



Limitations on the Acquisition Properties by foreign people:

- The Spanish case
- Round table sharing best practice.

Explore the restrictions and policies on purchasing properties in Spain by foreigners, as well as the relevant laws and regulations.



by Teresa Tourinan Morandeira
Spanish Land registrar
ELRN Contact point



Policy Acquisition

Only limitations based on national Defense Policy

Special cases: Cultural Patrimonial protection

No economic nor social limitations for foreign people

Special cases: residential building publicly financed used as main residence (non holiday purpose), available for any citizen with residential permit.



Restricted Areas

"those which, due to the requirements of National Defence and in the free exercise of the sovereign powers of the State, it is convenient to prohibit, limit or condition the acquisition of property and other rights in rem over immovable property by natural or legal persons of foreign nationality or under foreign control,



AREAS OF RESTRICTED ACCESS TO PROPERTY BY FOREIGNERS

AREAS

- Islands with an area equal to or greater than that of Formentera (82.2 km): 15% - Islands and islets with a lower surface area: 0%

****Peninsular territories:**

1. Cartagena area: 15%
2. Strait of Gibraltar Area: 10%
3. Bay of Cadiz Area: 10%
4. Border area with Portugal: 15%
5. Galicia area: 15%
6. Border area with France: 15% except Llivia (05)
7. Ceuta and Melilla: 5%

EXCEPTIONS:

Such limitations do not apply when the property is located in areas or centers declared of tourist or national interest or when the property is located in urban centers, urbanized areas or expansion of non-border towns.

Special cases: Houses in rural areas..

Ceuta and Melilla.



Who needs these military Authorization?

Non UE- EEE citizens (including UK nationals)

Couples with a non UE- EEE member (including UK citizens) in joint ownership matrimonial property regime

Non UE_EEE companies (more than 50% foreign ownership)

Special cases: Ceuta and Melilla



In which cases does non UE and EEE citizens need this military authorization?

1 Trading over real state

Authorization need for any buy, or any transfer
transfer of property inter vivos

2 Inheritance

The acquisition mortis causa needs to be
notified within 3 months to apply for the
military authority.



Land registry due diligence:

Documents required for registration:

Land Registrars must require interested parties to prove that they have obtained military authorization prior to granting or registering (article 20). The titles accrediting the transfer that are not registered in the Property Registry within a period of 18 months from the date of granting will entail their full nullity

Other land registrar obligations:

The land registry send every end of a semester a communication to the military authority with detail of the properties acquire by foreigners (non UE-EEE) and its owners data.



Round table: Sharing best practices;

Questions and Procedures in your own country

Transfers and people subject to extra requirements:

In which kind of transfers does the extra
extra requirements are needed? Who is
is bind with these prohibitions or extra
extra requirements for acquiring
property? (ex: every foreign person,
natural or juridical, only non UE citizen..
citizen..)

1

Limitations and requirements

Are there any limitations or extra
documents and procedures to acquire a
acquire a property in your country by non
non national citizens? Whish is the main
main reason behind it?

2

3

Land Registry checking

Do you check the compliance in your land
land registries with these requirements ?
requirements ?
Do you make any further communication?
communication?



Thank you very much!

Teresa Tourinan Morandeira

Spanish Land registrar

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