

Current Issues in Cadastral Regulations in Romania

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SUMMARY

Currently in Romania have been introduced some legislative regulations which want to improve the workflow of real estate registration. In this paper we want to highlight current workflow in this domain and main changes. It is highlighted some registration and recording changes in systematic land registration and sporadically land registration. Also in present exist concerns about changing the law of cadastre and land registration in Romania.

SUMMARY

In prezent in Romania au fost adoptate unele modificari legislative in scopul de a imbunatati fluxul de inregistrare a proprietatilor. In acest articol dorim sa evidentiem modificarile care se aduc fluxului de lucru utilizat in prezent. Sunt aratate schimbarile principale in ceea ce priveste inregistrarile sistematice si cele sporadice. In etapa actuala exista de asemenea preocupari privind modificarea legii cadastrului din Romania.

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1. INTRODUCTION

In last years, in Romania have been made many changes on the legislative provisions which had effects on the cadastral and land book registration.

In present is in force Order no. 700/2014. This legislative provision approves the Regulation for approval, reception and registration in the cadastre and land registry records.

This Order replaces the previous four 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.

The emergence of the new regulation is a salutary initiative because it correlates provisions relating to the activity of a single institution. In the following we will focus on the occurred changes and to identify incomplete provisions that could also subject to future improvements.

2. EUROPEAN CONTEXT

European Land Registry Association (ELRA) is a non-profit association established under Belgian law, consists of 29 organizations representing land registers from 22 EU Member States. Its main purpose is to highlight the understanding of the role of land registration and housing and capital markets. ELRA aims to develop a pan-European understanding of issues of common interest and provides a forum and a network open exchange of ideas. (figure 1)

ELRA-border projects on the electronic transmission - CROBECO (cross-border electronic conveyancing) and the European Land Registry Network - ELRN - aimed to efficient use of information and communication technology for information purposes and cooperation in land registry.

3. THE ROMANIAN CURRENT SITUATION

Integrated Cadastre and Land Registry System in Romania includes:

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

General register for input has the following features:

- 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.



Fig. 1. ELRA Member States (www.elra.eu)

The main reports generated by the informational system are:

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

As a stage on the informational system have been made the following 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.

The next stages will be the following (Hull, 2013):

- 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.

4. ANALYSIS OF SOME ACTUAL ASPECTS

One goal to achieve Order 700 was 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. In the following we would list the most important provisions which were detailed in the procedure, highlighting the linked situations that led to their inclusion in the legal rules.

In the last years many condominium buildings have undergone a process of building an attic, especially in large cities, where exists a high demand for living space. A new attic involves the creation and registration of new individual units, vertically extending of the condominium and recalculation of common shares. Especially young families with restricted financial possibilities opted to purchase an attic. This case involves a common part of the terrace, the formation of a new individual unit and recalculate shares of common parts. Subsequently, creating an attic space must follow the splitting procedures.

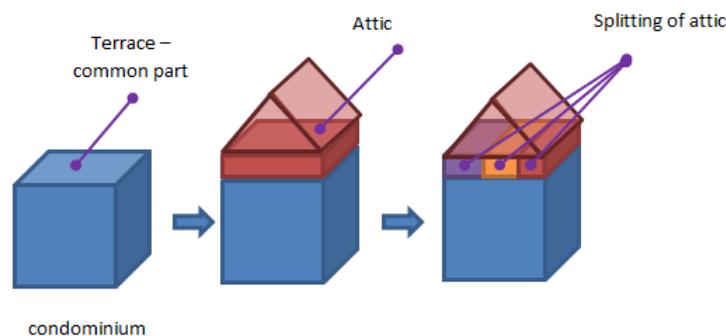


Fig. 2. Stages for register an attic

Another concern at international level which is going to be also implemented in Romania is represented by protecting the natural and built environment. In the last twenty years have been cleared large areas of forest (figure 3), therefore this situation led to some changes. There were been some successful initiatives. An NGO in Romania aimed to provide an overview of deforestation (legal and illegal) with transposition on the satellite images, transparency and access by the general public. This organization was established an "open source" geoportal of deforested areas in Romania, named "Plantam fapte bune in Romania". This is a national initiative of afforestation on a voluntary basis.

The initiative requires the direct involvement of the public in the marking of deforestation. (figure 4) The information to be subsequently verified by both forest engineers involved in the initiative and with the forest authorities to identify the legality of the identified points.

