

ANALYSIS OF THIRD COUNTRY REQUESTS ADDRESSED TO THE EU
HORIZONTAL LIMITATIONS ON REAL ESTATE

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SUMMARY:

The EC's schedule contain a number of horizontal limitations and an MFN exemption relating to the purchase and/or rental of real estate. 11 WTO Members have so far requested the EC to either eliminate, narrow the scope or to clarify these.

LEVEL OF CURRENT EC COMMITMENTS:

Scheduled Market Access Limitations

Denmark and Greece have both scheduled MA restrictions on the purchase of real estate requiring the purchaser to obtain an authorisation from the authorities:

In DK in the case of non-resident physical and legal entities

In GR the authorisation is only required in areas "near borders".

Scheduled National Treatment Limitations

1. Germany, Ireland, Austria, Sweden, Finland have all scheduled NT limitations subjecting the acquisition of land and in some cases leasing of real estate to an authorisation from the authorities. In certain cases the requirement to obtain an authorisation is limited to:

Certain geographical areas: DK, GR, IRL, FIN (Aland)

Second homes/leisure time dwellings: SWE, FIN.

Most schedules give little or no indication as to the criteria applied by the authorities in order to determine whether or not to grant authorisations.

2. Italy has scheduled unbound for the purchase of real estate.

Scheduled MFN Exemptions

Italy has also scheduled an MFN exemption for all sectors and for all countries for an indefinite period combined with a reciprocity requirement.

LEVEL OF REQUESTS:

Requests covering real estate have been tabled by 11 WTO members. They can be described as follows:

Elimination of all restrictions: Panama (in relation to financial, maritime and tourism and related services) and Singapore.

DK's MA restriction: Removal (Argentina, Brazil, Japan, Taiwan, Uruguay) reduce its scope (Australia, Canada), or clarify (Korea)

GR's MA restriction: Removal (Brazil, Uruguay), reduce its scope (Canada) or clarify (Korea)

D's NT limitation: Removal (Brazil, Japan, Taiwan, Uruguay) or clarify (Australia, Canada, Korea)

IRL's NT limitation: Removal (Argentina, Australia, Brazil, Japan, Uruguay), or clarify (Canada, Korea)

I's NT limitation: Removal (Argentina, Australia, Brazil, Japan, Taiwan, Uruguay), narrow its scope (Canada), or clarify (Korea)

A's NT limitation: Removal (Japan), or narrow its scope (Canada, United States).

SWE's NT limitation: Removal (Canada, Japan).

FIN's NT limitation for leisure homes: Removal (Japan, Taiwan)

FIN's NT limitation for Åland: Removal (Taiwan)

I's MFN Exemption: Removal (Australia, Korea, New Zealand, Japan, Paraguay)

FURTHER PREPARATORY WORK FOR THE OFFER

Useful information has already been gathered from Member States through the ENTs exercise but further work is needed:

-Prepare answers to the requests for clarification

-Clarify the precise scope of authorisation requirements, the criteria used, the administrative practice (number of annual applications, number of refusals, reasons for refusal)

-Identify which limitations can be removed or narrowed