State and Market

CADASTRES AND PROPERTY RIGHTS REGISTRIES

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OPENING SESSION
Session I

The right of property and regulatory competences in the scope of the EU

Markku Poutanen, Professor, Director/Department of Geodesy and Geodynamics, FGI - Finnish Geospatial Research Institute; Benito Arruñada, Professor of Business Organization at Pompeu Fabra University; Beatriz Corredor Sierra, Director of Institutional Relation of the Colegio de Registradores de España; Fernando P. Méndez González, Director of International Relations of the Colegio de Registradores de España; JHM van Erp, Professor of Dutch Comparative and European property Law at Maastricht University (The Netherlands).
Session II

State, taxation, property and market

Giampiero Bambagioni; Francisco Javier Gómez Gálligo, General Director of Registries and Notaries. Ministry of Justice, Spain; Jan Moerkerke; Nuria Raga Sastre, Spanish Property and Commerce Registrar; Arturo Angelini, Central Directorate for Cadastre, Cartography and Land Registry. Cadastral Services Sector. Italy; Amalia Velasco Martin-Vares, General Directorate of Cadastre, Spain; Rumyana Tonchovska Senior Land Administration – IT Officer Partnerships, Advocacy and Capacity. Food and Agriculture Organisation of the UN (UN-FAO).
Session III

Systems of interaction between cadastre and registry (Part I)

Johan Ahlin, Lantmäteriet of Sweden; Julie Barry Vice-Chair WPLA-UNECE; Konstantin Litvincev, Deputy Director of Federal Cadastral Chamber of Russia; Sergei Shavrov, Project Manager National Cadastre Agency. Minsk; Michelle Cuccaro, Judge at the Rovereto Court (Italy).
Session III

Systems of interaction between cadastre and registry (Part II)

Virgilio Machado, President of General Assembly of ASCR (Registries Association of Portugal); Darko Crvenkovski, Graduated lawyer. Consultant-advisor in mass valuation; Julie Barry; Mihai Taus, The Romanian Land Registry Association; Chryssy Potsiou, FGI President, Professor, School of Rural&Surveying Engineering, National Technical University of Athens; Ioanna Tzinieri, Member of the board of Greek Property Registrars Association.
Session IV

Systems of interaction between cadastre and registry (Part I)

Julius Ernst, Deputy Director of Division for Verification and Cadastral Offices. Federal Office of Metrology and Surveying; Manfred Buric, Department of Legal Information. Ministry of Justice; Nicolás Nogueroles Peiró, Spanish Property Registrar and Secretary General of IPRA-CINDER; Alasdair Lewis, Director of Legal Services and Deputy Chief Land Registrar of HMLR for England and Wales. President of the European Land Registry Association (ELRA); Wim Louwman Former Chief Registrar of the Dutch Land Registry. Former President of the European Land Registry Association (ELRA).
Session IV

*Systems of interaction between cadastre and registry (Part II)*

Jorge Blanco Urzaiz, Spanish Property Rights and Commerce Registrar; Nicolás Nogueroles Peiró; Carlos Alonso Peña, General Directorate of Cadastre, Spain; Hinrich Doege, Lecturer in the European Legal Studies Institute Osnabrück
Session V

Forum discussion: the impact of the different systems of interaction on the real-estate and mortgage market

Fernando P. Méndez González; Alasdair Lewis; Nuria Raga Sastre; Benito Arruñada; Wim Louwman; Hinrich Doege.
CONCLUSIONS

Effective coordination between Cadastres and Registries

Hindrances:

-Cadastres = tax-focused;
-Registries = right or legal-focused.

*different: managerial perspective, organization, human resources, nature, requirements and standards…

-Cadastres = subjected to tax or administrative (public) law;
-Registries = civil (private) law

-Cadastres = well accommodated to the automation
 (*RISKS: crustal movements, natural disasters, changes in technologies…)

-Registries = hardly accommodated to automation, due to right to property = human right, created by citizens’ consent within a legal framework (especially in *numerus apertus*)
CONCLUSIONS

Essential: using technology as a commodity

*It is NOT a replacement for the core purpose of the Registries´ function
CONCLUSIONS

The identification of the object of property on the earth is also essential.

Something different is the legal value that must be added.

It is NOT a creation of citizens´ consent within a legal framework, as it is the real right.
CONCLUSIONS

Any registry system that can not supply clear and guaranteed answer to questions:
  Who the real owner is.
  What the charges are.
  If the transferor has the capability to transfer the property.
  If any further investigation is needed to avoid the failure of my acquisition
  What the boundaries of the property are…

… Is failing its function of being the instrument through which the State provides citizens with the identification and guarantee of their human right to property and also enables property as an economic asset to be traded in markets.

Properly defining or identifying and protecting real rights = essential impact on:
  -real estate markets
  -interests rates
  -turning real estate into credit collateral (capital markets)

Strong property rights = -guarantiing a human right
  -faster turnover and more transactions,
  -speeding up economic growth
  -increasing tax revenue.
CONCLUSIONS

To properly provide the answers the market demands there are some key objectives we should promote within the adequate legal framework and institutions:

- accuracy of data &

- reliability of information (with privacy and personal data protection)

… to perform clear entitlements

- guarantee of the right by the State

…with the consequence that any registered owner will be respected as such, by State, by market and by citizens (in an eventual conflict with other title, the court of justice will rule in favor of the registered ownership)
Next step we could work on:

How to achieve these key objectives

Thank you very much for your attention.

www.registradores.org