

## THE MANAGEMENT OF THE CADASTRAL INVENTORY AND REAL ESTATE ADVERTISING IN INTERNATIONAL CONTEXT

### MANAGEMENTUL SERVICIILOR DE CADASTRU ȘI PUBLICITATE IMOBILIARĂ ÎN CONTEXT INTERNAȚIONAL

LUCIANA OPREA<sup>1</sup>, IOAN IENCIU<sup>1</sup>, NICOLAE LUDUȘAN<sup>1</sup>, TUDOR BORȘAN<sup>1</sup>, LEVENTE DIMEN<sup>1</sup>

<sup>1</sup> "1 Decembrie 1918" University of Alba Iulia,

**Abstract:** The main starting point in understanding the territorial situation of a country is its own real estate record system and land rights registration. The evolution of each system depended on the administrative organization and on political and historical factors, its modernization being possible in a national context with the help of modern equipment and international experience.

**Rezumat:** Un sistem propriu de evidență cadastrală și de înregistrare a drepturilor funciare reprezintă principalul punct de plecare pentru înțelegerea situației funciare a unei țări. Evoluția fiecărui sistem în parte s-a făcut în funcție de organizarea administrativă și de factorii politici și istorici, modernizarea lui fiind posibilă în context național cu aportul aparatului moderne și a experienței internaționale.

**Key words:** cadastre, real estate advertising, management, land registry

**Cuvinte cheie:** cadastru, publicitate imobiliară, management, registre funciare

#### INTRODUCTION

The earth is the most important resource of humanity, without which life would not exist, but on which our existence and evolution depends. In Romanian law, the real estate is defined to be "ius utendi et abutendi re sua, quantum iuris ratio patitur" which means that it represents the right to use a thing in personal interest, but within the limits of the law.

In concordance with the own system of evidence of each country, the registration of property rights is made in one or more known registers like "Real Estate Book".

#### MATERIALS AND METHOD

##### THE CADASTRAL AND JURIDICAL EVIDENCE OF REAL ESTATE IN WESTERN EUROPE

###### GREAT BRITAIN

Land Registry is an English governmental organization, created in 1862 and it is responsible for the registration of rights upon the lands in England and Wales; at present time it is an executive agency. The similar authority that works in the Scotland area is the General Register Office for Scotland.

The first internet service of the Land Registry was launched at the beginning of the year 2005, through which the applicant can get information upon any real estate by introducing the identification data, by completing details regarding the issue of the paid taxes of the requested documents and downloading the documents in \* pdf size.

Being the biggest real estate database from Europe, this supports the economy of the country by insuring property.

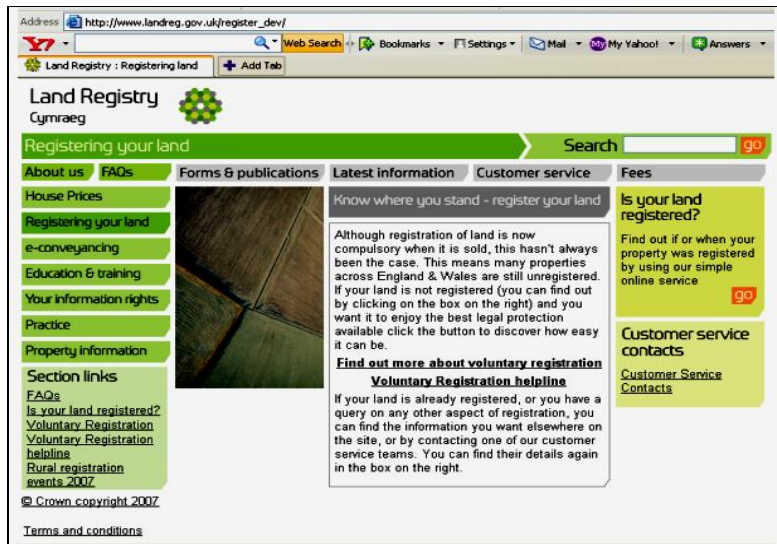


Figure1. Internet service of Land Registry

## THE CADASTRAL AND JURIDICAL EVIDENCE OF REAL ESTATE IN NORTHERN EUROPE

### SWEDEN

The national authority of the real estate property owns at present a great number of documents and plans necessary to the cadastral operations, maps and other documents; this archive owns documents since the 1600s.

Starting with 1999, the implementation of the digital archive system started, named Arken, and which has at the basic original scanned documents in order to be kept in archives without being submitted every day to the consultation of the public (KACK, B.O.; SUNDSTROM, L., 2006).

At present it works to create a connection between the digital system (Arken) and the maintenances operators of the system, in order to facilitate the maintenances of the created databases, and updating the digital signatures.

