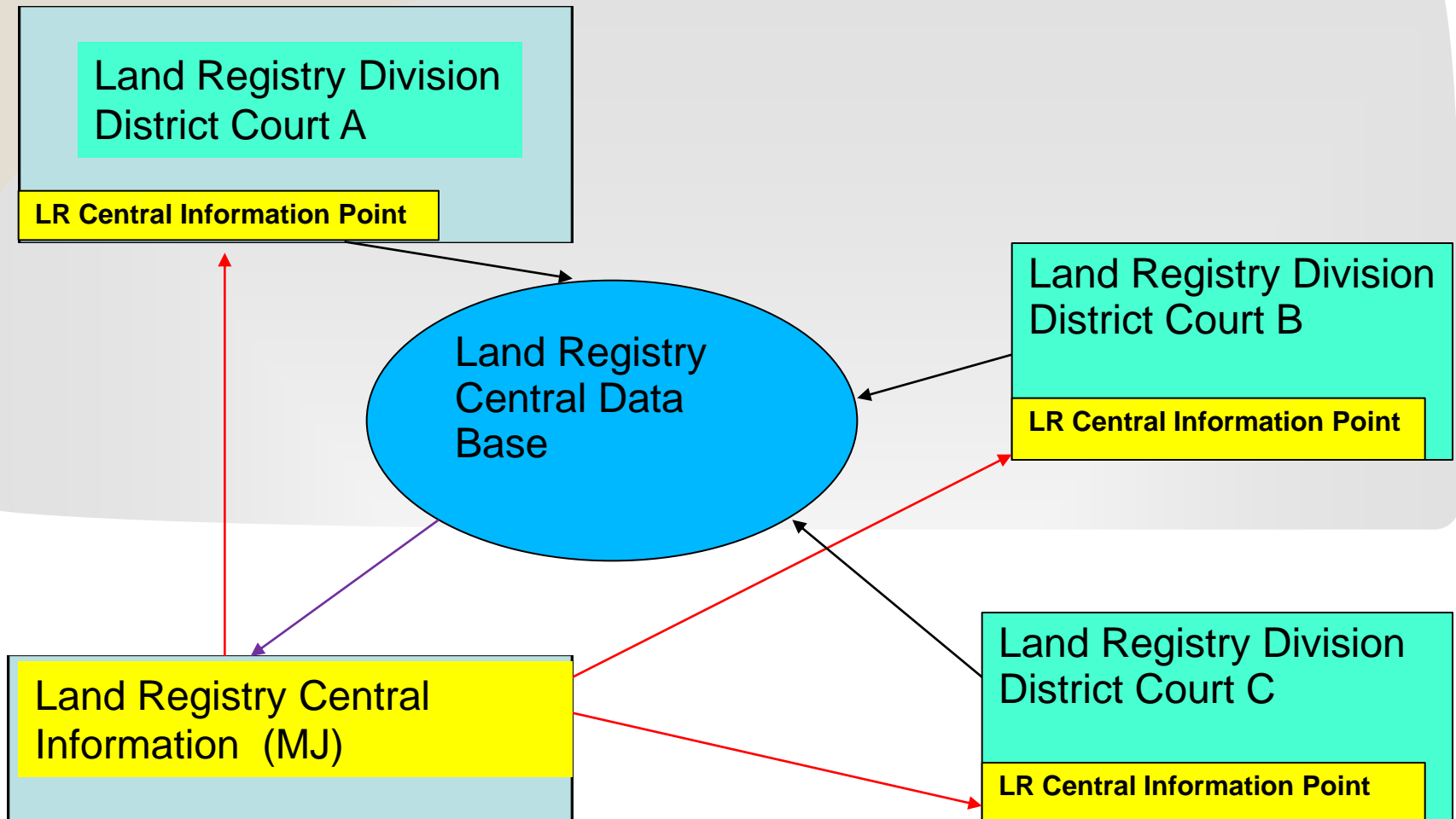


The implementation of the European Land Registry Document in EU Member States

