

## **PROCEDURE FOR RESERVING BUILDING RIGHTS AND GRANTING BUILDING RIGHTS FOR REAL ESTATE IN THE TERRITORY OF THE LIEPAJA SPECIAL ECONOMIC ZONE**

### **I GENERAL PROVISIONS**

1. The territory of the Liepāja Special Economic Zone (hereinafter referred to as – the LSEZ territory) is a territory of the State City of Liepāja and the Southern Kurzeme (Dienvidkurzeme) Region, the borders of which have been determined by the Law on the Liepāja Special Economic Zone. "The procedure for reserving the right of superficies and granting the right of superficies for the real estate located within the territory of the Liepāja Special Economic Zone" (hereinafter referred to as the Procedure) refers to the entire LSEZ territory except for the territory of the Liepāja Industrial Park and the part of the territory of the Liepāja Port, where cargo is transshipped from and to ships.
2. The applicant is a legal entity that submits an application to the Liepāja Special Economic Zone Authority (hereinafter referred to as the Authority) for reservation of building rights of the real estate located in the LSEZ territory with the purpose of concluding an agreement on granting the right of superficies in the LSEZ territory (hereinafter referred to as the Right of Superficies Agreement).
3. The Procedure determines how the Applicants are evaluated and how the contract for reserving the right of superficies in the LSEZ territory (hereinafter referred to as the Reservation Agreement) and the Right of Superficies Agreement are concluded.
4. The purpose of the Procedure is to ensure an efficient and rational use of the real estate possessed and owned by the Authority in the LSEZ territory, applying a uniform procedure for reserving the right of superficies and granting the right of superficies, in accordance with the current regulatory enactments, observing the principle of openness and transparency, as well as equal and fair treatment of Applicants.
5. By the order of the CEO of the Liepāja Special Economic Zone, a commission for granting the right of superficies for the real estate located in the territory of the Liepāja Special Economic Zone (hereinafter referred to as the Commission) was established, which evaluates the suitability of the Applicant and its intended project. In order for the Reservation Agreement to be concluded, the Applicant's intended purpose of the real estate use must comply with the specified (permitted) land use purpose provided for by the Liepāja City Territorial Plan.

### **II RESERVATION AGREEMENT**

6. In order to conclude a Reservation Agreement, the Applicant must submit to the Authority an application for conclusion of the agreement on reservation of the right of superficies in the LSEZ territory in accordance with Annex No. 1 to the Procedure (hereinafter referred to as the Reservation Application) and the attached documents, in accordance with the purpose of the right of superficies. If required, the Authority shall have the right to request additional information from the Applicant.

7. Upon receiving all the necessary documentation from the Applicant, the Authority shall verify the possibilities of reserving the real estate right of superficies in the LSEZ territory.

8. In order to evaluate the Applicant's qualification for concluding the Reservation Agreement, the Authority will verify the following information in publicly available databases:  
 8.1. the Applicant's financial state, tax (fee) debts, which exceed 150 euros in total;  
 8.2. whether the Applicant has not been declared bankrupt, whether the economic activity of the Applicant has been suspended or whether the Applicant is not under liquidation;  
 8.3. whether the Applicant has not been subject to international or national sanctions or sanctions imposed by a member state of the European Union or the North Atlantic Treaty Organization affecting significant financial and capital market interests.

9. In order to evaluate the Applicant's compliance, the Commission shall evaluate the Applicant's Reservation Application at the Commission meeting and prepare an acknowledgment for the Board of the Liepaja Special Economic Zone (hereinafter referred to as the LSEZ Board).

10. In the event, that the Commission has given an opinion in favor of concluding the Reservation Agreement, the Authority shall prepare the draft Reservation Agreement and forward the issue for consideration and decision-making at the LSEZ Board meeting.

11. In the event that there are several Applicants for a specific real estate, the LSEZ Board shall decide on holding an auction, which shall be organized in accordance with the auction regulations approved by the LSEZ Board

12. In case of a positive decision by the LSEZ Board, a Reservation Agreement shall be concluded with the Applicant for a period of up to 2 (two) years. If there is an objective justification, the validity period of the Reservation Agreement may be extended by 1 (one) year.

13. In order for a Right of Superficies Agreement to be concluded with the Applicant, the Applicant shall elaborate the construction intent design documentation (building design in the minimum composition) in accordance with the requirements specified in the regulatory acts and the territory use and construction regulations during the validity term of the Reservation Agreement,.

14. Construction intent design documentation (building design in the minimum composition) needs to be prepared and submitted to the Authority electronically in the Building Information System (hereinafter referred to as the BIS) or in another form agreed by with the Authority.

### **III RESERVATION AND BUILDING FEES**

15. The Applicant with whom the Reservation Agreement is concluded, shall be obliged to pay the reservation fee in accordance with the provisions of the Reservation Agreement. The amount of the right of superficies reservation fee and the right of superficies fee is determined according to the market right of superficies fee determined by an independent appraiser. The Applicant shall compensate the amount of remuneration of the invited certified appraiser for reserving the real estate right of superficies and/or determining the right of superficies fee.

16. The reservation fee, which the Applicant pays in accordance with the procedures specified in the Reservation Agreement, shall be the annual fee for reserving the right of superficies and shall not be refunded to the Applicant under any circumstances, except as stipulated in section 18 of the Procedure regarding crediting of the reservation fee into the right of superficies fee.

17. If the Applicant has fulfilled all the obligations assumed by the Reservation Agreement and the Right of Superficies Agreement was concluded with the Applicant before the expiration of the Reservation Agreement, part of the reservation fee for the period from the day of the Right of Superficies Agreement to the last day of the Reservation Agreement term may be credited to the right of superficies fee, if within 30 days from the conclusion of the Right of Superficies Agreement,

the Applicant has made such a request in writing. If the Applicant has failed to comply with the deadline specified in this paragraph for submitting a written request, he/she shall lose the right to claim part of the reservation fee to be credited into the right of superficies fee.

## **VI THE RIGHT OF SUPERFICIES AGREEMENT**

18. In order for the Right of Superficies Agreement to be concluded with the Applicant, the Applicant shall fulfill all provisions of the Reservation Agreement and submit the following documents:

- 18.1. An application for conclusion of the agreement on granting the real estate right of superficies in the territory of the Liepaja Industrial Park in accordance with Appendix No. 2 of the Procedure;
- 18.2. Construction intent documentation (building design in the minimum composition).

19. The Commission shall evaluate the documentation submitted by the Applicant and the Applicant's compliance and prepare an acknowledgment for the LSEZ Board.

20. In the event of a positive acknowledgment by the Commission with regard to the prepared and submitted documentation, incl. the construction intent documentation (building design in the minimum composition), the Authority shall prepare a draft Right of Superficies Agreement and forwards the issue of concluding the Right of Superficies Agreement for review and decision-making at the meeting of the LSEZ Board.

21. The Right of Superficies Agreement shall be concluded, in accordance with the existing regulations, and the Applicant shall acquire the right to start construction.

### **Attached:**

- 1. An application for reservation of the right of superficies or conclusion of the agreement on granting the real estate right of superficies in the territory of the Liepaja Special Economic Zone

*01 – an application for conclusion of the the right of superficies reservation agreement*

*02 – evaluation and decision-making*

*03 – the right of superficies reservation agreement for the period of up to 2 years – research process and construction intent documentation*

*04 – an application for conclusion of the agreement granting the right of superficies and the construction intent documentation*

*05 – evaluation and decision-making*

*06 – an agreement on granting the right of superficies – construction, commissioning of the building, starting the commercial activity*