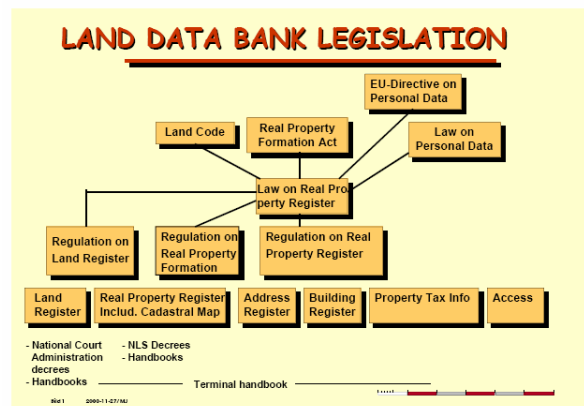


Figure2. The structure of digital system Arken

## THE CADASTRAL AND JURIDICAL EVIDENCE OF REAL ESTATE IN THE SOUTH OF EUROPE

At present time, Italian cadastre is divided in two parts namely The Land Cadastre and the Constructions Cadastre; two computer science systems are introduced: PREGEO for The Land Cadastre and DOCFA for the Constructions Cadastre which are in a continue development.

### SPAIN

The Spanish Cadastre represents an administrative registry with fiscal source made like a database that can be accessed not only by the public administration but by the citizens too, and as a method of establishment it is based on the French cadastre.

Made as an inventory of estate properties, this contains technical, economical and juridical information of real estate. The Virtual Office of Cadastre (Oficina Virtual del catastro) started to work in the month of May 2003, being updated with new functions.

This information is offered in a free way and they have a universal nature, the access to the dates is archive on the bases of login and authentication of the user with a digital certificate.

The screenshot shows the 'Oficina Virtual del Catastro' website. At the top, it identifies the 'SECRETARÍA DE ESTADO DE HACIENDA Y PRESUPUESTOS' and 'DIRECCIÓN GENERAL DEL CATASTRO'. The main navigation bar includes 'Ayuda - Registro usuarios - Registro PIC' and 'Web Catastro - Normativa - Serv. Electrónicos - Estadísticas - Contactar'. The page is split into two main columns: 'Acceso libre' and 'Acceso personalizado'. Under 'Acceso libre', there are three sections: 'Cartografía y datos catastrales' with a link to 'Acceso a datos catastrales no protegidos', 'Comprobación de certificados catastrales' with a validation code field, and 'Ubicación de los Puntos de Información Catastral' with a search and print function. The 'Acceso personalizado' column has 'Usuario registrado' (requiring a previous registration) with a login form and 'Titular catastral' (requiring a specific certificate). A 'Noticias y novedades' section at the bottom highlights 'Webservices' (XML, WMS, DNI electrónico) and their capabilities.

Figure3. Spanish Cadastre – internet service

## THE JURIDICAL AND CADASTRAL EVIDENCE OF THE REAL ESTATES IN EAST EUROPE

### ROMANIA

Nowadays, Romania has at the same time the real estate system of the transcription and inscription registries extended in Muntenia, Moldavia and Oltenia and the system of publicity of the real estate in Transylvania and in northern of Moldavia. The actual system of data evidence represents a series of deficiencies which determines delays in solving the

problems, dysfunctions in the relation between the citizens and the management, all these represents a waste of human and material efforts.

At present, an IT system that regards the Land Register does not exist; there are debates to create it from the beginning, but in concordance with the actual system of evidence of Land Register based only on a maintenance of analog support and the establish of the solution for the improving process of evidence of the Land Registers, will be made in correlation with the technical increase at a world level and assuming the present state affairs in the country (OPREA, L., 2008).

### **CROATIA**

In Croatia, the Real Estate Register and Cadastre are the competence of two different institutions (Cadastre is in the competence of the municipal office of cadastre and The Real Estate Registry is made at the Land Registry Offices of the Municipal Courts) because it does not exist a concordance between the two competence The Land Registry does not reflect the situation on the field. The main purpose is the unification of the two in one Real Estate Database (BLAŽEVIĆ, M., 2006).

The objectives of the real estate databases which will result from the modernization of the real estate evidence will conclude the rapidity in recording, renewing the cadastral and the correction of the real estate recording where is needed, in order to assure the correctness of the information, improving the relations with the clients and the services that are offered and the insurance of a new professional support to the institutions which have the main activity in real estate, and the right over the lands.

