

## ELRA NEWS 2016 FOR ANNUAL PUBLICATION

- **XXII ELRA General Assembly**

The XXII ELRA General Assembly took place in Brussels on Friday 29<sup>th</sup> January 2015.

It was attended by representatives from 20 EU Member States and, on this occasion, the Court Administration of Latvia became a new ELRA member. Jānis Dreimanis proceeded to the signature of the Association Members' book following the provisions of the statutes.

ELRA welcomed representatives from the General Directorate of Land Registry and Cadastre from Turkey, who are also interested in ELRA activities.

Speakers from the European Institutions, University of Maastricht and other associations as the Secretary General of IPRA-CINDER and EULIS representatives also participated in the Assembly. Special mention deserves the presence of the new President of CNUE, Paolo Pasqualis, who accepted our invitation to join to our Assembly.

The XXII ELRA General Assembly focused on the European Certificate of Succession and access to the Registers. Moderated by Sjef van Erp, Professor of Law at Maastricht University, a panel discussion about this topic was organized with the participation of Stephan Matyk from DG Justice, European Commission, Isidoro Calvo Vidal from CNUE, and Ioanna Tzinieri, Greek Land Registrar and member of the ELRA Board.

After lunch, the session began with the presentation by Fernando P. Mendez, Director of International Relations of the Colegio de Registradores de España, on the figure of the Land Registrar as a legal profession.

Arnoldas Tomaševičius, Central Mortgage Office in Lithuania, and Piret Saartee, Centre of Registers and Information Systems of the Ministry of Justice of Estonia, made a presentation on a common European project on the European certificate of inheritance and access to registers. National implementation and creation of XML structure – IC RW project

Mihai Taus, member of the board of ELRA and President of the Romanian Land Registry Association, gave a presentation on data protection and launched a series of questions of general interest, to be studied by a working group created for this purpose within the association.



Alasdair Lewis with the delegation from Land Registry and Cadastre of Turkey



Mr. Janis Dreimanis from Court Administration of Latvia



Fernando P. Méndez, Colegio de Registradores de España



Panel on Succession Regulation

- **IMOLA Closing Conference**

On Thursday, 28<sup>th</sup> January, day before the ELRA General Assembly, the IMOLA closing conference took place.

Among others, ELN Contact Points discussed about the IMOLA Template, the European Land Registry Document (ELRD) in the European context and the Interconnection of Land Registries.

ELRA had the honored to welcome Fernando Paulino Pereira, Chairman of the e-Justice working party of the Council of the European Union, and Georgios Paltoglou, DG Justice, European Commission. Both of them talked about the Interconnection of Land Registries.

Related to this issue, Sjef van Erp, Professor of law at Maastricht University and Member Executive Committee European Law Institute, draw a general overview of the IMOLA project in the interconnection.

Besides, on the one hand, Gabriel Alonso, Spanish Land Registrar and member of the IMOLA coordination team focused on the semantic aspects of the IMOLA project. And, on the other, Jesús Camy, Spanish Land Registrar and member of the IMOLA coordination team, made two more presentations: one about The IMOLA Template as an interconnection tool within the scope of judiciary cooperation, and another one about the technical aspects of the IMOLA Template.

Finally, some ELRA Members discussed about the implementation of the European Land Registry Document in EU Members States: England and Wales by Joy Bailey, Italy by Agostina Lodde, Poland by Marta Rekawek and Finland by Henrik Ungern.



Council of the European Union, Mr. Fernando Paulino Pereira





DG Justice, European Commission, Mr. Georgios Paltoglou



IMOLA Audience



Jesus Camy, Colegio de Registradores de España

In February, the **IMOLA Questionnaire on Legal Effects of Registration** was sent to Contact Points.

In February 2016, IMOLA project was coming to an end and WS1 was reaching its goals. Thanks to CPs work, ELRA-ELRN was making an important contribution to the European Land Register background and mutual understanding.

