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ON THE QUESTION OF THE DEFINITION ESSENTIAL TERMS OF THE AGREEMENT EMPHYTEUSIS

Despite all the advantages of agreement emphyteusis, the legislator did not pay enough attention to important issues, namely, the conclusion of the agreement. This has meant that most of the citizens do not want agreement emphyteusis, trying to replace it with agreements that are similar in content and conditions. But with the use and disposal of agricultural land, there are many features, so in some cases the agreement emphyteusis is not only a significant advantage, and indeed the only possibility of transfer of land. Therefore, to determine the essential terms of the agreement emphyteusis, it was necessary to turn to approximate for the purpose and content of the institute. This institution is a land lease. Subject to the provisions of the basic Law of Ukraine "On Land Lease" was defined essential terms of the agreement emphyteusis on the basis

of Chapter 16-1 Land Code of Ukraine and Chapter 33 Civil Code of Ukraine, which govern the study institution. In particular, they identified the following essential terms: the object of emphyteusis; term of the agreement; forms of payment, terms, manner of making and viewing, and the responsibility for its failure to pay; terms of use and purpose of the land, which passed under the agreement; maintaining emphyteusis of the facility; terms and conditions of transfer of land user; conditions for the return of land to the owner; to restrictions (encumbrances) on the use of land; determine the party who bears the risk of accidental damage or destruction of the object emphyteusis or part thereof; responsibilities; transfer conditions in the mortgage and making up the share capital the right to use someone else's land for agricultural purposes.