CURRENT ISSUES IN CADASTRAL REGULATIONS IN ROMANIA

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CURRENT SITUATION IN ROMANIA

- cadastre & land registration – managed by one institution: National Agency for Cadastre and Land Registration

TS 2.1 - Country Profiles 1: Implementations, Issues and Legislations
CURRENT SITUATION IN ROMANIA

- many changes on:
  - legislative provisions
  - cadastral and land book registration

- newest regulation in force:
  - Order no. 700/2014

- replacing four previous orders:
  - Order 633/2006 for the approval of the organization and functioning of Cadastre and Land Registry Offices (CLRO),
  - Order 634/2006 approving the Regulation on cadastral documentation content for the entries in the land register,
  - Order 108 / 2010 on the approval, inspection and acceptance of the works in the field of cadastre, geodesy, topography, photogrammetry and cartography,
  - Order 186/2009 concerning the definition of the deadlines provided by the National Agency for Cadastre and Land Registration (NACLR) and its subordinate units

- Order 700 - a much more detailed regulation of certain issues that were found increasingly appearing in Romania and because of that it was necessary legal basis improvement

- an important achievement for cadastral workflow
INTEGRATED CADASTRE AND LAND REGISTRATION SYSTEM IN ROMANIA

- general register for input;
- cadastral map which contains graphical representation of the property limits;
- electronic land book

FROM OUR BACKGROUND

- Romanian Cadastre differently evolved by province: Transylvania, Moldavia and Valahia
- from 1999 – started new land book registration
DIFFERENCES BETWEEN CONFIGURATION OF LAND PROPERTIES

AN AREA OF A TRANSYLVANIAN LOCALITY (“village fortress”)

AN AREA OF A VALACHIAN LOCALITY

TYPES OF CADASTRAL WORKS

- Sporadically cadastral works
- Systematically cadastral works
SPORADICALLY APPROACH

- Sporadically cadastral works:
  - register each real estate
  - executed at owner request
  - financially supported by owner – in some cases very expensive by comparison with the land value
  - after registration are integrated in the systematic cadastre
  - upon a *.cpxml file

Romania – in yellow areas exist new land books, created after 1999
**SYSTEMATICALLY APPROACH**

- Systematically cadastral works:
  - register an entire land administrative unit
  - no expenditures for owners
  - some administrative units register under project pilot CESAR
  - the other administrative units (communes) are registered based on auction (State budget) – General Program for Cadastre and Land Book
  - upon a *.cxml file

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**CESAR project**

- (Complementing EU Support for Agricultural Restructuring Project), funded by the Government and the International Bank for Reconstruction and Development

- the project value is 51.4 million euro
Cadastral documentation

- documentation for first registration;
- documentation for detachment/union;
- documentation for submission of final construction on land registered in the Land Book;
- documentation for real estate changes;
- documentation for area modification;
- documentation to describe dependent parts of the property right;
- documentation for reconstitution of the land book lost, destroyed or stolen.

Benefits of systematically registration

- Creating a realistic tax base for all buildings;
- Development of mortgages;
- Supporting and ensuring the fulfillment of justice and public administration;
- Reduction of the litigation;
- Developing and monitoring the real estate market;
- Protecting the state property;
- Facilitating land reform;
- Supporting land improvements;
- Improving infrastructure development and urban development;
- Support of environmental protection;
- Eliminating properties overlapping;
- Provision of statistical data;
- Development of other specific systems which are closely related to systematic cadastral works.
ACTUAL STAGE

- underfinanced system
- using modern technology
- many efforts in the purpose of land restitution process (for land confiscated during the communist regime)
- CURRENT PUBLIC DEBATE for Order 700/2014 (Regulation for approval, reception and registration in cadastre and land registry records)
- too frequent changes in NACLR management staff
- too frequent political changes in subordinate the NACLR to different ministeries

CURRENT SITUATION IN ROMANIA

Land Administrative Units – sporadically cadastre vs systematically cadastre
CURRENT SITUATION IN ROMANIA

Land Administrative Unit – with finished systematically cadastre: precise, clear, rigorous

ANOTHER SPECIFIC ISSUE IN ROMANIA

- based on Law no 165/2013
- restitution of properties confiscated by the communist regime
- restitution:
  - in nature, on the old locations, if it is possible
  - by equivalent, in other locations
  - or by compensatory measures
operation established by Law no. 165/2013 – to identify available land areas for restitution

Land inventory – approx. **91% completed** at national level (source: ANRP, press communicate, 13 februarie 2015)

local commission for land inventory

- Legea 247/2005
- Legea 1/2000
- Legea 18/1991
EUROPEAN CONTEXT (1)

- European Land Registry Association (ELRA)
  - main purpose: to highlight the understanding of the role of land registration and housing and capital markets
  - purpose: to develop a pan-European understanding of issues of common interest and provides a forum and a network open exchange of ideas

EUROPEAN CONTEXT (2)

- projects:
  - on the electronic transmission: CROBECO (cross-border electronic conveyancing)
  - the European Land Registry Network (ELRN) - aimed to efficient use of information and communication technology for information purposes and cooperation in land registry
NACLR has been developed a national system e-Terra. In application Imobile e-Terra - registered properties. Also - geoportal NSDI (INIS) based on INSPIRE specifications.

