



# Documentation Regional development instruments

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Protection

Interreg III B

## General Data

|   |  |
|---|--|
| <b>Name of instrument:</b>                          | Declaration of intent to alienate (Déclaration d'intention d'aliéner - DIA)  |
| <b>Country / region:</b>                            | FR   |
| <b>Spatial level:</b>                               | local  |
| <b>Type:</b>  | Laws and regulations   |
| <b>Description:</b>                                 | <p>The DIA is a formality imposed to any owner who wishes to sell a real estate in the perimeters where exists a right of pre-emption. The declaration is a legal document by which the owner notifies to the recipient right of pre-emption (generally public bodies) his intention to sell his good and the conditions of sale. This preliminary statement must be made under penalty of cancellation of the sale. It is generally the notary who undertakes to establish the DIA, after the signature of the commitment to sell. Are mentioned the owner, the situation, the designation and the use of the sold good. The DIA specifies also the methods of the transfer (selling price, modes of payment...), as well as the name and the address of the purchaser.</p> <p>Concerning the rights of pre-emption of the SAFER, those have an obligation of information with regard to the mayors for all the declarations of intent to alienate goods located on the territory of their commune.</p> |
| <b>General objectives:</b>                          | Preliminary information of the holders of rights of pre-emption on the sales of real estate envisaged  |
| <b>Responsible:</b>                                 | Private individuals  |
| <b>Stakeholder Involved:</b>                        | Local authority/Municipal council  |
| <b>Stakeholder Involved:</b>                        | Public service providers   |
| <b>Reference:</b>                                   | Urban Planning code art. L.213-2 to L213-5; Farm Outline Act law of January 5th, 2006  |
| <b>General assessment of strength and weakness:</b> | <p>The instrument in itself is 'neutral', as it is an information instrument, but since it allows preemption rights to be exerted, it reveals that some communes used of the DPU to make pressure on the market or to drive out of their territory certain investors considered to be undesirable, sometimes even in a caricatural way (pre-emption to 50 % or less value of the market), causing important damages, in particular with modest owners, whereas they did not pursue any real goal of public utility and that their decisions were illegal (very many decisions in this direction of the administrative jurisdictions).</p>  |
| <b>Metadata:</b>                                    | <p>Date of entry: 2007/03/13</p> <p>Contact: Ifuplan, Schleißheimer Str. 156, 80797 München</p>  |
| <b>Implementation</b>                               |  |
| <b>Legal status:</b>                                | mandatory  |

|                            |  |
|----------------------------|--|
| <b>Extension:</b>          | all municipalities   |
| <b>Type of monitoring:</b> | Mixture of quantitative and qualitative reporting  |
| <b>Assessment</b>          |  |
| Relevance                  |  |
| <b>Status:</b>             | weak indirect relevance  |
| <b>Ranking:</b>            | 1  |
| <b>Remark:</b>             | -  |
| Acceptance                 |  |
| <b>Status:</b>             | -  |
| <b>Ranking:</b>            | 0  |
| <b>Remark:</b>             | no information about acceptance  |
| Implementation             |  |
| <b>Status:</b>             | -  |
| <b>Ranking:</b>            | 5  |
| <b>Remark:</b>             | Legal requirement  |
| Feasibility                |  |
| <b>Status:</b>             | -  |
| <b>Ranking:</b>            | 0  |
| <b>Remark:</b>             | Not applicable as Declaration of Intent to Alienate is rather a part of SAFER                            |
| Effectiveness              |  |
| <b>Status:</b>             | Perpetuity   |
| <b>Ranking:</b>            | 1  |
| <b>Remark:</b>             | Direction and type of effect is disputed in France, acceptability is low due to misuse by municipalities |