



I IMOLA CONFERENCE

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Funded by the EU Commission



WORK STREAM ONE

A). ACHIEVED WORK SO FAR

1.- FRONT PAGE.(Madrid seminar)

2.-SECTION A (Athens seminar)

3. SECTION B (Vienna seminar)

4.- SECTION C (current work)

B). WORK TO COME



LAND REGISTRY INFORMATION DOCUMENT

REFERRED TO:

THE LAND REGISTRY ENTITY:

THE PERSON:

ISSUING AUTHORITY:

Official Name.....

Member State.....

Address.....

email contact.....

Telephone.....

NATURE OF THE DOCUMENT

This is an official document containing land registry information.....

This is not an official document, but an informative annex to the official document.....

LEGAL VALUE OF THE DOCUMENT

Information in this document is certified by the issuing authority, it has full probative value in the Ms of origin.....

The information is not certified. It has not probative but merely informative value. It must be taken as complementary of the official information document.....

ATTACHED DOCUMENTS

An official land registry document

A map

APPLICANT (optional).....

-Position..... (Authority/non Authority).....

-Interest:.....(for the purpose of Regulation.....)

DATE OF ISSUE.....

DISCLAIMER



FRONT PAGE (Section I)

LAND REGISTRY INFORMATION DOCUMENT

REFERRED TO:

THE LAND REGISTRY ENTITY:

THE PERSON:

ISSUING AUTHORITY:

Official Name

Member State

Address

email contact

Telephone



FRONT PAGE (Section II)

NATURE OF THE DOCUMENT

- This is an official document containing land registry information.....
- This is not an official document, but an informative annex to the official document

LEGAL VALUE OF THE DOCUMENT

- The information contained in this document is certified by the issuing authority, and it has full probative value in the Ms of origin.
- The information is not certified. It has not probative but merely informative value. It must be taken as complementary of the official information document.



FRONT PAGE (Section III)

ATTACHED DOCUMENTS

- An official land registry document
- A map

APPLICANT (optional).....

- Position..... (Authority/non Authority)
- Interest:..... (for the purpose of Regulation.....)

DATE OF ISSUE.....

DISCLAIMER:



SECTION B: PROPRIETORSHIP

MINIMUM COMMON DENOMINATOR

----- Basic data

----- Supplementary data

----- Associated Information





1.- FOLIO'S MAIN RIGHT/ PRIMARY REGISTERED RIGHT/ TITLE (nature of the right/title)

- A. OWNERSHIP (95% of the cases)
- B. FREEHOLD
- C. LEASEHOLD
- D. POSSESSION
- E. CONCESSION
- F. FRANCHISE
- G. SUPERFICIES
- H. TEMPORARY OWNERSHIP
- G. OTHERS (free text)

1 Bis.- MAIN NEGOTIATED RIGHT IN THE REGISTERED TITLE Personal folio system



2.- PROPRIETORSHIP/HOLDERSHIP

A) INDIVIDUAL HOLDERSHIP

a) Natural person : (core vocabulary)

- +Complete registered name or first name/surename
- +Birth date + Id number(Tax payer/SS/ Passport number...)
- + Address
- +Civil status/ matrimonial regime/husband or wife name?

b) Legal entity (core vocabulary)

- + Registered Name
- +Type
- +Id number (legal identifier)
- +Registration (address)
- +Company status



B) PLURAL HOLDERSHIP/PROPRIETORSHIP: COMMUNITY

a) Natural person : (core vocabulary) **SHARE**

+complete registered name. first name/surname

+Birth date/ +Identification number/ + Address/+Civil
status/ REM/husband or wife name

b) Legal entity (core vocabulary) **SHARE**

+Legal Name

+Legal Type/ Company status/ Id number: Legal
identifier/ Registration (address)

a) Community with shares

b) Community without shares

c) Other type of Community (free text)



3.-ENTITLEMENT

A.SUSTANTIVE ENTITLEMENT: LEGAL GROUND ACQUISITION RIGHT

a.- Original acquisition:

