

CONSIDERATIONS ON THE ELABORATION OF REAL ESTATE RECORDS IN ROMANIA

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Abstract:

Since in Romania the issues related to properties inventory are still far from being resolved, the present work, which is based on the authors' experience, synthesizes this domain's main aspects, both in terms of the evolution of cadastral activity over time, as well as in what concerns some malfunctions, notions and terms incorrectly defined and specific suggestions for future improvement of these activities.

Keywords: real estate records, land register, real estate promotion

1. INTRODUCTION

1.1 Brief history

The first forms of a real estate register – lands and constructions – appeared 4000 years ago as a natural necessity for imposing taxes, fees and renderings as main sources of income to the budget inflated by military expenditure. Over time, the land value increased becoming *the basic, irreplaceable economic asset*, limited however by breadth, and which cannot be increased. As the object of private property, land began to be marked by signs and/or fenced, estimated in terms of stretch and quality through rudimentary metrics and represented on clay plate and then on paper.

The historical evolution of land registration was conditioned by technical achievements, the first topographical measuring instrument being Professor *Johan Pretorius's* (Nuremberg 1600) *plane table*, improved by *Marnioni* (Udine 1676), equipped with *Galileo Galilei's* telescope. In this context, in the mid 18th century, the first measurements were executed in *the principality of Milan*, resulting in documentations containing *the register of plots and houses, the maps catalogue and the property sheets*. This is *the cadastre's proper date of birth*. As a notion, it was mentioned in a Venetian document, since the 12th century, to which was later added the *“properties register”* held by churches or town halls. This is how the former *“cadastre”* outlined into the current *real estate records*, which has continuously evolved through the use of modern technologies.

Our country joined on a similar path, but much later, moving from simple means to actual measurements conducted by land surveyors trained in Bucharest and Iasi. At the end of the 19th century, Romania had two registration systems: the *Land Register* in the provinces which had belonged to the Austrian Empire and the *Register of Transcriptions and Inscriptions* in the old Kingdom. After World War I, in 1933, the cadastral law no. 23 appeared. It belonged to Senator *Voicu Nişescu* and has been partially applied in Baragan and Dobrogea. It contained corresponding papers, but it was interrupted by the second world war. Under the *Communist system*, the generalization of land records in the country stagnated, since private property was incompatible with the policy of agriculture collectivization. The existing records had not been maintained to date by operating the changes, and the records, plans and the land register sheets have been damaged and partially lost.

1.2 Situation after 1989

1.2.1 Objectives

After December 1989, the sector of land measurements faced complex and wide problems, defined by three main objectives:

- *application of a set of property laws* – on the restitution to those who were entitled of the land and constructions suppressed by Communists (Law No. 19/91, 7/96, no. 10), etc.
- *introduction of a modern system for real estate records*, computerized, updated, made out both for the territorial administrative units and for the entire country, as a domestic and community requirement;
- *studies in the field of Geodesy*, on *drawing the new national spatial network*, positioned in GPS system, on connecting the national levelling network and of all the works in general to the European reference systems.

The following reference is made only to *the realization of real estate records*, and particularly, on *how to obtain the basic cadastral plan*, as the central, defining characteristic of the documentation on administrative territorial units, which shall be submitted to the land registry.

1.2.2 Working conditions

In 1990, when an urgent real estate records was imposed, we were not prepared for the deployment of such campaigns. Subsequently, conditions have improved, so that in recent years they have been broadly fulfilled, inclusively through realizing the national spatial geodetic network, which was absolutely necessary.

Human and material resources, namely specialists in the field and the endowment according to new technologies, modest at first, are now fully satisfactory. So if in the 1990s specialists came only from the Faculty of Geodesy in Bucharest, today there are 13 officially accredited departments specialized in *Land Measurements and Cadastre*, so that there are at least 500 annual graduates, namely available engineers. Modern technologies of ground survey – *the total station and the GPS system* – are also well represented here, replacing almost entirely the classical instrumentation.