Considering the terms of the IMOLA grant, the goals of the WS1 were to provide legal background for the template as well as a glossary and reference information to support its functioning.

Once determined the legal aspects of the ELRD and designed a glossary to support it, the goal of drawing up suitable Reference Information (RI) was almost accomplished.

In this respect, for completing specifically the Fact Sheet of the Section “B” (proprietorship), CPs were requested to answer one question related to the types of ownership or main rights existing in your legislations in a brief way.

Besides, in order to complete this reference information (RI), another Fact Sheet related to the effects of registration was sent to CPs.

Afterwards, in March, the **4 Fact Sheets** were drafted (LR Unit, Proprietorship, Encumbrances and Legal value of the information) and the ELRN coordination team requested the CPs to completely review them.

These drafts were the main material for the IMOLA reference information (RI) along with the result of the draft on "*Legal effects of the registration*".

All these issues are further developed in the section devoted to the IMOLA project.

- **Activities ELRN (within the Framework Programme European Commission)**

**1<sup>st</sup> Workshop (Madrid, 14<sup>th</sup> – 15<sup>th</sup> April 2016)**  
**EU Regulation (UE) 650/2012 on Successions**

Within the Framework Programme 2016, on 14<sup>th</sup> and 15<sup>th</sup> April 2016 took place in Madrid the 1<sup>st</sup> Workshop on EU [Regulation \(UE\) 650/2012](#) on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

On the first day, the Workshop focused on **Articles 66.5 and 69.5**.

On the one hand, as regards to the **Article 66.5**, the ELRN Contact Points discussed about the Information from land registries to Courts issuing Certificates, the Proceedings



and judicial orders within scope of Article 66.5, the Judicial procedures for requesting LR information in application of Article 66.5 and Electronic forms and templates for exchanging registry information.

Besides, concerning **Article 69.5**, the Workshop focused on the Registration of the Certificate of Inheritance and the requirements for registration from the LR systems of the Member States. Furthermore, a panel discussion about the judicial perspective was organized.

On the second work day, the Workshop focused on the **Registration of the judicial decisions within the scope of the Regulation (UE) 650/2012**

Among other, the CPs discussed about the registration of the judicial decisions in successions matters, the scope of the rule of recognition without any proceeding (Article 39) with respects to Land Registries of the Member States, the protective measures (Article 19): judiciary orders which may lead to entries (notices, judicial restriction) into the land registers of the Member States, the closest equivalent judicial property rights and the registration of the judicial decisions within the scope of the Regulation (UE).

Furthermore, in May, the **Questionnaire "Certificate of Inheritance and Successions in LR"** was sent to CPs for their study.

This questionnaire focused on the Registration of the European Certificate of Inheritance (ECS) and other land register implications in Successions matters according to Regulation (UE) 650/2012.

The Questionnaire was divided in two sections: Exchange of information within scope of Article 66.5 and Access of ECS to Land Registers Article 69.5.

**2<sup>nd</sup> Workshop (Helsinki, 22<sup>nd</sup> - 23<sup>rd</sup> September 2016)**

**Brussels I recast and framework decisions  
in criminal matters in Land Registers**

This 2<sup>nd</sup> Workshop on Brussels I recast and framework decisions in criminal matters in Land Registers was divided in two main sessions: Conclusions on the [Regulation \(UE\) 650/2012](#) with respect to registration matters and [Regulation Brussels I](#) recast in the scope of the land registration.

Within the second session about Regulation Brussels I, the following points were discussed: Brussels I recast and land registration, recognition and enforcement of judicial resolutions: applicability in the scope of the land registration and protective and cautionary measures in Brussels I recast and land registration.

On the second work day, the Workshop focused on the [Framework decisions in criminal matters](#)

And finally, in September 2016, a **request on the European Certificate of Succession** (ECS) was launched.

Its objective was to provide information of cases of registration of ECS in CPs countries and comments about this experience in their land registers.