

REALIZATION OF THE SYSTEMATIC CADASTRUM IN ROMANIA

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Abstract

The general cadastre is the unitary and mandatory system of technical, economic and legal records of all real estate throughout the country, regardless of their destination and owner. The systematic registration of real estates in the integrated cadastre and land register system is regulated by Law no. 7/1996 of the cadastre and real estate advertising, with subsequent amendments and additions, and can take place at the level of administrative-territorial units or cadastral sectors. The realization of the general cadastre started in 2007, at first as a pilot program, through the Ștefan Vodă pilot project with financing from ANCPI and through the Project on Completing the Financial Support granted by the EU for the Restructuring of Agriculture (CESAR). The National Cadastre and Land Registry Program 2015-2023 (PNCCF) has as its general objective the free registration in the integrated cadastre and land registry system of all real estates throughout the territory of Romania, with financing from ANCPI's own revenues, non-refundable external funds (European Union) and through allocations (co-financing) from the budgets of administrative-territorial units. Currently, out of the estimated 40,000,000 real estates, 20,359,544 real estates are registered in the integrated cadastre and land register system, of which 5,381,335 real estates are registered through systematic cadastre. Through the material and financial support of the town halls and the active participation of the owners, a faster rhythm of the systematic cadastre can be ensured.

Key words: real estate, systematic cadastre, cadastral sector

After man settled down and began to cultivate the land, it was necessary to determine who owned and how much land in order to levy taxes. This was the beginning of the centuries-long development of land exploitation, which led to the construction of the modern Cadastre. Agriculture connects people to the land (Comparetti A., Raimondi S., 2019).

Cadastre and land administration developed in the same way and followed the same trends: in the beginning, land was an object of use, then it turned into an exchangeable commodity and capital, and finally into an object of planning and protection.

Cadastre as a basis for LIS (Land Information System) and GIS (Geographic Information System) has contributed to better environmental management (Ratia P., 2002).

The registration of all real estates in the integrated cadastre and land register system, through sporadic or systematic cadastre, constitutes the fundamental basis for the social, economic, legal and fiscal environment. The completion of the systematic cadastre allows the implementation of good agricultural practices: agricultural technologies aimed at environmental protection, i.e. prevention or remediation of soil compaction

and/or erosion; precision agriculture aimed at reducing crop inputs and therefore environmental impact.

The property registration system is the engine of a successful market economy (Hernando de Soto, 2001).

MATERIAL AND METHOD

According to Law no. 7/1996 of the cadastre and real estate advertising, the general cadastre is the unitary and mandatory system of technical, economic and legal records of all real estate throughout the country, regardless of their destination and owner. According to the current administrative organization, this involves 3181 administrative-territorial units (UAT), of which 103 municipalities, 217 towns and 2861 communes, with the two distinct areas: intra-village and extra-village.

The systematic registration of real estates is regulated by Law no. 7/1996 of the cadastre and real estate advertising, with subsequent amendments and additions, and can take place at the level of administrative-territorial units or cadastral sectors.

The basic entity of the cadastre is the real estate, defined "as one or more cadastral parcels, with or without buildings, on the territory of an administrative-territorial unit, belonging to one or more owners, which are identified by a unique cadastral number, registered in a land book".

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The National Agency for Cadastre and Real Estate Advertising (ANCPI) estimated the need for systematic cadastre works for a total number of about 40 million real estates, of which 8 million real estates (20%) in urban administrative-territorial units and 32 million real estates (80%) located in the rural area.

The realization of the general cadastre started, at first as a pilot program, through the Project regarding the Completion of the Financial Support granted by the EU for the Restructuring of Agriculture (CESAR). The CESAR project was financed by the Government of Romania and the International Bank for Reconstruction and Development (IBRD) through Loan Agreement no. 4875, signed on December 28, 2007. The CESAR project was ratified by Law no. 14/2009, entered into force in March 2009 and ended on June 30, 2013 due to lack of financial funds, the Loan Agreement was not extended.

The National Cadastre and Land Registry Program 2015-2023 (PNCCF) was approved by Government Decision no. 294/2015 regarding the approval of the National Cadastre and Land Registry Program, published in the Official Gazette of Romania, Part I, no. 309 of 06.05.2015, with subsequent amendments and additions by HG 404/2017, HG 788/2017, HG 836/2022. PNCCF's general objective is the free registration in the integrated cadastre and land register system of all real estates throughout Romania.

