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Amended land register registration fee – Governmental bill provides for further exceptions

In our [BTN No 19](#) we reported on the draft of the amendments of land register fees. On 30 October 2012 the government released the governmental bill regarding the intended amendments.

Identical to the draft, the governmental bill states that the fee for entering real estate transactions in the land register has to be calculated on the basis of the market value of the real estate or building right.

However, the registration fee shall be calculated on the basis of three times the special tax value (but 30 % of the fair market value at most) in case of the following **privileged transactions**:

- Transfer (with or without consideration) of **real estate to persons set out by law** (e.g. spouse, children, brothers and sisters, nephews/nieces, etc.). Contrary to the draft, the governmental bill **does not require** anymore the **purpose to continue the business** or the **satisfaction of an urgent requirement of accommodation**.
- **Transfer of real estate** in the course of **restructurings**, due to acquisitions between a company and its shareholder and in cases of consolidation of all shares of a partnership.
- The same rules shall apply to transfer of co-ownership rights (“ideelle Anteile”) in real estate.

If incorrect or incomplete information is provided by the parties in order to calculate the registration fee base, a penalty of 50% of the calculated registration fee shall be assessed; such penalty may not exceed EUR 400.

The amendment shall come into force on 1 January 2013. The following – now further clarified – grandfathering rules shall apply: For registrations in the real estate registry after 31 December 2012 due to a filing application before 1 January 2013 and for self-calculation of registration fee before 1 January 2013 the previous provisions for calculation the registration fee shall be applicable. After 31 December 2012 the self-calculation process of the registration fee shall not be possible anymore.

The further legislative process remains to be seen. We will keep you informed.

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happy to answer your questions.**

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