



The environmental passport of the Land

# Passaporte ambiental do prédio

Contributo do Registo Predial  
Eletrónico para a transição  
ecológica

Contribution of the Land  
Registry for the ecological  
transition





## The Environmental Passport of the Land

On February 17, 2023, an international scientific meeting was held at the Legal Institute of the Faculty of Law, with about six hours of presentations and debates, with participants from Portugal and Spain, on the contribution of the Electronic Land Registry to the ecological transition.

The event, entitled "Environmental Passport of the Land", resulted from a joint organization of the Legal Institute of the Faculty of Law of the University of Coimbra and the Institute of Registries and Notary, with the support of the European Land Registry Association and the Colegio de Registradores de España (see the program *below*).

Against the background of the Climate Base Law (Law n.º 98/2021, of December 31), which marks the assumption of responsibility by the Portuguese State for the contribution of our country to preventing and adapting to climate change, and also considering the European Biodiversity Strategy (COM/2020/380 final) and the future European Nature Restoration Act (COM (2022) 304 final 2022/0195 (COD)), which require a solid and effective knowledge of the national territory, in line with the principle of knowledge and science that must inform all public action (according to article 4.ºc) of the Portuguese Framework Environmental Law n.º 19/2014),

The following CONCLUSIONS that aspire to provide legislative and policy guidance are presented:

### **Conclusion No. 1**

Considering that the Land Register is an electronic center for legal information relating to the land, if it also starts to incorporate the environmental status of the land as well, it can contribute determinately for the ongoing ecological and energy transition.

### **Conclusion No. 2**

The Spanish experience in preventing contamination and remediation of soils by adding layers of relevant register information on the environmental status of the land, shows that the expansion of the competences of the Land Registry officers is a logical and effective solution. In fact, expanding the competences guarantees the respect of the socio-environmental functions of property, operationalizes the international obligations of the States and, at the same time, reinforces the transparency and stability of the real estate legal trade.

### **Conclusion No. 3**

The systematic interpretation of the legislation in force, in the context of the European Green Deal, provides the normative foundations for placing the land register as a privileged support for environmental information, either through data relating to the physical and economic identification of land, or through the advertising of new rights, encumbrances or charges. Publicizing environmental information is still a diffusion of the legal situation and the economic value of the land.

#### **Conclusion No. 4**

Comparative experience — especially with France — shows that, in the future, new contractual models may also be used in Portugal. These contracts that are particularly suited for mobilizing private property to achieve environmental objectives, are also subject to mandatory registration. Some examples are ecological trust or habitat banks.

#### **Conclusion No.5**

A property description indicating the environmental quality of the land may become a source of information which may be mobilized for taxes purposes. A detailed property description allows for a fairer taxation of real estate assets and a booster of economic uses compatible with the requirements of the ecological transition - such as certain agroforestry practices - and the management of urban green spaces guided towards nature-based solutions.

#### **Conclusion No. 6**

The digital transformation strategies of the Land Registry and the extension of its object to environmental and climate aspects are aligned with the objectives of the XXIII Constitutional Government of “reinforcing the ability to use data from land registry services, taking advantage of its added value, promoting its use in the judicial dimension, in the economic and decision-making aspects, promoting transparency, safeguarding the protection of personal data”.

### **Conclusion No. 7**

The level of technological maturity of the land registry and the existing investment in this area allow equating the validation and updating of environmental information by the competent entities through more agile communication interactions. Electronic automatisms for formulating the ontology and interoperability necessary for data comparability and the elimination of asymmetries and redundancies of information are adequate technological solutions if they are designed to protect personal data automatically.

### **Conclusion No. 8**

Within the scope of cooperation and interoperability mechanisms, the model being tested by the European Land Registry Association stands out. It integrates environmental data and restrictions of public environmental utility as relevant information for Land Registry and consolidates the reference points that enable the quality of this information and its connection with the spatial information infrastructure (INSPIRE).