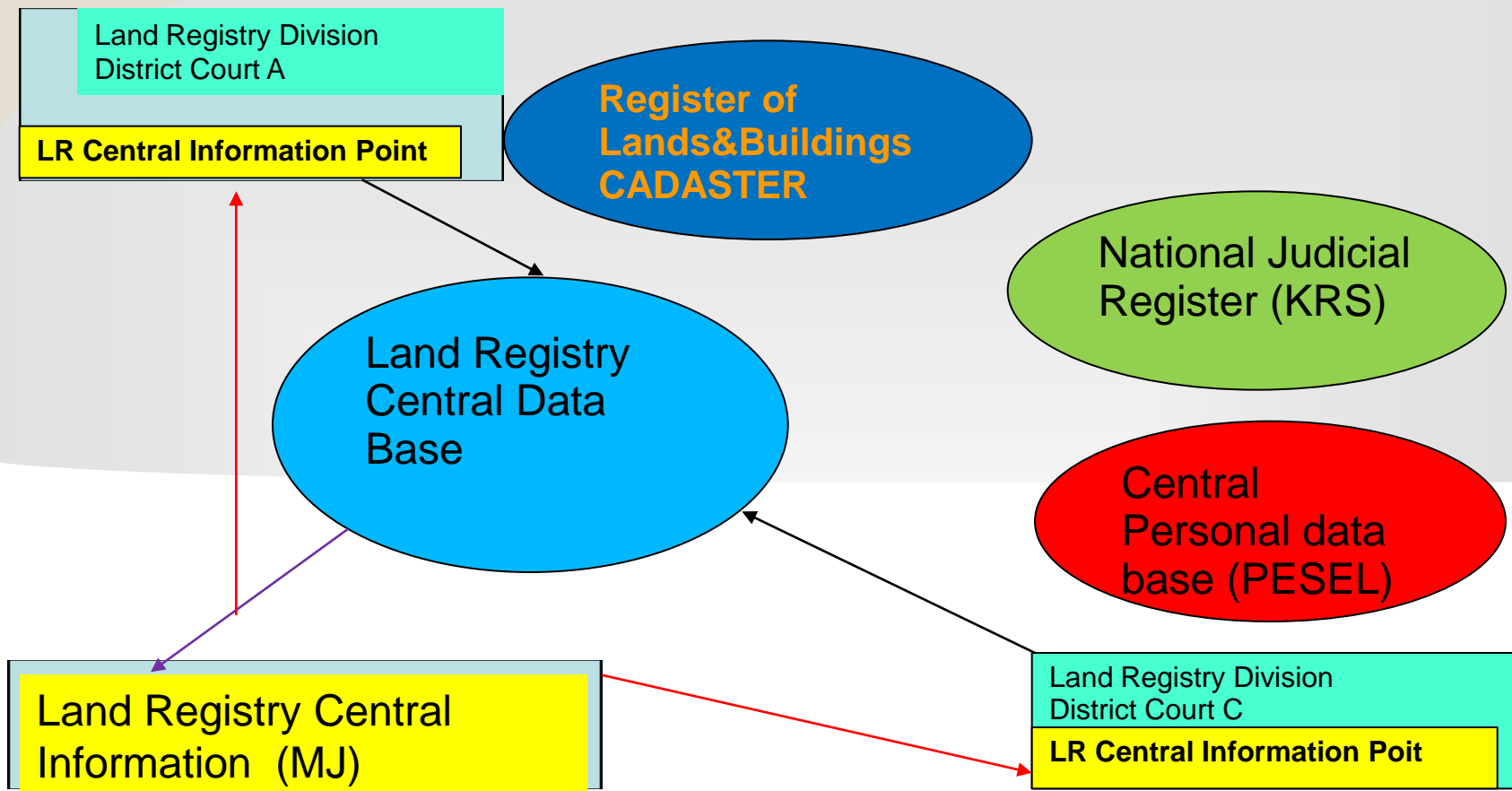
Presentation by the ELRN member by Republic of Poland

