

**THE ROLE OF THE EUROPEAN LAND REGISTRIES IN THE  
SHAPING OF THE SINGLE MARKET**

**CONFERENCE ON 30TH ANNIVERSARY OF THE  
ESTABLISHMENT OF THE SINGLE MARKET**

**CALL FOR PAPERS**

*Integration in the single market: Opportunities and challenges to further integration, including forward looking topics (potential of further integration in services; impact of removing specific restrictions; impact of digitalisation)*

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## I. THE EUROPEAN INTEGRATION.

The process of European construction that led to the European Union begins in World War II<sup>1</sup>. As early as 1944, the Netherlands, Belgium and Luxembourg decided to form the Benelux Union. After the end of the war, the need to channel American aid (the Marshall Plan) led to the creation in 1947 of the Organisation for European Economic Cooperation (OECC), which in 1961 became the Organisation for Economic Co-operation and Development (OECD).

In 1949, the Council of Europe was established by Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, and the United Kingdom to bring its members into closer union. This union, limited to intergovernmental cooperation, was complemented by the creation of the European Communities in 1951, following the historic declaration made by Robert Schuman, the French Minister of Foreign Affairs, on 9 May 1950.

The European Communities emerged as a close cooperation of Belgium, France, Germany, Italy, Luxembourg, and France, which promoted the creation of a common market for Coal and Steel, which later expanded its scope with the creation of the European Economic Community and the European Atomic Energy Community.

The first enlargement took place in 1972 with the accession of the United Kingdom, Denmark, and Ireland. This was followed by Greece (1981), Spain and Portugal (1986), Austria, Finland, and Sweden (1995). Finally, the major enlargements to Eastern Europe took place in 2004 with the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia, reaching the current member states with the incorporation of Romania and Bulgaria in 2007. Albania, Moldova, Montenegro, North Macedonia, Serbia, Turkey, and Ukraine have candidate status, while Bosnia and Herzegovina, Georgia and Kosovo are potential candidates.

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<sup>1</sup> Prior to World War II, the Roman and Carolingian empires and the papacy can be pointed to as political antecedents. From an intellectual point of view, in 1923, Richard von COUDENHOVE-KALERGI proposed the idea of a unified European state. This idea was followed by the project in 1929 of a United States of Europe by the French Minister of Foreign Affairs Aristides Briand (Leonard, 2010, p. 3 et seq.) (Alonso Moreda, 2021, p. 19 et seq.)

In addition to the changes in the treaties and the functioning of the European Union resulting directly from the enlargement processes, a process of reform began in the 1980s. The first of these reforms was the signing of the Single European Act (SEA) in Luxembourg and The Hague, which came into force on 1 July 1987. The aim of the SEA was to transcend the common market to achieve an internal market creating a large area without internal border. In the Single Market, the free movement of goods, services and capital would be guaranteed, as well as the free movement of people as such and not merely as economic agents<sup>2</sup>.

The reformulation of the idea of the European common market affected all institutions. The European Communities were given new powers in the fields of the environment, research, and technological development. New legislative procedures were created, the powers of the European Parliament were strengthened, and the European Council was mentioned for the first time. Importantly, the need to move towards the creation of an Economic and Monetary Union was also confirmed<sup>3</sup>.

Subsequently, following two Intergovernmental Conferences on Economic and Monetary Union and Political Union, the Treaty on European Union (TEU), known as the Maastricht Treaty, was signed. This treaty constituted a European Union structured on three pillars:

- The European Communities<sup>4</sup>.
- The Common Foreign and Security Policy.
- Justice and Home Affairs that comprehends judicial cooperation in criminal and civil matters.

