



Interoperability Model for Land Registers

IT aspects of the SCHEDULE

**IMOLA PROJECT
WS 1 - 2nd Seminar
Athens, 6th October 2014**



Question 1.2.b.

- Form of LR info delivered by the national system
 - Paper information (non-)certified
 - Electronic information (non-)certificied

Form LR info	Yes	No	Not yet
Paper	20	1	0
Electronic	18	2	1

Question 1.2.b.

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Form LR info	Yes	No	Not yet
Paper	20	1	0
Electronic	18	2	1

Question 1.2.c. (2)

- The way info is sent to questioner

Method of Sending	Yes	No	For reference
E-mail (S/MIME)	9	12	0
Telefax	3	18	0
Webservices	16	4	1
In person	8	13	0
Mail (paper)	15	6	0
Interface services / databatch by order	1		

Question 1.2.c. (2)

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Interface services / databatch by order	1		

Question 1.2.c.(3)

- If sent electronically, which format?

Format	Yes	No	Unsure	N/A
Text (word) doc	2	17	1	1
Text (pdf)	15	3	2	1
XML file	8	12	0	1
HTML	2	18	0	1
.jpeg	1	19	0	1
.png	1	19	0	1

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HTML	2	18	0	1
.jpeg	1	19	0	1
.png	1	19	0	1

Question 1.4.

- Consider the template will be an electronic document, with data imported from the national database in XML. How to export data? Automatically / manually?

How to fill the XML import of template?	
Manual preferred	2
Automatic preferred	9
Either one possible	3,5
Combination preferred	1,5
No opinion	3
Unclear	1


Question 1.4.

- Consider the template will be an electronic document, with data imported from the national database in XML. How to export data? Automatically / manually?

How to fill the XML import of template?	
Manual preferred	2
Automatic preferred	9
Either one possible	3,5
Combination preferred	1,5
No opinion	3
Unclear	1


Question 1.6.

- To what extent it would be possible to develop a new LR legal document? Are there technical issues?

Possibility to develop new LR legal document	Yes, technical issues total: 17		No technical issues	N/A
Difficult to predict <i>as ELRD intentions are unclear</i>	5	Small adjustments	2	
New software / IT	4	None at all	2	
LR info is not electronically available	1			
Other	7			
N/A		2 nd IMOLA Seminar – Work Stream 1 Athens, 6 -7 October 2014		

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New software / IT	4	None at all	2	
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Other	7			
N/A		2 nd IMOLA Seminar – Work Stream 1 Athens, 6 -7 October 2014		

Question II.A

- LR based on the real folio principle or personal folio principle?

	Personal folio	both	Real folio
Number	2	1/2	18
Namely	Belgium Italy (Agenzia delle Entrate)	Greece/Italy	The rest
Extra info	Belgium: to identify properties, mortgage law demands cadastral ID	LR system is in a phase of transformation from personal to real folio	


Question II.A

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Question II.A.7.

- Is there a provision that can create a new LR file (folio)?
- What is the basic unit in the LR?

Object for folio			
Piece of land	Estate in land, rent-charge, franchise, profit a prendre in gross, (..)	Network, public encumbrances, legally relevant facts	
Cadastral parcel (1 LR entity can consist of more cadastral parcels)	Right of supervicies, apartment ownership	Time sharing, immovable assets by disposition of law	
House	Business equipment & special properties listed in Code	Property ownership, property interests	
Superädificat, building law, (wine)cellar, presshaus (ancient wine production building)	Self-sufficient asset attached to the ground	None of the above & all examples given	
Building right	Freehold, leasehold, squatter's title, by order of court, subdivide folio	Non-residential premises	

Question II.A.7.



Question II.A.8

- Could an immovable asset, being part of a bigger immovable asset already registered, be separated by opening a new folio?
- Is there any link or connection between different real folios?

Yes	>1st	>2nd	>3rd	N/A	Link	No Link	N/A	NO	unclear
16	11	6	11	4	8	1	7	0	2

Question II.A.8

- Could an immovable asset, being part of a bigger immovable asset already registered, be separated by opening a new folio?
- Is there any link or connection between different real folios?

Yes	>1st	>2nd	>3rd	N/A	Link	No Link	N/A	NO	unclear
16	11	6	11	4	8	1	7	0	2

Question II.A.9

- Legal criterion to define the object of Land Registration

Criterion	Yes	No	N/A
Nature of the asset	12	1	6
Object of contract	5	8	6
Legal relationships	6	7	6
Identification capability	4	9	6
Plot of land	1		
Bankruptcy	1		
Mental incapacity	1		

Question II.A.9

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Criterion	Yes	No	N/A
Nature of the asset	12	1	6
Object of contract	5	8	6
Legal relationships	6	7	6
Identification capability	4	9	6
Plot of land	1		
Bankruptcy	1		
Mental incapacity	1		

II.A.10 (1)

- Is each LR entity identified by a single ID number?
- Is it created, maintained and written off by the LR organization?
- Is it a unique nationwide number?