Marta Rekawek-Pachwicewicz
Polish Association of Registrars, Cracow
Regional Court Land Registry Division, Bialystok
Brussels 2016

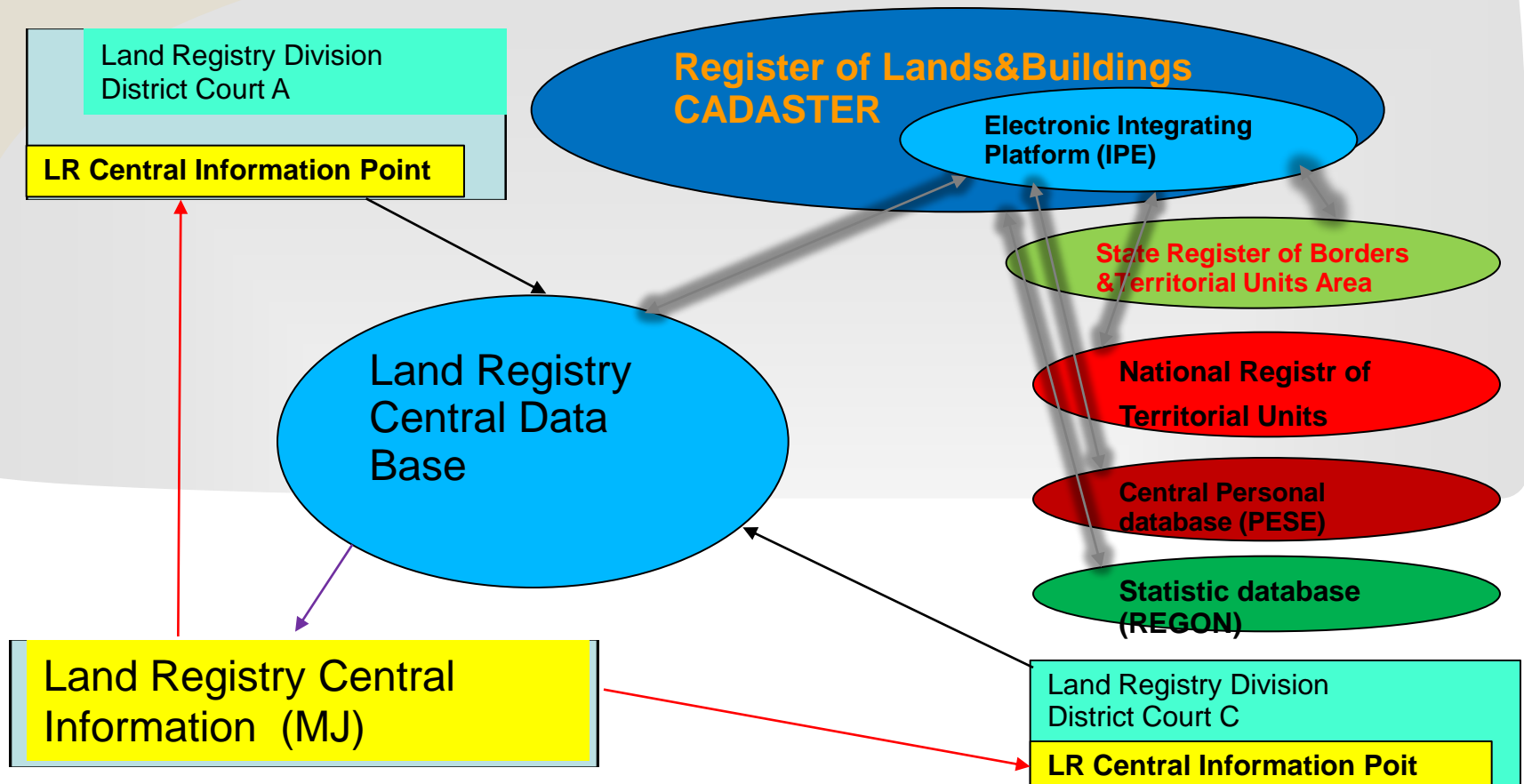




Land Registry system in Poland