After the Maastricht Treaty and the accession of Austria, Finland and Sweden to the European Union, a new Intergovernmental Conference was convened in 1996 whose work was culminated in the Treaty of Amsterdam in

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<sup>2</sup> (Alonso Moreda, 2021, p. 24)

<sup>3</sup> (Alonso Moreda, 2021, p. 26)

<sup>4</sup> Within the European Communities, we can highlight the competences attributed to the European Economic Community renamed as European Community that affected the following areas (1) Customs Union and the Single Market (2) Common Agricultural Policy (3) Common Fisheries Policy (4) EU competition law (5) Economic and Monetary Union (6) EU citizenship (7) Education and culture (8) Trans-European Networks (9) Consumer protection (10) Health (11) Research (12) Environmental law (13) Social policy (14) Asylum policy (15) Schengen Treaty (16) Immigration policy

1997. This treaty reformulated the previous objective of cooperation in justice and home affairs to shape the European Union as an area of freedom, security, and justice in which the free movement of persons was guaranteed, together with measures to control external borders, asylum, immigration, and the prevention and combating of crime. In this way, the objectives of the European Union were intended to transcend the economic sphere, placing the individual at the centre of European integration. The Amsterdam Treaty also integrated the Schengen Agreement of 1985 which after 1995 had eliminated internal borders in most member countries.

The Treaty of Amsterdam did not make the necessary adaptations of the Community institutions to the planned enlargement of the European Union, and so a new treaty (Treaty of Nice) was negotiated and signed in 2000, to enter into force in 2002. The Charter of Fundamental Rights of the European Union (CFREU)<sup>5</sup> was also approved in 2000, albeit as a political document with no legal value.

Following the failure of the Treaty establishing a Constitution for Europe, which was rejected in a referendum in France and the Netherlands in 2005, and with the participation of the new members<sup>6</sup>, the Treaty of Lisbon was agreed in 2007. This treaty renounced the idea of merging the European treaties into a single document amending the Treaty on European Union and the European Community Treaty transformed into the Treaty on the Functioning of the European Union (TFEU).

After the Lisbon Treaty, international treaties have been signed which, following the example of the Schengen Treaty, have sought to complete the structure of the Union. For example, the Prüm Treaty deepened cross-border cooperation in the fight against terrorism, cross-border crime, and illegal migration and for its part the Treaty on Stability, Coordination and Governance

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<sup>5</sup> The Charter of Fundamental Rights of the European Union (CFREU) recognised among others the right to the protection of personal data (Article 8), the right to conduct a business (Article 16) or the right to property (Article 17). The right to equality before the law (Article 20), non-discrimination (Article 21) and respect for cultural, religious, and linguistic diversity (Article 22) were also recognised. Freedom of movement and residence were also recognized (art. 45).

<sup>6</sup> The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia were incorporated in 2004 and Romania and Bulgaria in 2007.

in the Economic and Monetary Union<sup>7</sup> and the Treaty establishing the European Stability Mechanism faced the economic crisis that occurred after 2008.

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<sup>7</sup> Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42012A0302%2801%29>

## II. THE EUROPEAN COMPETENCE IN JUSTICE

One of the three pillars that formed the European Union was the cooperation between EU countries in the field of justice and home affairs. The aim of the EU justice policy is to create an EU-wide area of justice based on mutual cooperation in both civil and criminal law. This requires building up mutual trust among EU Member States' courts and national administrations and their mutual recognition of judicial decision<sup>8</sup>.

The Justice and Home Affairs pillar whose origin lies in the TREVI meeting and the Maastricht Treaty initially comprehended: (1) the establishment of standards and controls for the EU's external borders; (2) the fight against terrorism, organised crime, drug trafficking and international fraud; (3) the organisation of judicial cooperation in criminal and civil matters; (4) the creation of a European Police Office (Europol) for the exchange of information between national forces; (5) the control of illegal immigration; (6) the development of a common asylum policy.

At present, the Treaty of the European Union refers to a European area of freedom, security, and justice (AFSJ) in its article 3 that says that the Union «shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime». This is stated even before the aim of the establishing of an internal market and the economic and monetary union and after the promotion of peace, European values, and well-beings of its peoples.