The legislative framework has been and is provided through the basic laws no. 18/91 and 7/96, completed in time with *resolutions of the Government, orders of the ministries of interest and of the National Agency of Cadastre and Real Estate Promotion*, all frequently modified and republished. *The institutional and organisational framework* is also well defined by the current legislation and rules. The National Agency of Cadastre and Real Estate Promotion is the sole *central authority* in the field, doubled by *County Offices* of Cadastre and Real Estate Promotion and by *Territorial Offices* of Cadastre and Real Estate Promotion.

The further **normative acts** referred to, should be remembered for their importance and topicality, as follows:

- *Regulation for the endorsement, reception and registration in the effective cadastre and land registry records*, introduced by Order 700/July 2014 and amended by Order 1340 of December 2015;
- *Law on the integrated system of cadastre and land registry*, which is at issue and will replace the old Law 7/96 ;
- *National Programme of cadastre and land registry* of the National Agency of Cadastre and Real Estate Promotion for the period 2015-2020.

Therefore, we are talking about the latest regulations required to be taken under consideration in a summary analysis, to which there are added some etymological issues on certain terms not properly expressed, that do not suggest and reflect the content of the title in question.

1.3 Elementary terminology

The General cadastre as the official name determined by law, thus mandatory, should be used as such and not in the simplified form “*cadastre*”. From the known, and in fact correct definition, we should remove the “*legal evidence*” that is the subject matter of real estate advertising. *Special cadastrals have been nominated by the same law no. 7/96, as subsystems for detailing the information supplied by the general cadastre, required by specific activities of sectors holding large areas of land.* Unfortunately these were quickly abolished for unfounded reasons, their usefulness being demonstrated by the practice. As a result, the term that can be and is used both in current language and in official documents, is the object of study in faculties, and in practice, several works for agricultural, forestry, urban, real estate-urbanist and road cadastre, are currently carried out.

Recent works, performed within the national campaign led by the NACREP successively arose in the last 20 years, under various names such as:

- “*introduction of the cadastre in Romania*” – incomplete term, whereas it misses the real estate advertising, the basic component of the system;
- “*modern cadastral works*” – persistently used for several years without coverage, because “*modern*” are only the technologies used, while the works are the same from ancient times;
- “*systematic registration of the real estate properties belonging to Territorial Administrative Units*” – the most recent, but still unofficial, which is somewhat elusive.

The list can go on, but we shall stop here because the above reports are obvious.

Actually, none of these titles correspond to the nature and content of the works performed today, they do not properly reflect *the product obtained in the end*. Keep in mind that, by definition, the land register is a *real system of advertising* aimed at the *real properties* (lands and buildings) that last forever and not at the *properties and owners* who are evanescent. In addition, the “Regulation” seeks “*the buildings' entry in the cadastral and land register records*”, which is not correct, since the assessor's office does not make registrations but *runs metrics and data collections* which it processes and forwards to the land registry. *Other curious names*, arisen in the current language, and even in the official one and in writing, namely surveying “*on the route*” or “*sporadic*” surveying are not worthy to be taken into consideration only with appropriate quotes that are meant to attract attention and surprise over their impropriety.

Establishing a correct title implies taking account of the *objective to be met*, formulated in the new law no. 7, as the “*regulation, organization and operation of the integrated system of cadastre and land register*”. Equally, we should also bear in mind some words from the title, taken from *the dictionary of the Romanian language*, among which we mention:

- **the register** – considered a “*record of all the works, goods and persons related to a given activity*”;
- **the system** – defined in the same source as “*the set of interdependent elements (principles and rules), forming an organized whole that makes a practice to work as desired*”
- **integrated** – what means “*embedded in a whole*”, in our case, in the cadastre and land register works;

In the light of all these elements, a correct and suggestive title must be formulated and further used.

From the above, it appears that the ultimate aim presently pursued by the so-called “speciality works”, is the fulfilment of a *register of lands and constructions*, namely of the *real estate goods*. Therefore, the correct and suggestive name would be “**INTEGRATED SYSTEM OF REAL ESTATE RECORDS**” or simpler, **REAL ESTATE RECORDS**. The term's content corresponds to the Romanian language and vocabulary and to the objective set by law. The first two adjectives, however correct, can be suppressed, for economy of space, or used without annoying exaggerations, as in the official standards.