The cadastral works for the systematic registration of these real estates are financed from the ANCPI's own revenues, external non-reimbursable funds (EU) and through allocations (co-financing) from the budgets of the administrative-territorial units. With financing from ANCPI's own revenues, PNCCF can carry out works at the level of the entire UAT or at the level of the extra-village cadastral sector, which may also include properties within the village. Financing from non-reimbursable external funds is carried out through the major project "Increasing the degree of coverage and inclusion of the property registration system in rural areas in Romania", which is the object of Priority Axis 11 - "Geographical expansion of the property registration system in the cadastre and land register", financed by the Regional Operational Program 2014-2020.

The project for financing from external funds was approved by the European Commission in 2018 and is implemented by ANCPI in partnership with 40 Real Estate Cadastre and Publicity Offices (OCPI), except Ilfov county (developed area) and Bucharest municipality (urban area), and also with the support of the National Cartography Center.

The free registration of real estate in the integrated cadastre and land register system is carried out within a complex process, which mainly includes the following stages:

- notifying the owners through the public information campaign;
- identification of administrative boundaries;
- establishment of cadastral sectors;
- identification of real estate locations;
- identification of the holders of real rights, possessors and other holders, as well as taking over the documents;

- notifying the Chamber of Public Notaries for the issuance, as the case may be, of heir and owner certificates;

- updating the information collected from the field;

- publication and display, in accordance with the law, of technical cadastral documents;

- registration and settlement of requests for rectification, of appeals regarding the quality of owner;

- the opening of new land register;

- closing the systematic cadastre works and the old register.

RESULTS AND DISCUSSIONS

After the constitution and reconstitution of the right of ownership, after 1990, by the Land Fund Law no. 18/1991 and subsequent laws, immovable goods are registered in the land register respecting the provisions of Law no. 7/1996 on the cadastre and real estate advertising, with the amendments and subsequent additions. The registration of real estates in the unitary system of technical, economic and legal records is carried out through sporadic cadastre and systematic cadastre.

Through the application of the systematic cadastre, it is expected to solve the problems caused by the way of completing the property titles and applying the laws establishing the right of ownership, among which are mentioned: the lack of parcel plans, overlaps of surfaces, the issuance of property titles without mentioning the land and the plot, with the location of the surfaces in the perimeter of the agricultural companies, the mention of the surface in parts.

In Romania, the first administrative-territorial unit where ANCPI started the work for the general cadastre, through a pilot project, is the commune of Ștefan Vodă in Călărași county. This project was financed by ANCPI and started in March 2007. The works for the tabulation of the 4750 real estates, with a total area of 7152 ha, were carried out by SC THEOTOP SRL. By the end of 2011, 4320 properties were registered, for the difference of 430 properties, the owners were not identified.

Through the Project on Supplementing the Financial Support granted by the EU for the Restructuring of Agriculture (CESAR), financed and implemented in accordance with Law no. 14/2009 for the ratification of the Loan Agreement between Romania and IBRD, dated December 28, 2007, the inventory of all real estate properties and the free tabulation of real estate rights in 91 UATs in the rural environment were foreseen. This project was planned to be carried out in three stages, as follows: 19 UATs in the first stage, 31 UATs in the second stage and 41 in the last stage.

In the first two stages, it was estimated the systematic registration of a number of 620,000 real

By Order no. 57/2011 published in the Official Gazette, Part I no. 254, from 11.04.2011, it was approved, for the first stage, the start of the technical works of general cadastre in 19 UATs within 13 counties, namely: Jghiu (Alba county), Borod (Bihor), Ortisaoara (Timiș), Crizbav, Șinca (Brașov), Saschiz (Mureș), Moara (Suceava), Mischii (Dolj), Valea Mărului (Galați), Iancu Jianu, Valea Mare (Olt), Saelele, Mărzănești (Teleorman), Albota, Ungheni (Argeș), Nana, Roseti (Călărași), Corbii Mari, Vulcana Bai (Dâmbovița).

For the 31 UATs, from the second stage, the systematic cadastre works started according to Order no. 750 of July 3, 2012, published in MO, Part I no. 530 of July 31, 2012.