The regulation of the AFSJ lies in Articles 67 to 89 of the TFEU and one of its aims is strengthening the protection and promotion of fundamental rights through the adoption of the legally binding Charter of Fundamental Rights of the European Union. One of these rights is the «right to property» constituting the Land Registers a necessary tool for the effective guarantee of this right.

Within the European area of freedom, security and justice, the Justice and Home Affairs Council decided in 2007 to set up a European justice portal. This

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<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:justice>

portal<sup>9</sup>, which was set up in 2010, covers national land registers as well as European initiatives in the field of land registers<sup>10</sup>.

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<sup>9</sup> <https://e-justice.europa.eu/>

<sup>10</sup> [https://e-justice.europa.eu/108/EN/land\\_registers\\_\\_eu\\_level](https://e-justice.europa.eu/108/EN/land_registers__eu_level)



### III. THE SINGLE MARKET

As noted above, one of the innovations of the Single European Act was to formalize the objective of achieving the Single Market (also called internal or common market<sup>11</sup>) for which the dismantling of the customs, fiscal, administrative, and technical barriers is necessary<sup>12</sup>. The internal market is considered one of the stages of the economic integration and requires that restrictions on the factors of production be removed.

The objective of the internal market is not only economic, as social, and political reasons are also pointed out as it seen as an essential step towards social and political integration<sup>13</sup>.

The internal market is defined in Article 26 TFEU which states that «the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market, in accordance with the relevant provisions of the Treaties» and that «the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties».

It is considered that a true internal market has yet to be achieved despite the legal provisions established in the Treaty on the Functioning of the European Union<sup>14</sup>.

To achieve the free movement of goods, persons, services and capital, different EU policies can be used<sup>15</sup>. Thus, the following can be involved:

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<sup>11</sup> (Chalmers, Davies, & Monti, 2019, p. 627)

<sup>12</sup> (Mattera, 2002, p. 523)

<sup>13</sup> (Chalmers, Davies, & Monti, 2019, p. 628)

<sup>14</sup> The economic integration occurs over different stages: (1) Free trade area. (2) Custom union. (3) Internal market. (4) Economic and monetary union (EMU). The TFEU regulates the internal market in Articles 26 and following. There can be highlighted the following rules: (1) Prohibition of custom duties and charges (Article 30); Prohibition of quantitative restrictions (Article 34-35); Derogation of Articles 34-35 justified upon certain ground cannot constitute a means of arbitrary discrimination (Articles 36); Prohibition of discrimination regarding the freedom to provide services (Article 56); Prohibition of discriminatory national taxation (Article 110) (Berrt, Homewood, & Bogusz, p. 458 et sq.)

<sup>15</sup> (Chalmers, Davies, & Monti, 2019, p. 631 et sq.)

- i. Prohibiting measures which restrict movement unless they are truly necessary for essential public interest objectives. This is called negative harmonisation or negative integration.
- ii. Harmonisation. If Member States maintain different rules, this can create practical problems. Therefore, it could be interesting to establish common rules. This is called positive harmonization or positive integration.
- iii. Preventing State aid that helps national industries.
- iv. Ensuring fair competition between undertakings to ensure that the internal market remains competitive.

The competence to legislate regarding the internal market is established in the Article 114 which states that «the European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market». This rule does not apply to «fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons».

On the other hand, it may be noted that the provision contained in former Article 3(g) of the EC Treaty concerning the establishment of a system in which competition in the internal market is not distorted has been transferred to protocol 27<sup>16</sup> which refers to Article 352 (unanimity system). This change has

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<sup>16</sup> PROTOCOL (No 27) ON THE INTERNAL MARKET AND COMPETITION

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the internal market as set out in Article 3 of the Treaty on European Union includes a system ensuring that competition is not distorted,

HAVE AGREED that:

To this end, the Union shall, if necessary, take action under the provisions of the Treaties, including under Article 352 of the Treaty on the Functioning of the European Union.