	Yes	No	N/A	Unclear		Other
Single ID?	14	0	3	1	3	
Written off	10	0	3	6	N/A	2
Nationwide?	7	5	3	4	N/A	2

II.A.10 (1)

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- Is it created, maintained and written off by the LR organization?
- Is it a unique nationwide number?

	Yes	No	N/A	Unclear		Other
Single ID?	14	0	3	1	3	
Written off	10	0	3	6	N/A	2
Nationwide?	7	5	3	4	N/A	2

Question II.A.10 (2)

- Please describe the way the number is structured
- Please share a specimen

Question II.A.10 (2)

- Please describe the way the number is structured
- Please share a specimen
- EXTREMELY DIVERGENT!



Question II.A.10 (2): IBAN?

What is IBAN? IBAN is an account number used to make or receive electronic fund transfers.

How it differs from the existing account number? A unique numbering system which adds three components to the existing account number.

What are those additional components?

1. Country code: "BH"
2. Two check digits
3. Four letters of the SWIFT BIC Code of the customer's bank.

How to obtain IBAN? Banks issue IBANs to their customers. A customer can find the IBAN in the header of the regular bank account statement. Anyone who has not received IBAN should contact the bank.

Benefits of IBAN on fund transfers:

1. Reduce errors
2. Minimize delays
3. Convenience and simplicity.

IBAN example:



Question II.A.10 (2): ECLI?

Usual name
of the case

Number in
the Register

Code:

The code contains the sections of the ECLI (with the exception of 'ECLI' itself):

EU: | code of the delivering Court: | year of the decision: | sequential number

Judgment in *Schempp*, C-403/03, EU:C:2005:446, paragraph 22

Judgment in *Wahlström v Frontex*, F-87/11, EU:F:2013:10, paragraph 32

Omissions :

- ✗ name of the Court which adopted the decision cited
- ✗ full date of the decision

Paragraph
cited



II.A.10 (3)

- Which other info is needed for an easy & complete identification of the entity?
- Lots of information criteria.

Question III.11 (1) – 1st draft template structure

- A: property & additional info from key registers
- B: primary rights, entitlement, restrictioncs
- C: secondary rights: limited property rights, etc.

- Complete different template:
- 1 – composition of registered immovable
- 2 – owner
- 3 – encumbrances & restrictions
- 4 - mortgages

Question III.12

- Should template be entirely fixed?
- Or should there be a part for free texts?



Question III.12

- Should template be entirely fixed?
- Or should there be a part for free texts?

	Yes	No	N/A	Unclear
Free text	11	4	5	1
Attach copies	1			
Add descriptive part				

- No: risk of misunderstandings & liability

Question III.11 (2) – 1st draft template structure

- A: property & additional info from key registers
 - B: primary rights, entitlement, restrictions
 - C: secondary rights: limited property rights, etc.
-
- **Section B:** class of title, name of proprietor, legal persons ID number, bankruptcy notices, (...), cautions & inhibitions; notice of property adjustment orders under family law, fulfillment of a condition in a registered conditional juridical act, death of usufructuary, (...), name changes of owners, (...)

Question III.11 (2) – 1st draft template structure

- A: property & additional info from key registers
 - B: primary rights, entitlement, restrictions
 - C: secondary rights: limited property rights, etc.
-
- **Section C:** privileges belong to section A, details of leases which affect title if (..), judiciary claims, condominium & time sharing inscriptions, (...), inscriptions of judicial claims and decisions, mortgages, **limitation of property rights, all kinds of 'burdens' regulated by law**

Question III.11 (1) – 1st draft template structure

- A: property & additional info from key registers
- B: primary rights, entitlement, restrictions
- C: secondary rights: limited property rights, etc.
- **Heading:** responsible organisation; title number; is a plan part of title? If so, attached? Value of information
- **Section A:** legal/ contractual info related to parcel, **identity of the person/ company**, reference to national unique number, in-/exclusion of mines and minerals; easements, rights & privileges for benefit, details leasehold, details of deeds, fiscal identification

Preliminary conclusions

On the basis of the Questionnaire

A – B - C



We know the structure: ABC



Lots of extra information to be added



Most of us want free texts (liability/ misunderstandings)



Almost all MS have electronic information,



mostly in PDF, but < 10 MS use XML



17 MS: technical issues for new ELRD (legal document)



A – B – C

‘header’/ section D



Liability?
Misunderstanding?

A



Description
of the
property

B



Primary
rights

C



Secondary
rights



Thank you for your attention!