



"Interoperability in Land Registries"

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ELRA Secretary General

Process of implementing the justice strategy...
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ELRA:

- ELRA stands for European Land Registry Association
- ELRA is a non profit Association seated in Brussels
- The EC supports ELRA through the “Civil Justice” Programme
- ELRA is currently made up of 31 national associations from 24 countries
- ELRA’s aim is to develop a greater understanding of the role of Land Registration, with a particular emphasis on the legal aspects

- I. The contribution of Land Registries
- II. Land Registries: main features
- III. European Land Registry Network (ELRN)
- IV. CROBECO project
- V. Current plans

I. The contribution of Land Registries

- Each year more than 12 million EU citizens exercise their right of free movement
- Immovable property is the family home and the seat of business
- Land Registries protect property rights according to national law as well as providing valuable information
- Property rights differ in detail between different countries
- Explanation of Land Registry information is therefore essential if it to be properly understood

II. Land Registry main features:

- **Institutional disparity;** LR has different location in the State administration.
- **Territorial competence;** national law. LR are linked to the principle of */ex rei sitae*: full respect for national legislation.
- EU LR does not provide a uniform effect and degree of protection in the different MS:
 - **Deed system** : France, Italy, The Netherlands, Belgium or Romania
 - **Title system** : England and Wales, Poland , Austria, Germany or Spain

III. European Land Registry Network (ELRN)

- Created 2010 as part of ELRA
 - Made up of Official LR organizations
 - Currently composed of 25 Contact Points from 21 MS
 - Contact Points: Land register officers, registrars, with legal background
 - English working language, services free of charge, electronic means
- The aim of the ELRN is to complement the single point of access to the EU land registries within the E-justice portal.

III. European Land Registry Network (ELRN)

- **ELRN Website** has two separate areas:
 - **Public Area** – general public
 - General information about LR systems (fact sheets): free of charge
 - Regularly updated by the Contact Points
 - **Private Area** – internal cooperation between registrars
 - To facilitate contacts with local authorities issuing cross border documents
 - Future extension to EU authorities and legal professions
 - Promotion of the exchange of information relating to domestic law

IV. CROBECO

- **Cross Border Electronic Conveyancing**
- To increase the confidence of buyers of real estate located in foreign EU Member States.
- To develop a Common Frame of Reference (CCRF) for cross-border e-conveyancing that provides buyers of foreign real estate with a legal status more or less equal to that provided in their home Member State.
- CROBECO II includes mortgages

The ELRN (European Land Registry Network) was set up in 2010 among ELRA members. It was designed to resemble the EUN, in order to facilitate mutual cooperation and even possible future integration. Currently twenty two ELRA members from 18 Member States have joined the Network. Each organization appoints a registrar, that is, a land registry officer expert in property rights and land registration, as its contact point for the Network.

The Network is coordinated by a working team within ELRA, and it has a public and a private area.

- The public area is devoted to the general public and its purpose is to establish and maintain an information system for the public via an ELRN website. This part of ELRN action is being developed in close cooperation with EULIS.
- The private area comprises tools for internal cooperation between registrars. The scope of cooperation includes facilitating contacts with local authorities issuing cross border documents