Stage III of the CESAR project was no longer carried out because the Loan Agreement was not extended due to the failure to secure the necessary budget funds.

The lack of own funds (of ANCPI) and the significant budgetary constraints led to the situation that ANCPI was financially unable to secure the financial resources for the completion of the CESAR project.

At the close of this project, on June 30, 2013, the situation of the systematic registration of real estates is as follows:

- I-pilot stage: 255,889 real estates on an estimated surface of 151,734 ha;
- second stage: 395,875 real estates, with an estimated area of 273,247 ha.

For the completion of the systematic cadastre in the 50 UATs, from the first two stages of the CESAR Project, the contracts for the execution of the cadastral works were taken over by ANCPI, with financing from its own funds. As of 26.03.2021, the status of the systematic registration works started through the CESAR pilot project is as follows:

- 39 UATs, totaling 295,194.75 ha, are fully completed;
- 5 UATs, with an estimated area of 57,383 ha, with ongoing works;
- 6 UATs, with 72,408 ha, have their contracts terminated.

During the implementation of the two projects, the Ștefan Vodă Pilot Project and the CESAR Project, in addition to other difficulties in their implementation, a significant role in delaying the systematic registration of real estate in the land register was played by the lack of succession debates - the exit from indivision and the lack of documents, in the case of possessors, to prove ownership.

estates, with an area of about 423,000 ha.

To facilitate the registration of these real estates in the land register, the Collaboration Protocol no. 429.312/1404 of April 26, 2010, concluded between ANCPI and the National Union of Notaries Public in Romania, published in the Official Gazette of Romania, Part I no. 475 of July 9, 2010, for the purpose of issuing certificates for the registration of the possessors as owners in the land register and for the purpose of debating succession procedures.

Also in this sense, Law no. 133/2012, published in the Official Gazette no. 506 of July 24, 2012, for the approval of Government Emergency Ordinance no. 64/2010 regarding the amendment and completion of the Law on cadastre and real estate advertising no. 7/1996. By GEO no. 64 of June 30, 2010, published in MO no. 451 of July 2, 2010, according to article 8, paragraph 15, the National Cadastre and Land Registry Program is established, for the purpose of issuing certificates for the registration of owners as owners in the land registry and, as the case may be, succession debates, the preparation of cadastral documentation and of the free registration of real estates in the integrated cadastre and land register system.

As a result of the experience gained during the development of the two projects, in order to speed up the systematic cadastre works, ANCPI, through the general director, issues Order 700 of July 9, 2014, (MO, Part I no. 571 and 571 bis of July 31, 2014), regarding the approval of the Regulation on approval, reception and registration in the cadastral and land register records, which in chapter VI provides "Provisions regarding the implementation of systematic cadastral works".

By Government Decision no. 294 of April 29, 2015, (MO, Part I no. 309 of 06.05.2015), the National Cadastre and Land Register Program 2015-2023 (PNCCF) is approved, with subsequent amendments and additions by GD 404/2017, GD 788/ 2017, HG 836/2022, with the general objective of free registration in the integrated cadastre and land register system of all real estates throughout Romania.

From the estimated number of around 40 million real estates, at the beginning of the 2015-2023 PNCCF, they were registered in the integrated cadastre and land register computer system e-Terra a total number of 7,471,153 properties (18.68%), of which 3,642,413 in the urban area and 3,828,740 properties located in the rural area. Systematic cadastre works can be carried out at the level of territorial administrative units or at the level of cadastral sectors.

In 2015, out of the 3,181 UATs, 7 territorial units completed the systematic cadastre. Through PNCCF, a plan was made for the other 3,174

UATs, so that at the end of 2023 the registration of real estates in the integrated cadastre and land register system will be fully completed (*table 1*).

Table 1

Planning the development of the PNCCF 2015-2023
(after ANCPI)

Time schedule/ ATU sites	The year									Total
	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Completed UATs	-	-	-	-	-	-	-	-	-	7
The national program	144	140	160	240	270	300	330	370	427	2,3810
European funds POR MDRAP	0	0	40	80	100	140	160	140	133	793
Total	144	140	200	320	370	440	490	510	560	3,181

It was also planned to create orthophoto plans at a scale of 1:500 for 13 municipalities (Cluj, Timișoara, Iasi, Constanta, Craiova, Brașov, Galati, Ploiesti, Oradea, Brăila, Arad, Pitesti, Sibiu) in the period 2015-2018, and for the other municipalities and cities (307) at a scale of 1:1000 in the period 2016-2020.

