

What would a cross-border mortgage require to be registered in your land register?

Conclusions of the case study

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1. Does the mortgage loan require a notarial deed to be registered? Would you admit a foreign deed?

Notarial deed IT_{LF} EE HR NL ES MT LT RO BG

→ Only national notarial deed EE NL MT LT

Both notarial deed and private document with authenticated signatures PT HU PL IT_{AE}

Private document with authenticated signatures AT

Private document/application SK SE IE FI

Foreign document?

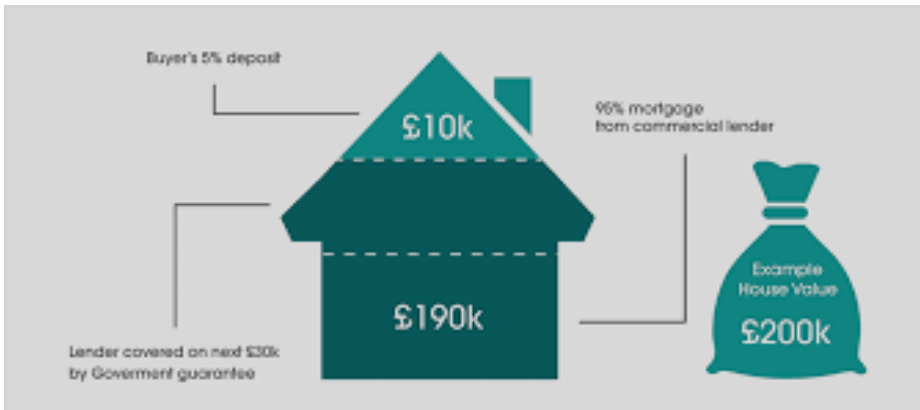
Acceptable AT IT_{LF} IT_{AE} PT HU ES (SE) (FI) BG

Not acceptable EE PL NL MT IE LT

2. What aspects of the mortgage loan do you extract in the LR entry?

- Number and date of the deed
- Land Registry entry data
- Mortgaged property
- Lender (creditor/mortgagee)
- Borrower (debtor/mortgagor)
- Loan amount.
- Loan Duration.
- Interest rates.
- Responsibility of the immovable (interests, expenses and any other element covered by the mortgage lien)
- Loan security: Details of the creditor's rights to the property in the event of default.
- Additional terms and conditions: Any other specific terms or conditions of the mortgage agreement.

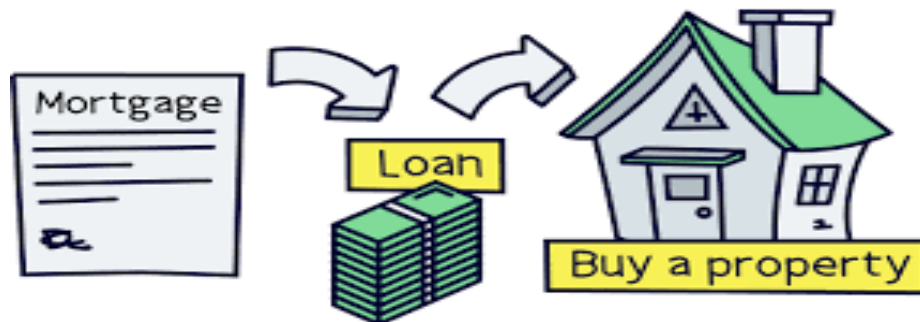
3. Do you, as Land Registrars, assess the financial provisions of the loan? Do you include them in the LR entry?



Mortgage deed / Loan contract

No assessment of financial provisions by the LR.

How does a mortgage work?



Mortgage even without an actual loan.

It is a contractors business: creditor (bank) and debtor.

4. Do you apply any special measures for the protection of the consumers (following on Directive 2014/17/EU on credit agreements for consumers relating to residential immovable property)? And for family dwelling?



Land registrars do not deal directly with the application of Directive 2014/17/EU.

Notwithstanding that, Directive 2014/17/EU has been transposed and is effectively applied in the National Member. It is the Banks (or creditors) and Notaries who deal with it.

And family dwelling?

PT EE SE LT ES

FI IT_{AE}

THANK YOU



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