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Netherlands

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ELRA Contact Points

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Croatia

England & Wales

Estonia

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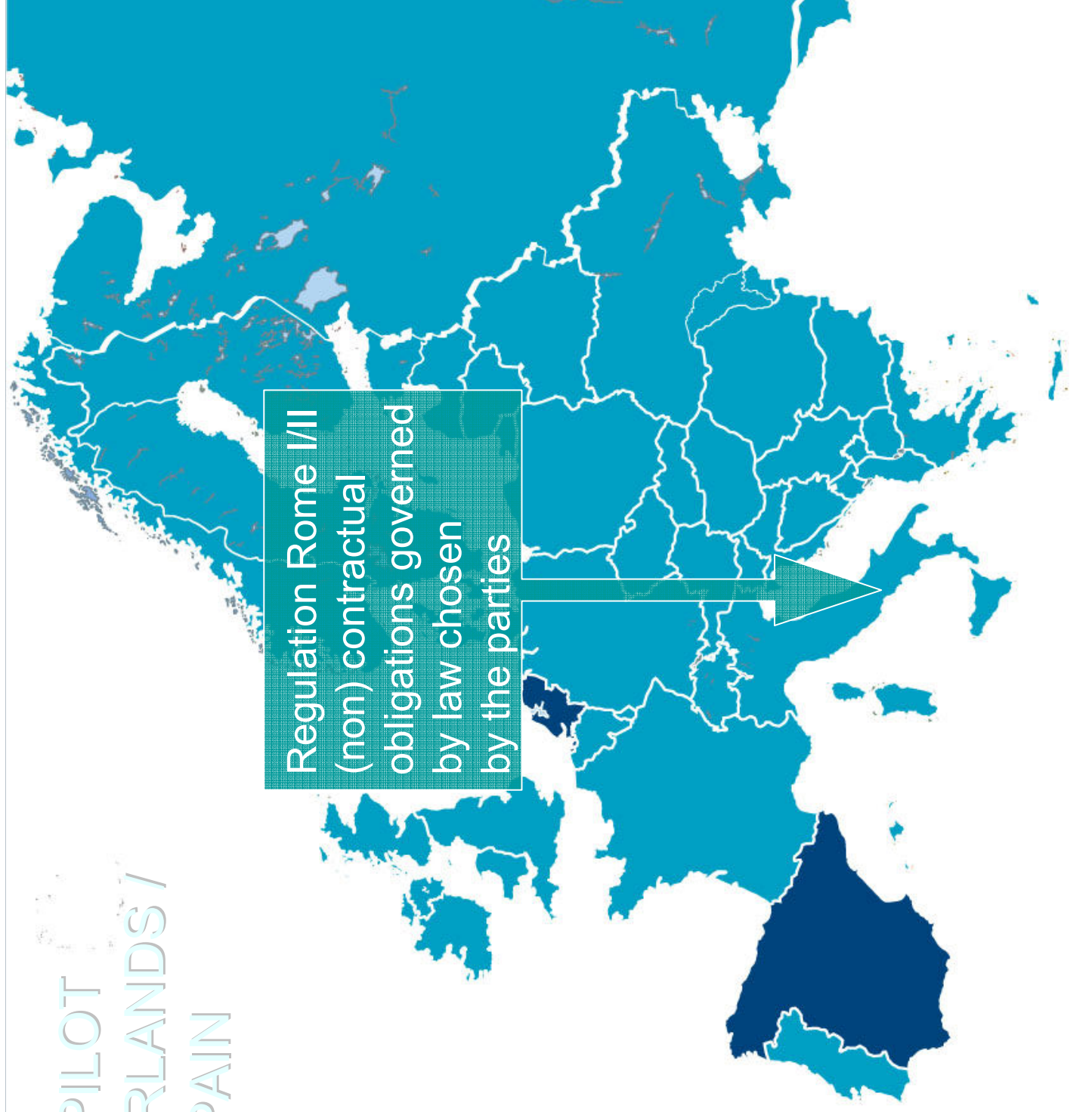
- Respect for existing circumstances:
 - No change in responsibilities of registrar/ conveyancer
 - No change in conveyancing systems
 - No change in legislation
- Home country law of foreign buyer applicable to:
 - Contractual relation (Rome I)
 - Non contractual relation (Rome II)
- Reuse of existing techniques (e.g. STORK, SPOCS, EPO and eCODEX)

1st PILOT

NETHERLANDS /

SPAIN

Regulation Rome I/II
(non) contractual
obligations governed
by law chosen
by the parties