2. STRUCTURE OF THE REAL ESTATE RECORDS SYSTEM

2.1 Overview

The **real estate records system** should be established so that, in the end, to be able to provide information to the country's entire land fund, in general:

- the land's *identification elements*, namely the number of the land register and the territorial administrative units, the topographical (cadastral) number, the surface, the class of service;
- *the location, the shape and the size of the parcels* represented on the 2D parcel plan of the territorial administrative units;
- *the economic value* deducted depending on the eligibility of the land and its surface, implicitly the *tax value*;
- *the tabular right-holders*, mainly of properties and dismemberments, including *the legal situation of the real estate* (bans, charges, etc.).

In relation to these requirements, others are considered and will be presented at a later date.

At a closer analysis it is found that the structure of the real estate records has *three components* listed as systems, namely *the cadastre, the real estate promotion and the information*, each with its own objectives and principles. They are clearly formulated and should be reflected in the technical standards and/or work regulations that lead the specific works and provide appropriate information. Viewed as a whole, the components integrated in the register system mutually support and interact upon achieving the objectives but keep their own identity within the works related.

2.2 The components of the real estate records system

2.2.1. The cadastral system

In the modern and actual sense of the term, land registration was taken over, perfected and introduced during the Austrian Empire, inclusively in the provinces belonging to Romania (Transylvania, Banat, Maramures and Bukovina). The measurements were performed with classical instruments (theodolites, tachometers, measuring tables) and appropriate methods (triangulations, intersections, traverses), but the equipment used evolved spectacularly and it effectively conditioned the technical developments in the field.

The objectives remained the same in time, namely *the identification, measurement and representation of the real estate on plans and maps* through appropriate technologies. A series of *descriptive data* on the land's quality are continuously collected, the component plots are granted topographic numbers, the surface is calculated and in the end they are evaluated. All these data and information, guaranteed by the works' nature are grouped as “*technical documents of the cadastre*” or as classically named, “*material basis*”, to be submitted to the land registry.

The principles governing the entire activity request for the land registration system to be:

- I. *organized and free*, on territorial administrative units (TAU);

- II. *integral and mandatory*, expanding throughout the entire national territory, regardless of the service or owners;
- III. *unitary and uniform*, which means to be executed under the same conditions in the whole country, laid down in the technical rules and regulations;
- IV. *fair and efficient*, in order to provide sure information in short (real) time and with minimum expenses;
- V. *adaptable and permanent*, in order to allow convenient operation of changes through maintenance.

The general rules above can be, if necessary, commented and explained, as they are thoroughly justified, which is why they must be strictly observed.

The **information** provided to the real estate records by this cadastre component, are organized in a **land register's documentation on TAUs**, comprising digital, graphical and lucrative *records of entries and plans, files of papers*, as well as the *information carriers*, which is the Bank of data and record holders. Besides, these pieces must meet **some basic requirements**, namely *appropriate content* and *satisfactory precision* according to the rules, *simple and accessible exposure*, allowing *their regular updating* within an appropriate information system.

2.2.2 Real Estate promotion

The **land register and its information**, contained in the land register's documentation on TAUs, *has however the value of an administrative document and is not title deeds*. The registration in the official register of property (land registry) can be realized only after *meeting the publicity formalities* provided by law, which are *displaying, receiving and solving the appeals, authentication* by the territorial Office of land register. Mentioning the land holders as owners in the cadastral documentation is therefore only provisional and informative.