PNCCF 2015-2023 also provides for the conversion of land records (69,972,129 pages) and

Location and Delimitation Plans (600,000 PADs) from analog to digital format.

From the total of 3,181 UATs, until October 31, 2022, systematic registration works were completed in 156 UATs, as well as in cadastral sectors, totaling an area of 3,869,165.79 ha. Also, systematic cadastral registration works are carried out in 2,429 UATs with an estimated area of 6,965,326.40 ha (*figure 1*).



Figure 1 The stage of the systematic registration of real estates
(according to ANCPI, 31.X.2022)

In the first years of the PNCCF 2015-2023, a small number of real estates were registered

through the systematic cadastre in the integrated cadastre and land register system (*figure 2*).

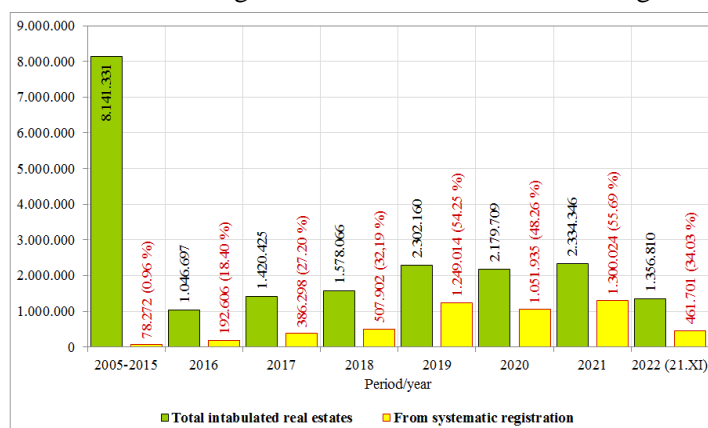


Figure 2 Evolution of the systematic cadastre

In the years 2015, 2016, 2017, 2018, the share of real estate registered through the systematic cadastre, in the total number of real estate registered, varies between 18 and 32%. Starting from 2019, the share of real estate registered through the systematic cadastre increased to around 50%, with a maximum of 56% in 2021.

At the end of 2022, the most properties registered through the systematic cadastre are in the counties of Olt, Dolj, Galați, Teleorman and Arad, with over 300,000 properties, and the fewest are registered in Sălaj county, 9,013 properties (figure 3).

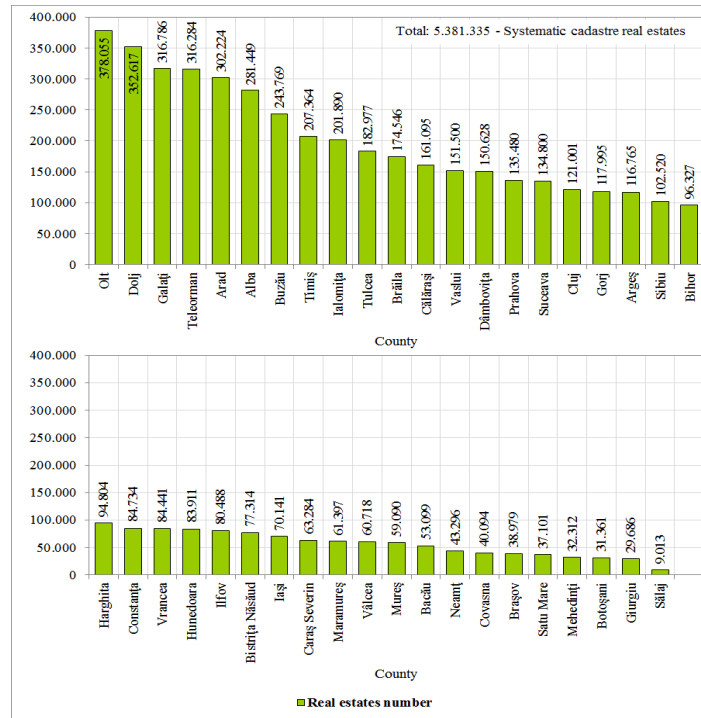


Figure 3 Systematic registration of real estates, by county, on December 22, 2022