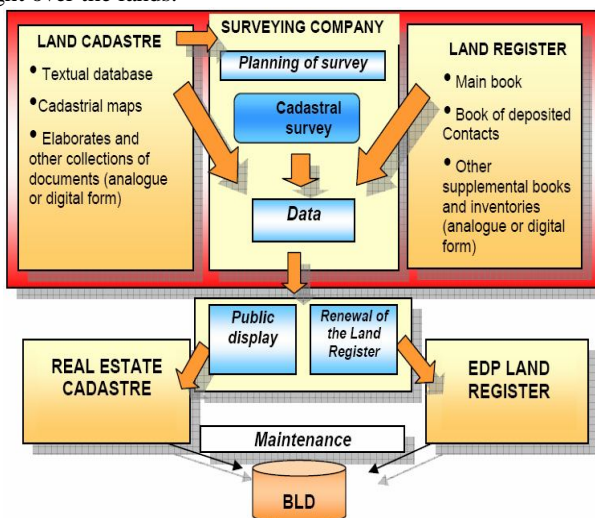


Figure4. The real estate databases

## **THE CADASTRAL AND JURIDICAL EVIDENCE OF THE REAL ESTATE IN THE CENTRAL EUROPE**

### **SWITZERLAND**

Juridical cadastre founded in 1912 set up the fact that it was not possible to own any piece of land without registering it at the real estate register, this fact requiring a parcel plan with the delimitations of the parcel.

For a long time, the property right was considered to be natural and it was not mentioned in the constitution, but in 1969 it was added through a referendum, an article regarding the property insurance (MISEREZ, J. P., 2006).

This system proved its quality and can pretend that the information regarding the estate is relevant and covers the whole country.

In order to compensate the lack of information by offering a real image of the restriction that will be imposed the plan is to create a public cadastre of restriction rights on the land that will allow public information of the citizens upon this restrictions (the principle of publicity) and will offer the access to ambiguous information during this project (the principle of trust).

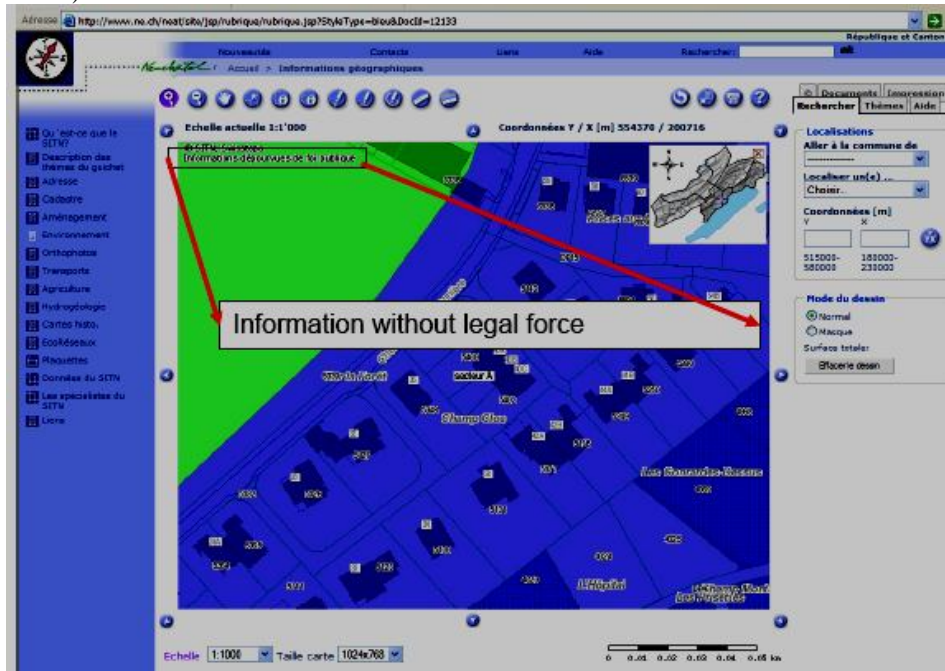


Figure 5. The cadastre of private property - Switzerland

## RESULTS AND DISCUSSION

Passing through the development of cadastre on the European territory we can observe that all the cadastre have the basis of the Milanese cadastre. This was taken and improved by the Austrian Domination through the establishment of land register which have the basis of cadastre for the individual and description of estate.

The Austrian Cadastre and Land Register as type of cadastre organization were also used by countries like the Czech Republic, Slovakia, Hungary, Romania, England etc. in account of developing the own system of cadastral and juridical evidences of estates.

Generalizing, we can say that on the whole territory of Europe registers of cadastral evidence were set up through the registration of:

- technical data of estate referring to the configuration, measure etc;
- economic data which serve to establish taxes;
- juridical data referring to the owners, documents of transaction, mortgage, loads etc.

## CONCLUSIONS

The evolution of each system was made by manager organization and historical and political factors of each country, the modern system of real estate evidence is a pioneer step for some countries but there are some finalized and functional systems that work and that are in support.

For the countries that are at the start or at the middle of the way, the support of a modern system is more than efficient because it has already a model of work that can be adapted to the conditions of every county in particular.

In the context of a new United Europe, it is important to generalize the principles of making and keeping a modern cadastre that contains the principles of verification and the land register in the Austrian system.

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