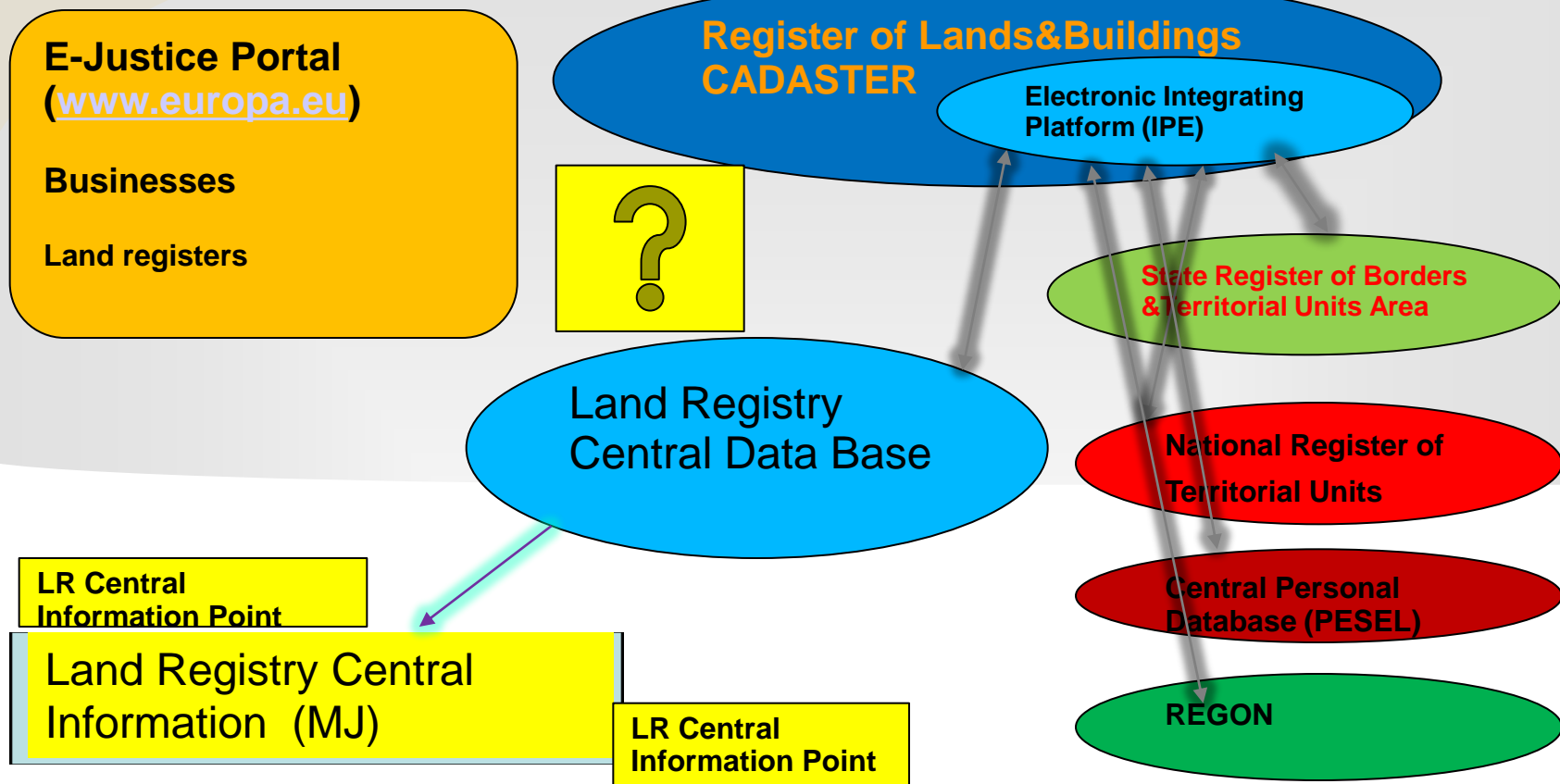


LR system via public registers, Poland (Jan 2016)



LR system via Integrated System of Land Information (ZSIN), Poland (2016, 2017?)