From the total number of 5,381,335 real estates registered through the systematic cadastre, on December 22, 2022, by development regions (figure 4), most real estates are in South-Muntenia and South-East with about 1,100,000 real estates (20.66% and 20.20%, respectively), and in the South-West Oltenia region with approximately 940,000 (17.50%). Over 600,000 properties are systematically registered in the West and Center development regions (12.21% and 11.46%), and the fewest properties are in the North-East regions

with 484,000 (9%) and in the North-West with 402,000 properties (7.47%). In the Bucharest-Ilfov development region, 80,488 real estates (1.50%) are registered in the integrated cadastre and land register system. This region has a much smaller area (1821 Km²), compared to the North-East, South-East, South-Muntenia, North-West and Center regions with approximately 35,000 Km² each and, respectively, the West and South-West Oltenia regions with approx. 30,000 km².

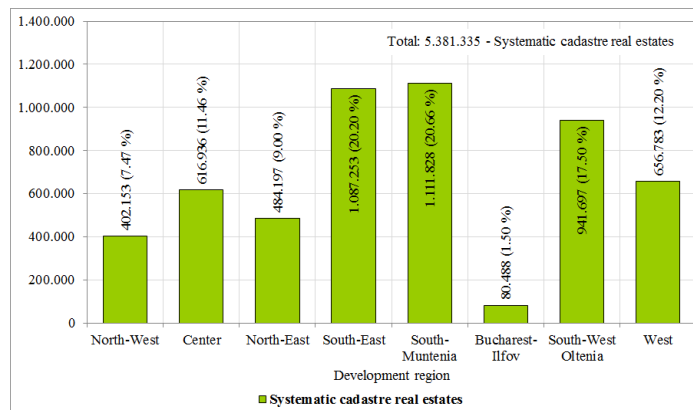


Figure 4 Systematic cadastre by development regions

By macroregions (*figure 5*), in descending order, the situation is as follows: Macroregion 4 (29.70%), Macroregion 2 (29.20%), Macroregion 3 (22.16%) and Macroregion 1 (18.94%).

On November 21, 2022, the number of real estates managed by the integrated cadastre and land register computer system was 20,359,544,

which represents 50.90% of the total estimated real estates.

Out of the total of 9.54 million ha of land with agricultural uses that are the subject of subsidies from the Payments and Intervention Agency for Agriculture, 6.59 million ha (69%) were registered in the integrated cadastre and land register system.

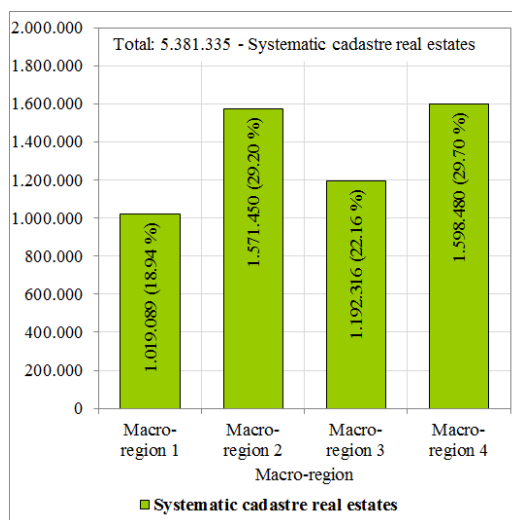


Figure 5 Systematic cadastre by macro-regions

CONCLUSIONS

The systematic registration of real estates in the integrated cadastre and land register system, through PNCCF 2015-2023, contributes to the completion of the restitution process of real estates, establishing the public and private domain of UATs and the Romanian state. At the same time, it speeds up the registration of undivided properties by issuing heir certificates and owner certificates in the case of properties owned without documents.

From a legal point of view, the systematic cadastre contributes to the safety and facilitation of real estate transactions, mortgage credit and the eligibility of APIA subsidies for agricultural land.

From an economic point of view, the development of the record system and efficient land administration creates the conditions for their merging, which allows increasing productivity through the application of modern agricultural technologies, ensuring the raising of the population's standard of living, especially in rural areas.

Through the material and financial support of the town halls and the active participation of the owners in delimiting the real estate, in presenting the property documents and consulting the technical documents of the systematic cadastre

during the publication period, a faster pace of the systematic cadastre can be ensured.

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