### **Conclusion No. 9**

The incorporation and reproduction of data about the environmental characteristics of the land obtained in the context of existing procedures, such as, for example, environmental impact assessment will depend on the quality of the information. Data integration may be considered by reference, by transcription, by hyperlink, by attachment, or other electronic means, provided that they serve the purpose of credibility and reliability presupposed by the Land Registry System.



### **Conclusion No. 10**

The modalities of articulation between the Land Registry and the future National Restoration Plan, which will result from the European Nature Restoration Law (COM (2022) 304 final 2022/0195 (COD), scheduled for the first semester 2023, should also be studied regarding the areas that will require restoration measures.

### **Conclusion No. 11**

The details of the environmental features must include the graphic and geographic representation of the land, duly articulated with the cadastral systems in force, and may, depending on the type of reference involved, be presented in the form of additional layers of information, composed of objective data electronically organized. This information can be used autonomously and by other public entities, according to an idea of “*circular information*”, provided that the protection of personal data is safeguarded.

### **Conclusion No. 12**

The territorial cadastre, duly executed, conserved, and updated, constitutes a tool of multiple value for the characterization and identification of land and for the knowledge of their geographical limits. Therefore, its articulation with the Land Registry System, according to a principle of complementarity, is also a resource for the stability of information to be published by the registry, including environmental information.

### **Conclusion No. 13**

The virtual representation of land, through “digital twins”, for mapping and support to the environmental management and for other public utilities, is also a value that may be allocated to the Mission Structure and competences of the Institute of Registries and Notary and that will allow optimizing the registry identification of the land in its economic, social, and environmental dimensions.

### **Conclusion No. 14**

Notwithstanding existing normative subsidies, the contribution of the Land Registry to the ecological transition requires a specific regulatory framework, which expands the range of environmental data that is interesting to publish. This regulatory framework must establish expeditious mechanisms for the competent authorities to validate information and electronic communication channels and cooperation processes between the various entities involved.

### **Conclusion No. 15**

The expansion of the scope of the Land Registry and the competences of the Registry Services should have as a criterion the security of real estate legal trade and should result from a widely participated procedure, involving all relevant public and private entities, to ensure that fundamental, individual, or collective values, are not put at risk.



## Opening

**José Manuel Aroso Linhares**

*President of the Legal Institute*

**Filomena Rosa**

*President of the Institute of Registries and Notary*

**Rocio Perteguer**

*Vocal from the College of Registrars of Spain*

**Luisa Clode**

*President of ELRA*

## Morning session

10:00 am

**The climate as COMMON HERITAGE**

**Paulo Magalhães**

*Common Home of Humanity*

10:20 am

**Land registry information at the service of ecological transition. A(re)start**

**Madalena Teixeira**

*Institute of Registries and Notary*

10:40 am

**Land Registry 4.0 - normative support in existing law and in future law**

**Alexandra Aragão**

*Faculty of Law of the University of Coimbra*

11:00 am

**The Contribution of the Land Registry for the ecological transition**

**Rocio Perteguer**

*College of Registrars of Spain*

11:20 am

**Ecological trust and registration of contracts**

**Margarida Costa Andrade**

*Faculty of Law of the University of Coimbra*

11:40 am

**Possible fiscal effects of the Land's environmental passport**

**Matilde Lavouras**

*Faculty of Law of the University of Coimbra*

**Afternoon session**

2:30 pm

**Personal data *versus* open data — where to locate the physical and environmental identification of the land?**

**Filipa Calvao**

*fPresident of the CNPD*

3:00 pm

**Cooperation and interoperability as tools for an environmental passport of the land**

**Francisco Gimeno**

*European Land Registry Association*

3:20 pm

**The cadaster as a condition of stability of information regarding the Land**

**Virgilio Machado**

*Institute of Registry and Notary*

3:40 pm

**The Environmental Passport of the Land in an App — conception and structure**

**Jose Tribolet**

*Instituto Superior Técnico*

16:20

**Debate**

17:00

**COLLABORATIVE EXERCISE**