V. Current plans:

- **ELRA IMOLA project** (granted by European Commission):
 - European Land Registry Information Standard Form
- **European programmes: E-justice**
 - Feasibility Study: Interconnection of land registers
- **Cooperation** with other European associations:
 - Common Vision Document (PCC, EuroGeographics and EULIS)
 - WPLA: Benchmark study
 - CINDER

IMOLA

- IMOLA is a project promoted by ELRA as a response for modern trends
- Stands for Interoperability Model for Land Registers
- Interconnection of Land Registries
- Exchanging Land Registry (LR) Information

New perspective: EU legislation

- New duties imposed for Land Registers by the new EU Legislation.
- BRUSSELS I (Regulation 1215/2012): certain decisions of a Court involving foreign land should be recognized without special proceedings, specifically protective, even provisional, measures.
- INSOLVENCY: needs of exchangeable LR information in order to facilitate the development of insolvency proceedings.
- SUCCESSIONS AND WILLS: according Regulation (UE) 650/2012, LR information should facilitate the completion of the Certificate of succession when it comprises immovable assets of the deceased located in a different MS.
- Consequently, LR information through the European Portal may be considered a crucial matter (e-Justice portal)

Prima facie : DIVERSITY

- Data Protection restrictions variable from one MS to another.
- Land registry information: different formats (as for structure and means).
- Property rights or in rem rights and land law statute are rooted in national tradition and local policy rules.
- Legal meaning, value, effects even reliability of the information also vary in the MS systems.
- (Mutual knowledge is obviously not enough yet.)

What would first steps be?

- Study and research
- Re-use ELRA and EULIS Reference information
- Rely on the outputs obtained by ELRA workshops and fact sheets.

Under study and research:

- LR systems and Land Statute systems. Structure and content of the LR information. Kinds of property rights and burdens. Numerus clausus or apertus;
- Authorities of registration and LR organization;
- National rules and procedures that govern updating the land register information (with a focus on their impact, if any, on the interconnection);
- Legislation and especially restrictions related to data protection governing land register data in Member States (who can gain access to land register information; levels of access depending on the role of interest);

- Disclose public restrictions on ownership (hidden charges): protecting public domain;
- State of digitization and IT services related to land register information in the Member States;
- Selection of search criteria (name, address, map, ID);
- The language(s) in which the data is available in the registers.
- What land register data are available for free, what is the cost for accessing the non-free data and what are the accepted means of payment.

GOALS of the LR interconnection

- (According to study of feasibility and implementation analysis from e-Justice)
- 1st: The definition of common templates for land register excerpts.
- 2nd: The definition of a body of core information common to all land registers, as well as additional optional fields which will be filled for some registers, but not for others
- 3rd: The creation of an XSD schema to be used as a common exchange format.
- 4th: The creation of a glossary that can be used for helping users understand the information presented in a legally correct way.

ELRA proposal, IMOLA project

- 1. Define the legal conditions for access to LR information. Propose a set of common rules based on user's profiles, kind of searches, purpose and data required.
- 2. Describe a **common structure for a template about LR Information**, whose guidelines will be based on information of different MS.
 - Deciding what data are relevant for the template.
 - Finding a minimum common denominator of data.

- 3. Develop the assistance tools that complement access to the LR Information. Three level of assistance will be developed:
 - (1) a *glossary*, to facilitate the translation of the template into the official languages,
 - (2) a set of reference information based on *fact sheets*, and
 - (3) *individual reports* by experts of the ELRN.
- 4. **Training** focused on three EU instruments namely, Brussels I, Succession, and Matrimonial Patrimonial regime;
- 5. **IT solutions** for the TEMPLATE, which must be compatible to e-CODEX standards.



Results...

IMOLA results will be **debated** with practitioners, professors and judges.

Once defined the framework of **legal information** on properties, the following step might be to link it with **land information (spatial data)**.



Thank you for your attention

If you have any question, please do not hesitate to
contact us:

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