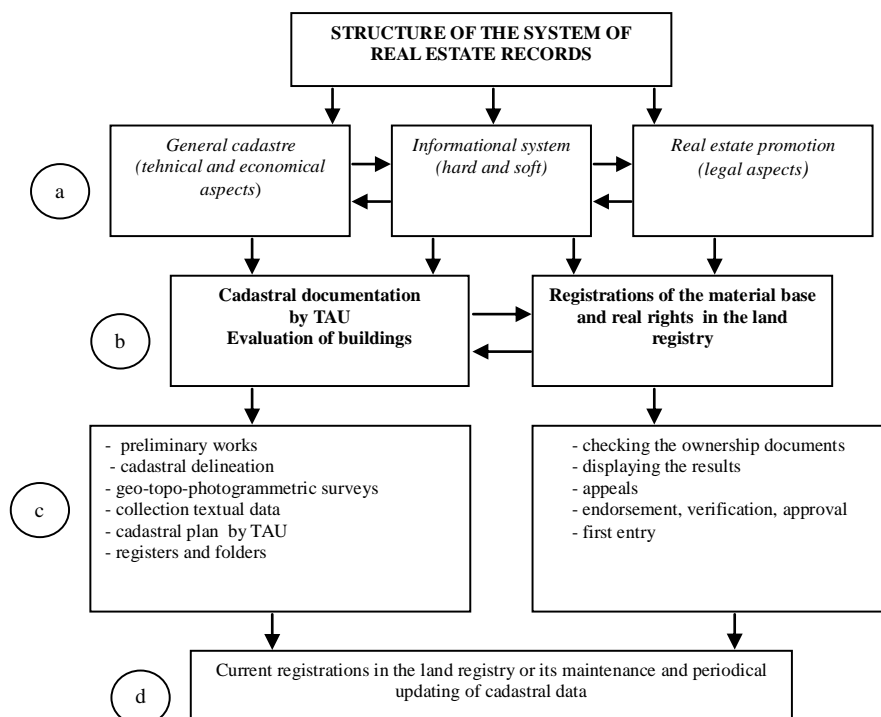


Fig. 1 Scheme of the real estate records system

- **As a whole**, "*promotion*" is achieved through *entering acts and facts in the official registers, being thus brought to everybody's attention. Real estate promotion was done from time immemorial through land and construction registration alongside the owners and their rights*, as the information placed at the disposal of the parties concerned. The real estate advertising systems were varied, evolving over time from simple notes and drafts up to modern ones, based on information and digital plans. The most common, through its simplicity and safety, is *the system of land register used in many European countries and beyond, as well as in Romania*.

As records in the public registers, in the land register is originally transcribed the data provided by cadastre on the "*material basis*", and afterwards, *the holders of real rights* are registered, as well as *the legal acts and facts related to real estate* (fig. 1). Under these circumstances, the entries of real estate promotion *are communicated to the public*, thus becoming *opposable to everybody*, "*erga omnes*". This way, the land register appears as an *instrument to guarantee and to defend the tabular rights*, as well as the way they are *established, transmitted or disappear*.

The basic objectives of a system of real estate promotion are manifold. Their fulfilment has beneficial effects for the economic and legal activity and for the social peace, whereas:

- *provide access* to certain information concerning the material, legal and economic situation of the real estate;
- *guarantee* the right and facts recorded, which are thus respected and cannot be attacked by a third party;
- *develop the real estate market* by encouraging transactions and by crediting through guaranteeing the mortgages;
- *generate a climate of social tranquillity*, as important sources of conflict are cancelled from the beginning, without trials.

In conclusion, real estate promotion, component of the records system, becomes the *basic tool* for the development of a real market economy. Its absence became a brake for the reforms and transformations our society needs.

The principles of land registry system are clearly formulated in legal terms in order to avoid their misinterpretation. Furthermore, by *the rigorous organization and functioning*, the system imposed itself as authority over 150 years, through guaranteeing the tabular rights, and it earned people's trust on the safety and strength of the documents registered. Briefly, these principles can be summarized as follows:

- *advertising is complete*, which means *integral, material and formal*, and leads to absolute sustaining power;
- *real estate rights* are established, modified, moved or extinguished only by their registration in the land registry sheet;
- being *legal and official* means that the entries to be made only at *the request of the persons entitled*, namely after the application's and its contents' examination of office;
- *speciality and neutrality* require for each legal right or report to be *clear, precise and defined* when registered, and the operation shall not be made *ex officio* but *only upon the request of the persons entitled*;
- *entries produce their effects* from the *date of application's registration* and not from its resolution, through successive delays;

- *the table of contents of the land register is considered to be exact, and accordingly, the records have absolute sustaining power so that no right can exist if not mentioned in the cadastral register.*

In conclusion, the entry in the land register has the value of *title of property* whereas it guarantees the tabular rights' existence and validity. Through rigorously, *ad literam* observing these principles and work rules, the content of land register is provided in the benefit of honest-minded purchasers, keeping them away from dispossession.