This protocol shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

generated different criteria regarding the effect of the Protocol 27 on the Article 114<sup>17</sup>.

As the COVID-19 pandemic has shown, different events can affect the Single Market. Therefore, keeping the Single Market require a continues monitoring to address the obstacles that could affect the free movement of goods, services, and persons. Recently, a Single Market Emergency Instrument has been proposed by the president of the European Commission in her 2022 State of the Union speech<sup>18</sup>.

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<sup>17</sup> According to Chalmers, Davies, & Monti (European Union Law, 2019, p. 644), the Court of Justice relies on its pre-Lisbon competence case law as if nothing has changed and has said that Article 114 ‘corresponds’ to Article 95 EC suggesting that the Protocol has had no legal effects on the scope of Article 114.

<sup>18</sup> [https://ec.europa.eu/commission/presscorner/detail/en/QANDA\\_22\\_5444](https://ec.europa.eu/commission/presscorner/detail/en/QANDA_22_5444)

#### IV. THE INTERNAL REAL ESTATE MARKET

The internal market comprises the real estate market and its development is subject to various challenges or barriers some of which have been the subject of attention by the European Court of Justice. Thus, we can mention the following:

- i. Language barriers. The linguistic richness that characterizes Europe undoubtedly makes it difficult to understand national legislation and administrative documentation which in many cases is only available in the official language of the corresponding country. The development of standards in real estate documentation could mitigate the problems caused by the different languages used in the Land Registries. It is particularly desirable that these standards are developed from the bottom up through the cooperative work of the competent national authorities to obtain better results.
- ii. Legal barriers. The national legal systems can include rules that prevent the development of the internal market. These limitations have been addressed by the European Court of Justice (ECJ) when national where national legal systems contain limitations in the creation of documents necessary to formalise a real estate transfer<sup>19</sup> or the establishment of a system of authorisation for the acquisition of property<sup>20</sup>. However, the difficulties arising simply from the existence of different legal systems must also be considered.
- iii. Tax barriers. In some cases, there are barriers which, while not excluding the single market, do make it more difficult. The introduction of different legal requirements for residents and non-residents discourages cross-border

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<sup>19</sup> In some countries, national legislation may require the intervention of a national notary or judicial authority, which may be considered incompatible with European law As Akkermans (European Union Constitutional Property Law, 2014) points out, notaries are not considered to be public authorities in the sense of an exception for public services and must therefore be regarded as service providers. This has been pointed out in various European court decisions relating to the regulations of different countries: ECLI:EU:C: 2011:334 (Belgium); ECLI:EU:C:2011:335 (France); ECLI:EU:C:2011:336 (Luxemburg); ECLI:EU:C:2011:337 (Portugal); ECLI:EU:C:2011:338 (Austria); ECLI:EU:C:2011:339 (Germany); ECLI:EU:C:2011:340 (Greece).

<sup>20</sup> The ECJ considered a system of authorisation for the acquisition of land contrary to Article 63 TFEU in different judgements: ECLI:EU:C:2002:135 (Austria) (van Erp & Akkermans, 2012, pág. 1091)

investments. These requirements may relate to the need to obtain a tax identification number or to the need to identify a domicile in the Member State where the investment is made or the imposition of specific taxes on non-residents. These measures aimed at facilitating administrative control of the Member State where the property is located constitute diffuse barriers to the shaping of the single market.

These barriers can be addressed by the European Union through the means established in Article 114 TFEU although account must be taken of the interpretation given by the Court of Justice of the European Union and especially the proportionality principle. These limitations have been reported in relation to the non-existence of a common language or the absence of a European Contract Code<sup>21</sup>.

Regarding regulation by the European authorities, it must be considered the limitation established in art. 345 of the Treaty on the Functioning of the European Union, which states that «the Treaties shall in no way prejudice the rules in Member States governing the system of property ownership». The interpretation of this article has been discussed. In the drafts, the article referred to the property *des enterprises*, therefore, some authors consider its meaning must be related to the principle of neutrality «under which the Treaty is neutral as to whether an undertaking is held in public or private ownership; to be more specific, whether the Member State or one of its organs, or private individuals own the shares in such a company»<sup>22</sup>. However, the 345 TFEU is also used by academics in the context of the harmonisation of private law considering it obstructs the development of a European property law.