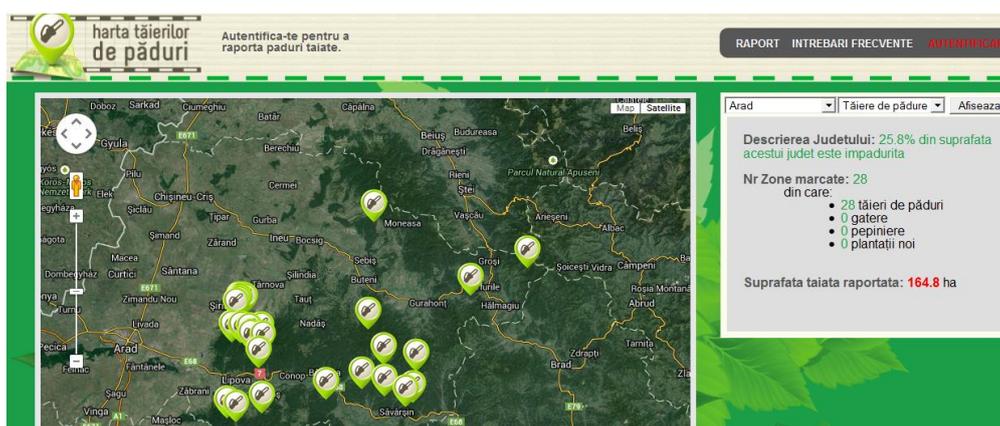


Fig. 3. Example of deforestation evidence for Arad county (<http://harta.plantamfaptebune.ro/Public>)

There has been considered important to specify some 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 aspect consists lately in specifying of expropriation procedures necessary for the execution of public utility works, especially those for infrastructure improvements. There had been included in legal provisions the procedure for overlapping of buildings affected by expropriation with expropriation corridor, 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.

In figure 4 we can identify the main directions in which the Order has brought procedural changes in the workflow.

Another important aspect is to regulate the handling of applications using the integrated workflow land book and cadastre. This importance had been mentioned in the scientific literature (Badea A.-C. and Badea G., 2013) as follows:

- identify the location of the property by the owner, indicating the real estate to the authorized person and technical documentation request;
- surveying work;
- achieving of cadastral documentation;
- request registration at the CLRO;
- reception of the cadastral documentation;
- registering the real estate right in the land book.

The process of requesting data and information from the CLRO database is achieved by registering in advance of a request for information or by accessing the portal for authorized persons. Currently has been developed a national online system - ancpi.ro geoportal and INIS - which are providing informations on registered buildings. Both applications are based on INSPIRE specifications. In figure 5 is emphasized NACLr geoportal. Data sources are based on surveyed real estates overlapped on photogrammetric images (orthorectified). (Badescu, G.et al, 2009)