2.2.3 The informational system

The land registration and the real estate promotion, components of the real estate records system, is achieved by the collection, storage and processing of specific data, inclusively by reporting the plans of eventual geo-topographic surveys, as well as through drafting and multiplying written and/or drawn works. In addition, there arise auxiliary operations of transcription, multiplication of some of the drawings and texts, or of transformation of some cartographic representations through digitization, scan and trace. For some time, the law courts and the cadastral documentations accept magnetic recordings with the importance and value of classical records.

The volume of these works, required for drawing up and maintaining a real estate records within the territorial administrative units, is impressive and was carried out with different means which have evolved spectacularly. Thus, from the entry, registration and processing of textual or numeric data, there have been used typewriters, calculating machines, pocket calculators and then it switched to *modern, computerised means*, in almost all the works of cadastre and real estate promotion.

At present, the computer system with its *hard and soft* components, is part of the issue of achieving real estate records, playing the role of a *link*, of *system integrator*. The advantages of information system's implementation are obvious and relate to:

- *operation facility*, assured by a *high degree of automatism*, based on ordinary or specialized programs;
- *superior performance* and consequently an elevated *economic efficiency*;
- *full safety work* by eliminating any possibility for error.

The principles underlying the information system, integrated in making real estate records, are already known and do not need to be mentioned here.

2.3 Way of working

The technological process of completing the system of real estate records on Territorial Administrative Units comprises two components effectively, as two distinct categories of activities (fig. 1):

- *the general cadastre*, with technical, economic and engineering works ;
- *the real estate promotion*, in the land register system, of legal character.

Both work categories are carried out with the support and achievements of the information system, using the computer and programs that allow data records, processing and ultimately delivering the information.

The works alternate in the order mentioned above, each area having well defined objectives:

- *the land register draws up the cadastral documentation on TAUs containing the "material basis", that is the registers, the basic cadastral plan and files, documentation that shall be submitted to the Office of land registry;*

- *the land registry* takes up this documentation, *checks with discerning* the property documents and subjects them to the *advertising rules* by displaying the results, receiving and analysing complaints, etc.

After the "land operations" (plans and registers) are advised and approved by those in right, *the first entry* of real estate is made in the new land registers.

The works' content on the two components may be detailed. In the first category enters however, by duration, costs and the high level of technicality, *the cadastral plan on TAUs*, scaled as usual, at 1/1000-1/5000. This representative piece is drawn up with all the attention, being assumed as such, *without reserves of land register*, together with the other registers and folders. In turn, the entries in the land register are made only after meeting the promotion conditions, after analysing the authenticity of the evidence of ownership, displaying the results, receiving and solving the appeals, advising and approving the documents, etc. The rigour in carrying out all formalities should be kept in mind, since the records in the land registry are *constituent of rights* and consequently opposable to all.

Still, over the years, depending on necessities, specific operations are run, as follows:

- *current registrations of real estate rights* in the land registry and *legal facts and acts* by which they are established, transmitted or disappear;
- *periodical updating* of cadastral data, namely "*bringing up to date*" through operating the changes of the land fund that are raised by the land registry.

Bear in mind that the works of both records components are completed within and with the support of an own competitive information system.

3. STRATEGY FOR RUNNING THE REAL ESTATE RECORDS IN ROMANIA

3.1 Introduction

Such a record, throughout the country's Land Fund, is a priority, an important economic and social objective, requiring a vast volume of complex work and expense, extended over tens of years and useable for centuries. In this case, first, we had to run a *careful analysis of the situation* and under all the conditions to be complied, we had *to lay down a solid strategy*, reasoned and approved by those entitled.

The need for such records which we lacked, was widely recognized, but the campaign itself was cursory. Actually, we are not aware of *the formulation of a cadastral policy* as the way of achieving such an objective. Appreciation is general, but it particularly refers to *the realization of the cadastral plan* as a base, with the largest share, namely 70-75% of the total work volume. The quality of this piece, defined by *the precision of buildings' positioning* and by *content*, namely by its actuality, determines the credibility of the information provided by the real estate records.