- aa. accession
- bb. acquisitive prescription
- cc. free text

b.- Derivative acquisition

- aa. Contract for value: sale purchase/swift
- bb. gift/donation
- cc. Succession
- dd. Governmental decision
- ee. Others (free text)

c.- Consent (Abstracts systems)



B.FORMAL ENTITLEMENT: (ACQUISITION) INSTRUMENT/ DOCUMENT

a.- Deed of transfer

- aa. Notary/solicitor
- bb. date..... cc. Place..... dd. Number
- ee. Name of the transferor (personal folio systems)

b.- Judicial decision

- aa. Judge/Court
- bb. Type of decision.... cc. date..... dd. proceeding id. num

c.- Adminisitrative decision

- aa. Authority
- bb. type of decision..... cc. Date..... dd. File Id. number Id

d.-Others: Free text.



4.- RESTRICTIONS IN THE POWERS OF THE PROPRIETOR

A. RESTRICTIONS ON CAPACITY OF THE REGISTERED OWNER:

- a.-Minority
- b.- Guardianship
- c.- Legal incapacity
- d.- Other (free text)

B.BANKRUPTCY

- a. Opening proceedings date
- b. Judgment
 - aa. Judge/Court
 - bb. Type of decision.....
 - cc. date.....
 - dd. Identification of procedure
- c. Type of entry: free text



C. RESTRICTIONS ON OWNER'S RIGHT TO DISPOSAL:

a.- Content of the restriction:

- aa. Absolute
- bb. Subjected to prior requirement
(notice/additional consent)
- cc. free text
- ee. Type of entry

b.- By disposition of law:

- aa. Legal provision

c.- By judicial decision:

- aa. Judge/Court
- bb. Type of decision
- cc. date
- dd. Identification of procedure

d.- By private decision: contract/ agreement (Trust ?)

e.- Matrimonial property regime

- aa. full name of the husband/wife



5.- CONDITIONS, TERMS, MODAL ACQUISITION.

A. ANTECEDENT/SUSPENSIVE CONDITION:

aa. Description: free text

B. SUBSEQUENT/RESOLUTORY CONDITION

aa. description: free text

C. TERM.

aa. Initial Date

bb Expiration date

D. MODAL ACQUISITION

aa Description: free text

6. PRICE OF ACQUISITION/ VALUE

a Amount in local currency

b Amount in euros



CONCLUSIONS AFTER WS1 FEEDBACK:

- **We agreed in seven basic rules to classify the information, in seven basic placeholders and finally in a common structure.**
- That will entail certain for the MS to organize the information in a uniform model: as a result perhaps not automat response is possible at a first stage (case by case)
- There are MS that do not provide certain information: How to deal with this situation in the template?
- Terminology. Great disparity. Placeholders must be common, rights to be placed not.
- Different meaning and different content of legal institutions
- Different effects of registration



WORK TO COME IN SECTION B)

1.-Reference Information.

- Glossary.- Not for the placeholders but for the specific rights**
- Fact sheets.- In section B:**
 - +Main registered right**
 - + Community**
 - +Restrictions**
 - + Matrimonial Regime and powers of disposition?**

2.-Effects derived from registration.

3.- Disclaimer



FACT SHEET OR PART OF THE TEMPLATE?

LEGAL EFFECTS: LR AS EVIDENCE OF THE REGISTERED RIGHTS :
INFORMATION'S RELIABILITY (Common framework)

1. The Effects of registration:

- **Internal effects** : effects as to strengthen the right itself and the entitlement
 - + Registration and acquisition of the right.
 - Constitutive vs declarative
 - Compulsory vs voluntary
 - + Effects to legitimize the owner
 - Legal presumptions
 - Effects and possession: adverse possession
 - Effects and procedural remedies: actions derived from registration



-External effects: effects to third parties.

- + Negative effect: opposing effect of registered rights against non registered rights
- + Positive effect. Bona fides effect. Indefeasibility principle. Requirements
- + Other effects.

2.- Effects and type of registered information.

- Uniform effect for all registered information or
- Different effects to different sets of information.
E.g. physical data, property rights, judicial orders, associated information....

3.- Disclaimer: Reliability



THANK YOU

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