The importance of land registries in the economic and social sphere and their relation to the single market and European competition in the field of justice led the European Commission to analyse the regulation of the law of property in 2003<sup>23</sup>. There have been also private studies addressing the problems the European citizens have when purchasing property in another

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<sup>21</sup> (Chalmers, Davies, & Monti, 2019, p. 643)

<sup>22</sup>.(Akkermans & Ramekers, Article 345 TFEU (ex Article 295 EC), Its Meanings and Interpretations, 2010)

<sup>23</sup> (Pau, 2004, p. 19)

state<sup>24</sup> and studies examining European legal diversity and harmonisation processes<sup>25</sup>.

Although a comprehensive European regulatory framework has not been created, there have been different European regulations related to Land Registries and Property Law. Thus, the following can be highlighted:

- Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)<sup>26</sup>.
- Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)<sup>27</sup>.
- Regulation (EU) No 650/2012 on matters of succession and on the creation of a European Certificate of Succession<sup>28</sup>
- Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters<sup>29</sup>.
- Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes<sup>30</sup>.
- Council Regulation (EU) 2016/1104 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships<sup>31</sup>.

European regulation on the matter is fragmentary, as national regulation continues to play an essential role. Attempts to achieve uniformity in European

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<sup>24</sup> (Wallis, 2011)

<sup>25</sup> (van Erp & Akkermans, 2012)

<sup>26</sup> <http://data.europa.eu/eli/reg/2007/864/oj>

<sup>27</sup> <http://data.europa.eu/eli/reg/2008/593/oj>

<sup>28</sup> <http://data.europa.eu/eli/reg/2012/650/oj>.

<sup>29</sup> <http://data.europa.eu/eli/reg/2012/1215/oj>

<sup>30</sup> <http://data.europa.eu/eli/reg/2016/1103/oj>

<sup>31</sup> <http://data.europa.eu/eli/reg/2016/1104/oj>

law have failed due to the lack of European legislative competence to do so. Thus, the existence of different legal systems, as has been pointed out, constitutes a difficulty in the development of the internal market. In view of this situation, a collaborative approach of the national land registers organised through ELRA and, in particular, the work carried out in the ELRN is currently the most appropriate way to make progress in the single market in the field of real estate. The importance of these institutions and the projects already made will be addressed in section V and VI.

Finally, it should be noted that in 2021 the European Commission<sup>32</sup> published an extensive report on «the feasibility of harmonisation and/or interconnection of the real estate registers in the European Union for the purpose of preventing, detecting and investigating money laundering and/or terrorism financing in the real estate». In its conclusions it called for an interconnection that could allow to:

- i. A fast access to European Real Estate Registers.
- ii. A reduction of legal uncertainty caused by the difference in national laws and real estate registers organisation.
- iii. An easier detection of cross-border money laundering and terrorism financing schemes.
- iv. An easier identification of assets to be seized when located abroad.
- v. An enhanced collaboration between Member States' Competent Authorities and Obligated Entities; and
- vi. A facilitated transition towards harmonised registers in the European Union.

However, the report highlighted the difficulties of an interconnection of the registers without the harmonisation of the data and the need of further legal assessment in view of the powers of the European Union in property law which was considered outside the scope of the study.

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<sup>32</sup> (European Commission, 2021)

## V. ELRA AND THE ELRN

The European Land Registry Association (ELRA)<sup>33</sup> represents 31 official land registry organisations from 25 European countries. The primary purpose of the Association is to support the development and understanding of the role of land registration in real property and capital markets in Europe.

This association is, as noted above, a partner of the European Union<sup>34</sup> and develops different projects that will be analysed in chapter VI.

