gazette n. 50/1993, last amendment n. 32/2009 - 24.01.2009)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/20000167/K-GVG%2c%20Fassung%20vom%2001.12.2010.pdf	Civil law matters agreement	<p>The sale of real estate to a foreigner generally requires a mandatory approval</p> <p>This agreement contains certain civil law matters which have to be respected by the Laender within Laender's legislation in respect of the sale of building sites. E.g. if the Laender's administrative approval is not granted, it will be forbidden to execute the legal transaction.</p> <p>As there is no accurate link to Carinthia's Homepage with the publication of the Carinthian law, the general link to the Homepage of the Austrian Federation law is published.</p>

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Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Art. 64 of the Constitutional Law of Carinthia (Law Gazette of Carinthia n. 85/1996, last amendment n. 77/2010 - 12.10.2010)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000208/K-LVG%2c%20Fassung%20vom%2007.12.2010.pdf	Approval / authorisation for the sale of real estate owned by Carinthia	Art. 64 provides that the sale of real estate owned by Carinthia needs the approval or the authorization of the Carinthian parliament.
Carinthian general local government law (Carinthian Law Gazette n. 66/1998, last amendment n. 63/2010 - 01.09.2010)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000276/K-AGO%2c%20Fassung%20vom%2006.12.2010.pdf	Competence of communities	<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>
Carinthian regional planning law of 24 November 1969 (Carinthian Law Gazette n. 76/1969, last amendment n. 136/2001 - 01.01.2002)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000036/K-ROG%2c%20Fassung%20vom%2007.12.2010.pdf	Regional Planning	<p>Cities with their own statutes (in Carinthia: Klagenfurt am Wörthersee and Villach) have their special ordinances.</p> <p>This law regulates regional planning in Carinthia and seeks to order and 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>

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Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Carinthian planning law for communities 1995 (Carinthian Law Gazette n. 23/1995, last amendment n. 88/2005 - 13.12.2005)	Council Directives 96/82/EC and 2002/49/EC	http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000193/K-GplG%201995%2c%20Fassung%20vom%2007.12.2010.pdf	Urban planning	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.
Carinthian construction law 1996 (Carinthian Law Gazette n. 62/1996, last amendment n. 16/2009 - 01.04.2009)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000201/K-BO%201996%2c%20Fassung%20vom%2007.12.2010.pdf	Construction law	The construction of buildings generally has to be authorized by the competent bodies. They have to take into account the zoning plan of the municipality. The respective requirements are listed in detail.
Carinthian Law for construction regulations of 19 June 1985 (Carinthian Law Gazette n. 56/1985, last amendment n. 10/2008 - 20.02.2008)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000103/K-BV%2c%20Fassung%20vom%2007.12.2010.pdf	Construction law (building code)	In addition to Carinthia's construction law this code 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.
Carinthian law on division of property (Carinthian Law Gazette n. 3/1985, last amendment n. 66/2010 - 01.10.2010)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000102/K-GTG%2c%20Fassung%20vom%2007.12.2010.pdf	Division of real estates	In Carinthia the division/splitting of a plot of land requires the prior consent of the municipality.

Analysis of legislative framework in business transactions of real estate in Austria - Carinthia

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
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		http://www.ris.bka.gv.at/GeltendeFassung/LrK/20000110/Ba-uansuchenverordnung%20vom%2013.12.2010.pdf	Building code	According to Carinthia's construction law this regulation foresees the preconditions for a construction application.
Carinthian Law on the overall appearance of the communities 1990 (Carinthian Law Gazette Nr. 32/1990, last amendment n. 16/2009 - 01.04.2009)		http://www.ris.bka.gv.at/GeltendeFassung/LrK/10000128/K%c3%a4rntner%20Ortsbildpflegegesetz%201990%20-%20K-OBG%20vom%2007.12.2010.pdf	Townscape, Urban design	This law is concerned with the arrangement, appearance and functionality of municipalities and cities. Disfigurement of municipalities is forbidden, thus specific limitations even for privately owned spaces such as building facades or gardens have to be accepted. The regulations of this law are subsidiary to Carinthia's construction law.

Analysis of legislative framework in business transactions of real estate in Austria - Burgenland

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Law of 1 February 2007 regulating the sale of real estate in Burgenland (Law Gazette of Burgenland n. 5/2007 - 06.04.2007)		http://www.ris.bka.gv.at/GeltendeFassung/LrBgl/20000615/Bglid.%20GVG%202007%2c%20Fassung%20vom%2001.12.2010.pdf	Acquisition of property by foreigners	<p>This law of Burgenland specifies in its part 4 (Arts. 11 and 12) the rules for the sale of land with participation of third-country-citizens.</p> <p>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.</p> <p>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>
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/LrBgl/20000629/Bglid.%20GVVO%2c%20Fassung%20vom%2007.12.2010.pdf	Ordinance for real estate in Burgenland	This ordinance of Burgenland's government specifies some regulations of the law on the sale of real estate in Burgenland.

