CADASTRE 2015
Complete legal situation of land, public rights and restrictions

Camelia Slave¹, Ioana Vizireanu²

¹ University of Agricultural Sciences and Veterinary Medicine, Bucharest, Romania, ² National Institute for Aerospace Research "Elie Carafoli" - INCAS, Bucharest, Romania

E-mail: camelia_slave@yahoo.com, ² E-mail: pavel.ioana@incas.ro

Abstract
Cadastre and land registry is a unified and compulsory system of technical, economic and legal national importance, of all buildings on the territory of European states.
Based on the definition, we can say that its purpose is to determine the technical, economic and legal information concerning property, to provide real estate advertising rights, personal rights, acts and legal facts, and of course any other legal relations through the land.
The data provide important public institutions of the state required tax system and housing market, all of which contribute to the security of real estate transactions and facilitate mortgage.

Key words cadastre, land found law, property, real estate, tax

DOI: 10.6007/IJAREG/v2-i1/1875 URL: http://dx.doi.org/10.6007/IJAREG/v2-i1/1875

Introduction
1. Definition of cadastre
Law no. 7/1996, republished in 2013, the law cadastre and real estate publicity retain Article 1 Title I:

(1) Cadastre and land book form a unified and mandatory technical, economic, legal and national importance of all buildings on the entire territory of the country. The purpose of this system is to:
a) Determine the technical, economic and legal information concerning the property;
b) Provide real rights immobile publication, personal rights, acts and legal facts, as well as any other legal relationships through the land;
c) Provide the public institutions of the state data needed tax system and the real estate market;
d) Contribute to the security of real estate transactions and to facilitate mortgage.
(2) Cadastre is identified by measuring, describing and recording real estate documents and representation of cadastral maps and cadastral plans.

The record of the cadastre is purposeful enrollment on real estate advertising. The origin of the word cadastre, according to some authors, would be composed of the prefix of Greek "kata" which means "top down" and the word neo Greek (Byzantine), "stikon", which means tax register, book notes, book trade. According to other authors, it derives from the medieval old word "capitastrum" which would be closely related to "capitons registrum" or "capitum registrum" that originally means head of household tax. The word appeared for the first time as "catastico" in a document found in Venice, in 1185, and in the seventeenth century, it was taken up from Italy to France as "le cadastre", and in Germany and Austria as "der Kataster".

In Romania, the term appeared in the early nineteenth century in "Romanian language phonetics adapted form of current, land".

In time, land registration has two components that are interrelated: one technical part, economic and legal, technical data provided by the real estate being used in advertising and the advertising date finding application in the preparation of the land books (Bos).

Starting from what exercising ownership of real estate means (land and buildings), the measurement of land was necessary, the registration of the ownership through which the right of the
property of the personal goods should be preserved, in that way the individual ownership of personal property from any abuse being assured and guaranteed.

In the current context of the implementation of the constitutional provisions guaranteeing the main, absolute and perpetual right to property and the documents of EU institutions, the Romanian state is based on taxes levied on real property owners.

As a result, the state, which represents the subject of national and international interest, has to update an accurate records of real estate - land and buildings - both in terms of scope and quality of both their identity and owners interest in such property that the system of laws or regulations (Law 7/1996-Law cadastre and land registration republished in 2013), properly size and exactly direct taxes strictly necessary subsistence budget state institutions.

In the engineering field, the economic and legal arrangements of this record system are obtained by the correlative action of the following disciplines: terrestrial measurements, pedology, economic assessment and civil law, all being found in the discipline called cadastre.

2. The functions of the cadastre

Starting from the definition of cadastre, we can appreciate that cadastre has three functions, as follows:

- The technical function of the cadastre is done by determining, based on measurements of the position of the configuration and size of parcels and construction areas by purpose, use categories and owners (Bos).
- The economic function highlights the technical elements necessary to establish the tax value of the buildings and the calculation of taxes on income from real estate transactions.
- Judicial function is achieved by identifying the basis of the property owner and the entry in the land register.

3. General cadastre and sporadic cadastre

General/systematic cadastre is represented by measurement of all buildings (land with or without buildings) on the range of administrative units or cadastral sector, identifying all owners and holders of other real rights on real estate or personal. While land books open for all buildings, operations performed in a single procedure for the entire cadastral sector or all administrative territorial units.