ELRA also has as part of its framework the European Land Registry Network (ELRN).

The objectives of the Network are<sup>35</sup>:

- i. To enhance the effective and practical application by Registrars of Community instruments and Conventions in force between Member States.
- ii. To establish and maintain an information system for the members of the ELRN via an ELRN website.
- iii. To establish and maintain an information system for the public via an ELRN website.
- iv. To enhance the smooth operation of procedures with cross-border impact and the facilitation of cooperation between Registrars in Member States and with relevant EU authorities.

It can also set other objectives. The Network requires that at least one person for each country is named as contact point. This contact points shall:

- i. Respond to a request from another Contact Point by providing all information to enable cooperation between the Member States by establishing the most appropriate direct contacts for each enquiry.
- ii. Provide the other Contact Points with information about their respective Domestic Law and other formal or substantive

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<sup>33</sup> The information of ELRA can be obtained at [www.elra.eu](http://www.elra.eu).

<sup>34</sup> [https://e-justice.europa.eu/108/EN/land\\_registers\\_\\_eu\\_level](https://e-justice.europa.eu/108/EN/land_registers__eu_level)

<sup>35</sup> <https://www.elra.eu/european-land-registry-network/about-us-2/>



aspects arising in cross-border cases brought before the Land Registers.

- iii. Provide guidance to their Land Registry organisation about the applicable Community Law including competent authorities and specific procedures when Community law applies to Land registry procedures.
- iv. Facilitate coordination of the processing of requests for judicial registrar cooperation in the relevant Member State and European authorities in a more general sense.
- v. Collaborate in the organisation and participate in the meetings of the Contact Points.
- vi. Assist with the preparation and updating of the information system to the public.

ELRN has been an essential element in ELRA's work and in the success of the projects developed. It is also an example of European harmonization work carried out from the bottom up.

## VI. ELRA'S PROJECTS AND THE SINGLE MARKET

As the declaration of the European Land Registry Association of July 2020<sup>36</sup> stated, «the European Union has as one of its essential purposes the constitution and development of a single market that guarantees the free movement of persons, goods, services, capital and data» and to achieve this end, an «adequate normative environment» is required to «guarantee the correct application of the principle of free market and legal certainty for both citizens and companies». To ensure that the internal market becomes a reality, it is also necessary that real estate information is available in a comprehensible form at European level and resolve any barriers to accessing the land register.

ELRA has developed two projects that can be considered a tool in the progress of the Internal Market and the EU area of justice: CROBECO and IMOLA.

### 1. CROBECO

CROBECO<sup>37</sup> was an ELRA initiative awarded by a Grant within the Civil Justice specific programme<sup>38</sup>. The project aimed to facilitate a European real estate market by supporting foreign buyers of a (second) home in the EU addressing insecurities related to foreign legislation and language gap. It was based on the involvement of specialized foreign conveyancers with knowledge and understanding of over-riding mandatory provisions in the country of the plot of land and the assistance of local specialist. It also used a repository with clauses containing examples of clauses for cross border contracts of sale and mortgage contracts with explanations. This repository was accessible through a web platform that also provides access to information involving national legal systems and national services to submit conveyance documents electronically.

### 2. IMOLA

The IMOLA Project is the ELRA initiative that addresses the need for a standard means of accessing basic land registry information within the EU

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<sup>36</sup> <https://www.elra.eu/about-us/landregistry-principles/>

<sup>37</sup> <https://www.elra.eu/crobeco/>

<sup>38</sup> JLS/2009/JCIV/AG/0002

facilitating the comprehension of the information provided by the national Land Registries.

