

INVESTIGATION OF LAND REGISTRY ACTS

JUDr. Lucia Filagová, PhD.

Barcelona, 30th October 2025

INTRODUCTION



➤ *In the Slovak republic, rights in rem and are entered into the land registry*

1.) *In the **proceedings about the proposal of entry** (konanie o návrhu na vklad)*

2.) *In the **proceedings on the record** (konanie o zázname)*

PROCEEDINGS ABOUT THE PROPOSAL OF ENTRY

- *In the proceedings about the proposal of entry, rights to immovable property are registered on the basis of contracts (purchase contract, donation contract, exchange contract). The administrative authority issues a **decision** about a proposal of entry, which has **constitutive effects**. No appeal may be lodged against this decision. Only a lawsuit (to be decided by the court) or a protest by the public prosecutor is admissible.*
- *In the event of **rejection** of the proposal of entry / discontinuance of the proceedings, an appeal is admissible, which shall be decided **by the superior administrative authority**.*

RESEARCH QUESTIONS IN PROCEEDINGS ABOUT THE PROPOSAL OF ENTRY

1) Who decides on the transfer of *rights in rem* ?

- The administrative authority
- Court

2) How is it decided ?

- A decision on the authorisation of the transfer is issued
- Other form (if yes, which one)

3) What are the remedies in the case ?

- If the decision on the authorisation of the transfer is issued
- If the application for registration is refused / the procedure is discontinued

4) Who decides on the appeal (remedy) ?

- The superior administrative authority
- Court or other authority (if yes, which one)

RESEARCH PARTICIPANTS

- The research involved 18 institutions dealing with the registration of real estate rights from 17 countries :
- Austria, Bulgaria, Croatia, Estonia, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, The Netherlands, Poland, Portugal, Romania, The Slovak republic, Spain, and Sweden)
- Italy was represented by two institutions, namely Agenzia delle Entrate and Italy Servizio Libro Fondiario e Catasto.

**Many thanks to everyone who participated in
the research.**



WHO DECIDES ON THE TRANSFER OF RIGHTS IN REM ?

- **COURT:** Austria, Bulgaria, Croatia, Estonia, Italy (Libro Fondiario), Latvia, Poland, Romania,
- **ADMINISTRATIVE AUTHORITY:** Finland, Hungary, Ireland, Lithuania, Netherlands, Portugal, Slovak republic, Spain, Sweden.

WHAT IS THE RESULT OF THE PROCEEDINGS ABOUT THE PROPOSAL OF ENTRY ?

- **COURT DECISION:** Austria (full court decision), Croatia, Estonia (if permitted – no decision issued; if permitted in part – decision issued), Italy (Libro Fondiario), Latvia, Poland,
- **ADMINISTRATIVE AUTHORITY DECISION:** Finland, Hungary, Lithuania, Netherlands, Portugal, Slovak republic, Spain, Sweden,
- **CONFIRMATION OF REGISTRATION APPLICATION / REGISTRATION ORDER:** Bulgaria, Italy (Agenzia delle Entrate), Ireland, Romania.

WHAT ARE THE REMEDIES IN CASE WHEN DECISION ON THE AUTHORISATION OF THE TRANSFER IS ISSUED ?

- **An appeal** : Croatia, Ireland, Italy (Libro Fondiario), Latvia, Lithuania, Poland, Sweden,
- **An appeal is not admissible**: Austria, Estonia, Finland, Italy (Agenzia delle Entrate), Slovak republic, Spain,
- **Administrative action, ex officio correction and protest by the public prosecutor are admissible** : Hungary, Italy (Agenzia delle Entrate), Portugal, Slovak republic (administrative action and protest by the public prosecutor), Sweden (administrative action)

WHAT ARE THE REMEDIES IN CASE WHEN DECISION ON THE AUTHORISATION OF THE TRANSFER IS ISSUED ?

- **An appeal** may be lodged against a **decision to discontinue proceedings or reject a registration application** (the proposal) in: Austria, Bulgaria, Croatia, Estonia, Romania, Finland, Ireland, Italy (Libro Fondiario), Latvia, Lithuania, Poland, Portugal, Slovak Republic, Spain,
- **An administrative action, ex officio correction, and protest by the public prosecutor** are admissible against a decision to discontinue proceedings or reject an application for registration: Hungary, Netherlands (only action).

WHO DECIDES ON THE APPEAL LODGED ?

- **(SUPERIOR) ADMINISTRATIVE AUTHORITY:** Slovak Republic, Spain,
- **COURT:** Austria, Bulgaria, Croatia, Estonia, Finland, Hungary, Ireland, Italy (Libro Fondiario), Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Spain, Sweden,
- **Ministry:** Hungary (Ministry of Public Administration and Regional Development, but only in cases of supervision).

PROCEEDINGS ON THE RECORD



- *In the proceedings on the record, rights are recorded on the basis of legally valid public and other documents, e.g. a decree of inheritance, a decree of retention of title, a certificate of auction. The registration shall be made or not made by the administrative authority; no decision shall be issued. The registration shall have **only declaratory effects**. **No appeal** may be lodged. Only a lawsuit (decided by the court) or a protest by the public prosecutor is admissible.*

PROCEEDINGS ON THE RECORD



1) Who records deeds of this type ?

- The administrative authority
- Court

2) What are the remedies against

- The making of a recording
- Failure to record

3) Who decides on them ?

- The superior administrative authority
- Court or other authority (if yes, which one)

WHICH AUTHORITY REGISTERS DEEDS IN THE LAND REGISTRY ?

- **COURT:** Austria, Croatia, Estonia, Italy (Libro Fondiario), Latvia, Poland, Sweden,
- **ADMINISTRATIVE AUTHORITY:** Hungary, Ireland, Italy (Agenzia delle Entrate), Netherlands, Romania, Slovak Republic,
- **REGISTRATION AND RECORDING TAKE PLACE WITHIN THE SAME PROCEDURE** (there is no strict distinction as in the Slovak Republic, also with regard to the effects of individual registrations of documents according to the type of procedure): Bulgaria, Finland, Lithuania, Portugal, Spain.

WHAT ARE THE REMEDIES IN THE PROCEEDINGS OF RECORD ?

- **An appeal against the entry is admissible:** Croatia, Ireland, Italy (Libro Fondiario), Latvia, Poland,
- **An appeal against the entry is not admissible:** Austria, Estonia,
- **Appeals against failure to register are admissible in:** Austria, Croatia, Estonia, Ireland, Italy (Libro Fondiario), Poland, Romania, Sweden.
- **An administrative action, self-remedy of the decision, or protest by the public prosecutor is admissible:** Hungary, The Netherlands (action), Slovak Republic.

WHICH AUTHORITY REVIEWS THE DECISION ON THE BASIS OF THE REMEDIES LODGED?

- **COURT:** Austria, Croatia, Estonia, Hungary, Ireland, Italy (Libro Fondiario), Latvia, Netherlands, Poland, Romania, Slovak Republic, Sweden,
- **ADMINISTRATIVE AUTHORITY:** Romania (decides on requests for review of non-execution of registration),
- **MINISTRY:** Hungary (Ministry of Public Administration and Regional Development – responsible for proceedings concerning real estate registration and supervision).

THANK YOU FOR YOUR CONTRIBUTION TO
THE RESEARCH



lucia.filagova@gmail.com

lucia.filagova@skgeodesy.sk