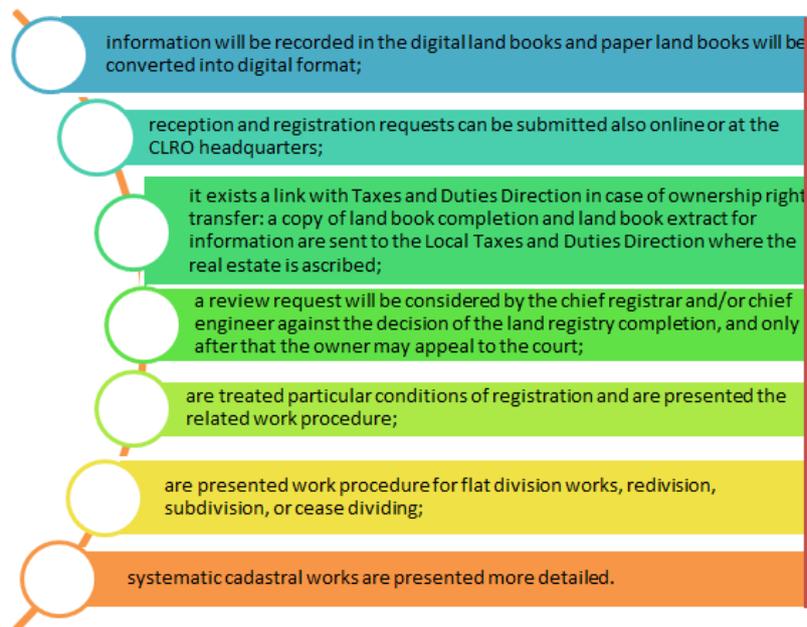


Fig. 4. Relevant changes on procedural issues

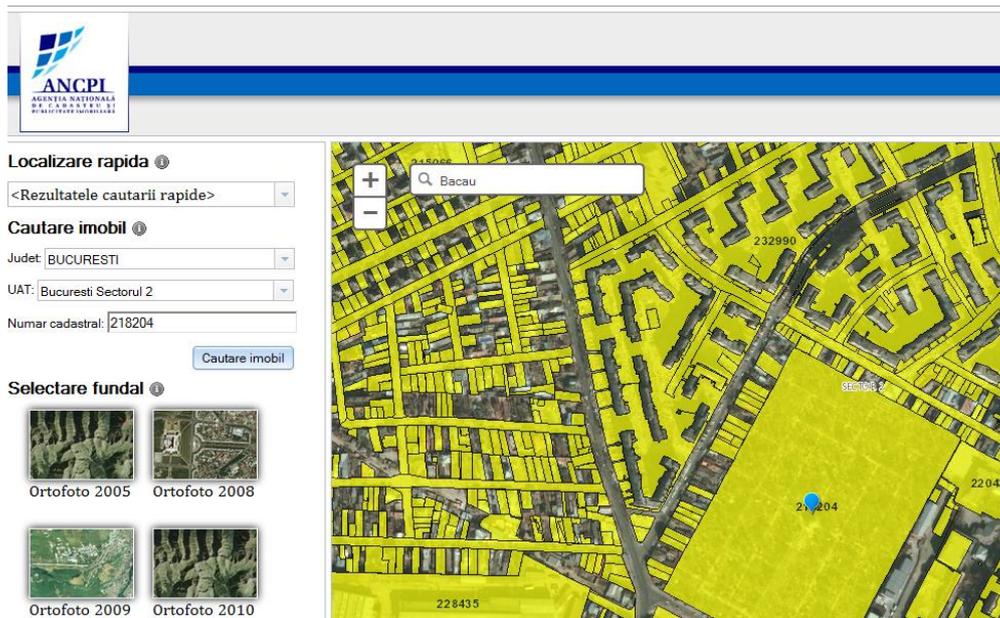


Fig. 5. NACL Geoportal (<http://geoportal.ancpi.ro/geoportal/imobile/Harta.html>)

5. SWOT ANALYSIS ON NEW LEGISLATIVE REGULATIONS

Given that the main purpose is a fully functional Cadastre and Land Registry system, as well as collaboration and data exchange between NACL and other institutions involved in managing of the property information, the SWOT analysis on the new regulation is welcome. Currently some aspects are subjects of public debate, to be approved or rejected. One problem is securing the database. At international level, including in the context of Cadastre 2034 (ANZLIC, 2014) is recommended a comprehensive security thereof. Also records are managed by NACL own servers. Therefore it is proposed that digital database of CLROs to be protected from unauthorized access through a information security system. NACL or/and CLROs will preserve the specific conditions of safety records and a copy of the land book records will be kept in digital format. It could be used to reconstruct the database in case of alteration or destruction. This copy will be updated daily and will only be used for reconstitution. Also has been proposed to be clearly specified the persons authorized to register on-line the requests and the related .cpxml files.

Table 1. SWOT Analysis on new regulations

| | Strengths | Weaknesses |
|-----------------|--|--|
| <i>INTERNAL</i> | <ul style="list-style-type: none"> • facilitating of the land book reconstitution; • orientation towards practical side of works; • support the implementation of a informational system and a unified database; • increasing the efficiency due to this system; • CLRO's working hours are the same at national level; • decreases the processing time of requests; • corroborating all cadastral regulations in a single document; | <ul style="list-style-type: none"> • data is only on-line stored; • are introduced new taxes; • lengthens the deadline for completion of works of flats registration; |
| | Opportunities | Risks |
| <i>EXTERNAL</i> | <ul style="list-style-type: none"> • can be achieved a unified database of all buildings in Romania that can be accessed online; • can be reduced the time to solve requests of land book excerpts; • possibility to accomplish the international provisions about implementing of a single integrated informational system; • clarity and uniformity of work methodology; • exchange information with the system of taxes and duties; • more efficient communication of CLRO with authorized persons. | <ul style="list-style-type: none"> • database can be broken or compromised; • information can be stolen; • employees may sell information in an illicit way; |

6. CONCLUSIONS

As main future developments of the current system are welcomed as follows:

- Implementing of 3D real estates representations;
- Finding of appropriate legislative solutions to record a 3D building in the system;
- Implementation of 3D cadastre.

These observations are in accordance with the "Creating the Virtual World of Property" from Cadastre 2034.

In the last 20 years we have seen in Romania also a significant increase in the number of tunnels, underground parking places, shopping malls, aboveground road and railway networks, multistorey apartments combining commercial and residential, and roof top gardens. All these types of infrastructure have one thing in common; their ownership is difficult to register in a 2-dimensional digital cadastre. (ANZLIC, 2014)

Another aim is to stimulate the housing market at the same time. In this purpose it should continue supporting connection with the European e-Justice and permanent updating of the related information on site.

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BIOGRAPHICAL NOTES

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