There have been three different IMOLA projects. First, the IMOLA I which main achievement was the creation of the European Land Register Document (ELRD) based on the following guidelines<sup>39</sup>:

1. Judicial cooperation facilitating information intended for the legal purposes and related to the legal status of the marketable properties.
2. A bottom-up approach of the European land registry systems that did not impose one specific model. However, the project suggested (1) an ABC structure of the information; (2) a plurality of land register units; (3) the association of attributes with the ownership; (4) the organization of the encumbrances on the properties including judicial restrictions.
3. A legal minimum of the information that provide an adequate idea on the legal status of the land register units or properties.
4. The flexibility of the model that even permit the use of the model to land registry system that uses a personal folio.
5. A reference information and glossaries that support the ELRD, explain the use of the template and facilitates the comprehension of its legal terms. Therefore, it was created:
  - a. A general glossary and national glossaries related to the general one.
  - b. A reference information devoted to explaining the meaning of the information more in detail through the writing of five fact sheets (LR Unit (Section A); Proprietorship (Section B), Encumbrances (Section C); Legal Value of LR Information; and Legal effects of Registration.
6. The creation of a semantic model based on:
  - a. Placeholders (in English) and commonalities of land registry information at European level (ELRA bottom-up approach).
  - b. A Thesaurus, which becomes the cornerstone of the following developments of IMOLA.

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<sup>39</sup> <https://www.elra.eu/imola/>

- c. Features of e-Codex building blocks, which have to be taken into account.

An essential part of the project has been the European Land Registry Network (ELRN) that addresses the legal diversity in land registration.

In 2016 the IMOLA II Project<sup>40</sup> was awarded with a new grant agreement<sup>41</sup>. This was a follow-up project that developed a Knowledge Repository linking the e-Justice Portal with the semantic domain represented by IMOLA controlled vocabularies, glossaries, and thesaurus. It also developed a web service and a new input system that helped the contact point experts integrated in the European Land Registry Network. The model, as expressed in the project should contribute to foster a single European real estate and mortgage market, making it more efficient and transparent.

In 2019 a new grant was awarded<sup>42</sup> and the IMOLA III project<sup>43</sup> began. The objectives of this project were:

- i. To consolidate the objectives reached in IMOLA I and II.
- ii. To improve and extend the ELRD ontology with new pivot terms.
- iii. To achieve an effective implementation of the ELRD at the national level developing a new web service to facilitate the extraction of national information
- iv. To develop a centralized platform and new web services facilitating a common ELRD interface to assuring the LRI integration and.
- v. To improve the usability of IMOLA interfaces.

The main result has been the creation of a common and shared semantic model to facilitate the implementation of EU Regulations and to consolidate the European single market within the frame of a digital administration. It shall permit a better understanding of property rights, land registry national systems and its legal effects. It used standardized and customizable web services adapted to facilitate the harmonization of the land registry information and AI solutions to improve the Knowledge Organisation System (KOS).

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<sup>40</sup> <https://www.elra.eu/imola-ii/>

<sup>41</sup> JUST AG-2016-05/Grant Agreement n° 764350

<sup>42</sup> JUST-JACC-EJU-AG-2019/881570

<sup>43</sup> <https://www.elra.eu/imola-iii/>

## VII. CONCLUSIONS

The creation of a genuine single market in real estate, guaranteeing the free movement of goods, persons, services and capital, requires tackling the practical problems arising from the existence of different legal systems and the linguistic plurality that characterizes the European Union.

Given this reality, a bottom-up approach through the cooperation of national legal experts with the support of the European Commission is the most desirable approach. The results of this can be seen in the CROBECO and IMOLA projects promoted by the European Association of Land Registries through cooperation with the European Land Registry Network.

This collaboration enables the distillation of common principles, the implementation of best practices in the Member States and the improvement of the European real estate market by ensuring, with the appropriate technological support, the creation of common real estate information models.

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## INDEX OF ABBREVIATIONS

AFSJ	European area of freedom, security and justice
CROBECO	Cross Border e-Conveyancing
ECJ	European Court of Justice
ELRA	European Land Registry Association
ELRD	European Land Registry Document
IMOLA	Interconnection Model for Land Registries
KOS	Knowledge Organisation System
SEA	Single European Act
TFEU	Treaty on the Functioning of the European Union