Analysis of legislative framework in business transactions of real estate in Austria - Burgenland

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Agreement pursuant to Art. 15a of the Federal Constitutional Law concluded between the Federation and inter alia Styria, Carinthia and Burgenland in respect of civil law matters of the sale of building sites (Law Gazette of Burgenland n. 53/1993 - 17.04.1993)		http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/10000348/Zivilrechtliche%20Bestimmungen%20betreffend%20den%20Verkehr%20mit%20Baugrundst%c3%bccken%2c%20Fassung%20vom%2006.12.2010.pdf	Civil law matters agreement	This agreement contains certain civil law matters, which have to be respected by the Laender within Laender's legislation as to the sale of building sites. E.g. if the Laender's administrative approval is not granted, it is forbidden to execute the legal transaction.
Art. 37a of the Constitutional Law of Burgenland (Law Gazette of Burgenland n. 42/1981, last amendment n. 54/2005 - 26.07.2005)		http://www.ris.bka.gv.at/Dokumente/LrBgld/LBG40005516/LBG40005516.pdf	Competence	This Article specifies that every sale of real estate owned by Burgenland must be approved by Burgenland's parliament or needs its authorization.

Analysis of legislative framework in business transactions of real estate in Austria - Burgenland

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
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)		http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/20000221/Kundmachung%20%c3%bcber%20die%20Wiederverlautbarung%20der%20Burgenl%c3%a4ndischen%20Gemeindeordnung%2c%20Fassung%20vom%2006.12.2010.pdf	Competences of communities	<p>Arts. 61 to 65 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 statutes (in Burgenland: Eisenstadt and Rust) have their special ordinances.</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)	Council Directives 1996/82/EC, 2003/105/EC, 2002/49/EC and 2001/42/EC	http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/10000072/Burgenl%c3%a4ndisches%20Raumplanungsgesetz%2c%20Fassung%20vom%2010.12.2010.pdf	Planning law	This law of Burgenland 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.

Analysis of legislative framework in business transactions of real estate in Austria - Burgenland

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Announcement of 19 May 1978 of Burgenland's government in respect of the Agreement between Burgenland, Lower Austria and Vienna on the establishment of a planning association (Burgenland Law Gazette n. 20/1978 - 13 05 1978)		http://www.ris.bka.gv.at/GeltendeFassung/LrBgd/10000126/Errichtung%20einer%20Planungsgemeinschaft%2c%20Fassung%20vom%2007.12.2010.pdf	Joint planning law of the Laender Burgenland, Lower Austria and Vienna (territorial cohesion)	This agreement shows that territorial cohesion among the neighbouring Laender of Burgenland, Lower Austria and Vienna also has to be respected.
Construction law of Burgenland of 20 November 1997 (Law Gazette of Burgenland n. 10/1998, last amendment n. 53/2008 - 30.05.2008)	Regulations 1998/34/EC, 2002/91/EC and 2006/96/EC	http://www.ris.bka.gv.at/GeltendeFassung/LrBgd/10000504/Bgd.%20BauG%2c%20Fassung%20vom%2007.12.2010.pdf	Construction law	This law incorporates the regulations in respect of construction activities in Burgenland. It also contains the procedural legislation to obtain the respective approvals from the competent administrative authorities and the supervision of construction works.
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)		http://www.ris.bka.gv.at/GeltendeFassung/LrBgd/20000684/Bgd.%20BauVO%202008%2c%20Fassung%20vom%2007.12.2010.pdf	Construction law, building code	In addition to the construction law of Burgenland this regulation specifies the requirements, in particular as to building techniques, fire protection, hygiene, health, environmental protection and soundproofing.

Analysis of legislative framework in business transactions of real estate in Austria - Burgenland

Name, Date, Title	Transposition of European Directive?	Link to Website	Area of Application	Abstract
Regulation of the government of Burgenland of 21 October 2003 in respect of promoting measures for the renewal of municipalities (Law Gazette of Burgenland n. 69/2003 -		http://www.ris.bka.gv.at/GeltendeFassung/LrBgld/20000241/Bgld.%20Dorferneuerungs-Verordnung%202003%2c%20Fassung%20vom%2007.12.2010.pdf	Townscape	This regulation deals primarily with measures to preserve the original appearance and functionality of buildings in municipalities and cities.