General cadastre is performed by the Romanian State through the National Agency for Cadastre and Land Registration which has the task of integrating the assets in order to open his land and keep out both buildings and owners.

The sporadically cadastre refers to a time measurement operation of all buildings on the area of administrative units or cadastral sector, opening on all land cards or updating the existing cadastral plan of the territorial administrative unit or finalizing a cadastral sector at the time of measurement the entire sector cadastral or all administrative units.

This time, each owner may requires the expense, cadastre sporadic achievement for each property separately. Following any request, the Romanian State, through the National Agency for Cadastre and the burden measurements reception and integration into the national buildings (Figure 1).

Figure 1. Maximilian von Grimm – A map of Wienne in 1787 - one of the first cadastral maps
Source: wikipedia.org/wiki/Jacob_Grimm
4. The cadastral reform
The cadastral reform brings new issues and the guidelines are:

- The cadastral reform study and the procedures applied in developed countries;
- The evaluation of automation cadastre and its role as part of a wider territorial system;
- The assessment of trends in the industry and creating of a vision of how cadastral systems will evolve in the next decade;
- The highlighting of causes that lead to certain changes

5. European integration and cadastre
In Europe, we must have an overview of cadastral systems of the future and, therefore, it is important to present some general recommendations.

Currently, there are four points of interest, namely: legal and organizational characteristics, levels of planning and control aspects of multipurpose cadastres, responsibilities of public and private sectors.

There are important researches and information titled "Cadastre 2015 - A Vision for the future cadastral system"; latter it was presented to the Congress in Brighton.

The study shows the legal issues in most cadastral systems, where there is a special protection of property rights.

Legal power of ownership, as real, absolutely, perpetual and inalienable right, is great. Therefore, it is assumed that record rights are correct but there are situations where rights record don’t exist.

Mostly, the state is responsible for the shortcomings caused by an erroneous record.

Cadastral systems include both general survey data and records of the land.

The plans are part of the cadastral registration in some jurisdictions. The records shall include rights, restrictions and responsibilities.

In most jurisdictions, there are legal links, technical or organizational links between cadastral system and topographical plans, in this respect, cadastre covering the whole territory of jurisdictions with full character, which indicates that the plots are introduced systematically in these systems (Figure 2).

6. Cadastre in the European Union. The Standing Committee
Institution which regulate the cadastre in the European Union Standing Committee on Cadastre (PCC), established since 2002, follow a joint decision of the representatives of the Member States.

He organized a conference on the Cadastre in the European Union, the Spanish Presidency of the European Union in 2002. At that time, founding of this institution was decided. Following this decision, the representatives of the Member States met in Italy in Ispra and decided the founding Committee.

Standing Committee of Cadastre UUI aims to create adequate space to promote full awareness of the activities of the Union and the Member States relating to the Cadastre.

By default, it is desirable to develop a strategy and proposal for joint initiatives in order to achieve coordination between the various European cadastral systems and their users.
Currently, an establishment of a network of information on cadastre is desired in order to facilitate the exchange of information, experience and best practices among members of the Standing Committee on Cadastre.

The directors, which are part of the Standing Committee, have an exchange of available information and experience as a first response to the idea of general distribution of information to all members. Members will respond to any inquiry and questionnaire can be made to improve the information. At the same time, it aims to remove any operation and information that could affect local databases.

Standing Committee on Cadastre in the European Union represents a point of contact for companies which are developing software and other used products. It seeks a specialist to be based solely focus its work on land registry and cadastre information about their users and land registry.

**Results and discussion**

1. **Cadastre – 2015**

An important milestone in the development of modern cadastral systems is the development vision “Cadastre 2015”. On this occasion, Working Group 7.1 tasks of Commission 7 role were assessed in investigating the cadastral reforms in various countries considered representative.

In this regard, they considered that the cadastral reforms were already underway or were to be held in the next era. A questionnaire was conducted with specific problems so that they can foreshadow the future cadastral system.

Romania should consider all these aspects so that even now the main goal is the creation of a modern cadastral system, essential in the context of integration into the European Community.