Law on Geodesy & Cartography (1989, last update March 2015), CM Decree of 17th January 2013 on Integrated System of Land Information (ZSIN)



LR system via Integrated System of Land Information (ZSIN), Poland via Land Registers E-Justice Portal (IMOLA). FUTURE?

Land Registry Central database (Ministry of Justice) – judicial legal register

- ✓ public trust, limited openness (sensitive data)
- ✓ register of rights, obligations, limitations (chapters II, III and IV)
- ✓ register of cadastral facts about real estate (chapter I-O) – no public trust
- ✓ individual unique number of Land Book
- ✓ record of titles, public documents on rights, obligations, limitations
- ✓ registration of mortgages (rank)
- ✓ registration of execution procedures
- ✓ no link to taxes

Register of Lands&Buildings (CADASTER) – administrative register

- ✓ no public trust, limited openness
- ✓ register of cadastral facts about real estate
- ✓ individual unique number of real estate unit
- ✓ record of maps
- ✓ official base to tax obligations

Recording property (real estates) in Poland

Polish Land Register System is not completed : land registry is not connected to CADASTER (EGIB), Central Personal Database (PESEL), National Judicial Register (KRS – business register) or any other central register (e.g. REGON).

Next year it is planned to finish-up **Electronic Integrating Platform (IPE)** to start **Integrated System of Land Information (ZSIN)**

Key feature of Polish LRS

The IMOLA template will may meet following challenges in Polish LRS:

- ✓ There are two, not connected electronically for the moment, separate individual registers of real estate (judicial register (KW: www.ms.gov.pl) and administrative register (EGIB: www.gugik.gov.pl))
- ✓ There is not connection between public registers (no network)
- ✓ Every register of real estate is run on their own bases (legal, organisational, financial)
- ✓ the reform of Polish LRS is coming...
- ✓ There are many not actualised information in LRS in Poland, in many cases the documents must be searched (KW, EGIB, national archives, public notaries archives)

Challenges considering the template in Polish LRS

The IMOLA template will may meet following challenges in Polish LRS:

- ✓ Template structure ABC will meet Polish LR structure ABCD (D for mortgages)
- ✓ There are different sort of mortgages in Poland (contractual simple mortgage, contractual joined mortgage, enforced mortgage (simple or joined). In many LB still we have historic mortgages entered before May 2011, so called contractual ordinary mortgage and contractual flexible mortgage (also simple or joined).

Challenges considering the template in Polish LRS

The IMOLA template will may meet following challenges in Polish LRS:

- ✓ For the moment not all the real estate properties have been registered in judicial register (KW) or in administrative register - Cadaster (EGIB)
- ✓ For the moment judicial register (KW) either Cadaster (EGIB) have actual data of owners (natural&legal persons) – no connection to PESEL database or business register
- ✓ For the moment not all the maps and internal frontiers are actualised
- ✓ public access to LR database may be problematic – evidence on individual, legal interes should be shown to ask for a LB number (individual&unique)
- ✓ Many legal information is contained in paper files- the matter of access to the files which is based on personal visit to LR division and proving the legal interest

Challenges considering the template in Polish LRS

Implementation of the IMOLA template according to Polish LRS:

- ✓ In my opinion the IMOLA template may be also implemented in Poland in a very simplified form, as problematic may be division C (LB's chapter III and IV). Maybe it would be clever to start just with division A (chapter I-O) and B (chapter II) and next to develop with division C (chapter III and IV).
- ✓ To start the European Land network the connection to Electronic Integrating Platform (ZSIN) to certain extend should be worked out with Polish Public Authority (amendments in Polish legislation)
- ✓ The Template should contain the information about up-to-date matters and responsibility (or its lack)
- ✓ The organisational structure of support the customer in collecting information should be worked out (Contact Points), working languages agreed
- ✓ Thesaurus is a very important part of the Template

Challenges considering the template in Polish LRS

Thank you for your attention!

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