More transparency in the system:

- Assignment of registration number requested to a CLRO;
- Ensuring the principle of priority;
- Random and automatic requests allocation to the employees with responsibilities in addressing them;
- Search of the registered requests;
- Reallocation of the requests;
- Highlighting progress on solving request;
- Highlighting the solution to this demand;
- Information on lodging an appeal against the decision of the land registry;
- Highlighting the settlement of the claim;
- Highlighting the date of transmission of documents resulting from the settlement demand to the stakeholders;
- Generating reports on the system informations;
MAIN REPORTS GENERATED BY THE SYSTEM

- electronic land book;
- land book extract for information;
- land book extract for authentication;
- completion of the land book;
- communication file;
- statistical reports

MAIN FOLLOWED STEPS

- The information had been transformed from paper-based to digital data;
- Digital data and information had been used by the institution - this process involved organisational and procedural change to meet modernisation goals;
- Sharing of digital data and information between government institutions;
- E-communication with the citizens - the system is working now with online information submission in parallel with walk-in service delivery centres;
- Internet are available for citizens to obtain clarity about issues, submit documentation, or schedule a service - request submission that would normally only have been possible at a counter during office hours are available online 24 hours per day.
ORDER 700 (1) – PROCEDURAL ISSUES

- it exists a link with Taxes and Duties Direction in case of ownership right transfer: a copy of land book completion and land book extract for information are sent to the Local Taxes and Duties Direction where the real estate is ascribed;

ORDER 700 (2) – PROCEDURAL ISSUES

- a review request will be considered by the chief registrar and/or chief engineer against the decision of the land registry completion, and only after that the owner may appeal to the court;
- are treated particular conditions of registration and are presented the related work procedure;
- are presented work procedure for flat division works, redivision, subdivision, or cease dividing;
- systematic cadastral works are presented more detailed.
PARTICULAR SITUATIONS IN THE LAND BOOK

- mention that a certain building is historic monument or archaeological site;
- mention the protected area or ecological corridor;
- mention the agricultural land parcels which has been chosen for afforestation windbreaks provided by Law no. 289/2002 as amended and supplemented.

ANOTHER ISSUES

- specifying the expropriation procedures necessary for the execution of public utility works, especially those for infrastructure improvements
- the procedure for overlapping of properties affected by expropriation with expropriation corridor had been included in legal provisions, according to rules for the application of Law no. 255/2010 regarding the expropriation for public utility needed to achieve goals for national, county and local level.
SWOT ANALYSIS ON NEW LEGISLATIVE REGULATIONS

**Strengths**

- facilitating the reconstitution of the land book;
- orientation towards practical side of works;
- support the implementation of an informational system and an unified database;
- increasing the efficiency due to this system;
- CLRO’s working hours are the same at national level;
- decreasing the processing time of requests;
- corroborating all cadastral regulations in a single document;

**Weaknesses**

- data stored only in electronic form;
- are introduced new taxes;
- lengthens the deadline for completion of works of flats registration;
SWOT ANALYSIS ON NEW LEGISLATIVE REGULATIONS

**Opportunities**
- can be achieved a complete unified database containing all properties in Romania that can be accessed online;
- can be reduced the time to solve requests of land book excerpts;
- possibility to accomplish the main international provisions about implementing of a single integrated informational system;
- clarity and uniformity of working methodology;
- exchange information with the system of taxes and duties;
- more efficient communication of CLRO with authorized persons.

**Risks**
- database can be broken or compromised;
- information can be stolen;
- change unwillingness of the involved persons.
NEXT STAGES

(according to Hull, 2013)

- Fully electronic transactions and payments;
- Documents will be received electronically;
- Security and personalisation issues will increase complexity;
- Digital signatures could become necessary to enable legal transactions;
- E-government outputs could be transformed into e-governance outcomes in that public services and governance transactions which are exclusively electronically mediated;
- The external and internal objectives of e-government would be accomplished in the transformation stage.

FUTURE POSSIBLE STEPS – SUBSEQUENT CHALLENGES

are welcomed main future developments (in accordance with the "Creating the Virtual World of Property" from Cadastre 2034):

- Implementing of 3D real estates representations;
- Finding of appropriate legislative solutions to record a 3D building in the system;
- Implementation of 3D cadastre for some urban areas.
Thank you for your kind attention!

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