Cadastre 2015 covers a wider field than the traditional cadastre of natural resources due to the situation that is significantly changed. Constitutions of many countries have defined the rights of citizens, one of these being the guaranteeing of private property.

Each element of the legislation on territorial issues is carefully defined, verified and stored in publicly available documents.

Cadastre 2015 means published systematic inventory data on all objects of a legal territorial administrative area or region, based on the measurement boundaries (Figure 3).

![Figure 3. Cadastral plan of an area in Bucharest](source: www.urban-plan.ro)

Evidence resources through the Cadastre – 2015 are a necessity because at the moment we are dealing with a society that accelerate the process intervened and new elements, such as climate change - wide and frequently discussed topic. To all this, add social, economic and political changes to be analyzed against the background of globalization, all having a major impact on the environment.

In essence, the program retains a number of recommendations on evidence, based on modern natural and artificial resources. By the company the use of these resources consistent with the implementation of sustainable development and environmental protection, our common home.
Cadastre 2015 is based on current cadastral system existing in the country where it was made. The system is modeled and filled with specific items of information resources management and environmental protection.

This program designed in 1994 for a horizon of 10 years. It is considered that in terms of operational, it was discussed at the annual international meeting in the field, including specialized UN bodies (Figure 4).

2. **The importance of the Cadastre – 2015 program**

1. Among the characteristic features of the program are mentioned:
   - Current cadastral systems automatization through the use of modern computing.
   - Modernization cadastral information system by including all cadastral data defining objects.
   - Inclusion of public and private rights and obligations for owners and users of cadastral objects.
   - Increases geomatics specialist role and responsibility in implementing the program Cadastre 2015.
   - Monitoring and linking human activities with implications for the use of environmental resources and more.

2. Analysis study investigating the cadastral reform

Main directions of analysis for Group 7.1 were:
   - Study of cadastral reform and procedures applied in developed countries;
   - Assessment of cadastral automation and its role as part of a wider territorial system;
   - Assessment of trends in the industry and creating a vision of how cadastral systems will evolve in the next two decades;
   - Highlighting the causes that could lead to changes.

3. **Current trends in the field of cadastre**

Trends indicates technical cadastral system automation (scanning, digitizing), and making connections between different networks systems, using GPS technology, orthophotomaps, creating databases and standards for data exchange.

Rely on legal trends the development of multipurpose cadastre: called LIS (Land Information System) - the Spatial Information System, upgrading the current legal system, creating a new financial framework, changing attitudes towards privatization and the transition from the registration of deeds registration system titles.

Organizational trends emphasize the idea of integration of territorial administration organizations at the same time changing public structures rigid. At the same time, it is envisaged private sector involvement, cover increased costs, resource monitoring, decentralization. Creating a better support decision-making and the elimination of certain professional patterns.
Due to some elements of the concept set in order to define the concept reached from the studies, we must remember the six resulting provisions and substantive changes between traditional and modern cadastre.

Basically, the concept of "Cadastre 2015" increases the set of objects to be processed are contained cadastral systems. New items are items territorial parcels forming a group thereof.

Territorial legal objects are described by law or legal content restrictions and the limits demarcate the area where they apply. Content modern cadastres take account all local objects in a defined area. Cadastre 2015 contains records official legal and territorial rights of the subject can answer questions like: where, how much, to whom and how this concept can replace traditional notions of "cadastre" and "records territorial" representing an intelligible land records.

**Conclusions**

What follows Cadastre 2015?

- Cadastre 2015 purports to show the complete legal situation of land, including public rights and restrictions.
- Cadastre 2015 seeks to eliminate the separation between maps and registers.
- The information technology (IT) is to directly bind territorial objects necessary information for registration.
- At the same time, analog mapping will disappear and cartographic modeling is the future. Analogue maps will lose the function of storing information.
- In the near future, will be a series of graphs extracted from cadastral model adapted to user needs.

**References**


***1996, Legea cadastrului si a publicitatii imobiliare (cadastre and real estate law) 7.
***1991, Legea fondului funciar (land found law) 18.
***Ordinul 633/2008 Regulamentul de organizare si functionare a birourilor de cadastru si publicitate imobiliara (Order 633/2008 the rules of organization and functioning of cadastre and real estate offices).