The working conditions, weaker at the beginning, have become favourable fairly quickly through the establishment of the national spatial geodetic network, of a solid organizational-administrative structure, of a proper legal and institutional framework, including a corps of trained specialists in the domain (§ 1.2.2). Perhaps some *inexperience* for such a wide campaign, based on recent *modern technologies*, and/or the lack of *legal knowledge*, might have been some disadvantages.

The way to be followed for getting *the basic cadastral plan on TAUs* was outlined in *Normele tehnice de introducere a cadastrului* (the technical regulations for introducing the land register), as the last edition, published in 2007, where, unfortunately, the mapping problem is confusedly presented. In the meantime, under other titles, as in the three regulations mentioned, the execution of "*specific metrics*" is symbolically stated, without any detail. Therefore, such a national strategy, has not been and is not shown in *any official*

document, although the objectives, their achievement and the solution's motivation was absolutely necessary.

3.2 Scheme of the strategy adopted

Conceptually, since the beginning has been proposed and affirmed that the basic cadastral plan on TAU to be realized *by the using old plans* (we would say the existing and the usable plans). The work, such as the famous *index cadastral plan* would entail, we suspect, navigating certain steps according to the following scheme:

- *collecting the existing plans* from a TAU obtained by old or recent surveys, within isolated requests;
- *their conversion*, if necessary, into number system, through the known digitization, scanning and tracing operations;
- *transposition* of the plots, properties and constructions on a frame support, the TAU geo-portal;
- *adding the recent surveys*, components of the cadastral plan on TAU obtained through “*sporadic land register*” or through “*itinerary land register*”;
- *filling in the remaining gaps* by “*systematic cadastral and land register records*”;
- *attribute-descriptive data collection*, calculation of surfaces, preparation of registers, etc.

Note that this scheme is a personal attempt whose authenticity must be viewed with reservations until the confirmation of the original.

This way of working has been and it is still applied within the campaign for establishing sustained *systematic* and/or *sporadic recordings*. Unfortunately, for years, the land registration offices frequently receive, from month to month, new instructions and directives, by which the working rules are replaced, supplemented or cancelled, to the operators' displeasure.

The technical rules drawn up on this basis, punctually developed for each of the above stages, *should accompany* the strategy outlined above. The provisions of these rules or regulations must be *clearly formulated*, following the works step by step in their normal sequence. As a result these rules must be strictly observed by all operators, in order to give *uniform and homogeneous cadastral plans across the whole country*. Unfortunately, this kind of rules are missing too, the way of working being selectively mentioned and incompletely defined, so that an operator can not have a clear idea on the succession of works to be run. Instead, the absolutely necessary verification of the current works, leads to undesirable situations that are resolved through compromise, which in cadastre is not allowed and which is excluded from the content of the land register.

3.2.2 Findings in relation to the strategy adopted

In relation to those mentioned a vast national campaign of works is conducted, currently regarded as a priority. Systematically, the cadastre offices receive, however, annual and monthly instructions and directives by which the rules are supplemented, changed or replaced with new ones. Operators are obviously annoyed by the absence of clear, current and prospective rules, established in line with the main concept, which, as shown, we are missing. On this occasion we point out some objections worthy of note.

a) **Carrying out cadastral plans** on territorial Administrative Units *from pieces*, namely assembling the old plans, converted into digital system, and the new ones, with GPS determinations, proved to be a *possibility only in theory*. Basically unpleasant situations arise when:

- *transposing on the geo-portal* of the points defining the border between two properties, set at different times and under different technological circumstances and operator, when the coordinates do not match, the work is rejected for restoration and consultation;
- *putting in isolated, successive possession*, by which the first owners receive the entire areas (or even exceeded) and the last remain with few scraps.

Obviously, other cases can be reported as well, but the operation should be carried out in the TAU assembly, by the unique designer responsible for the cadastral plan.

b) **The choice for the main solution** was made without taking into account the use of digital photogrammetry in the cadastral plan on TAU. The option is worth to be considered as modern, precise technology, of high performance and high economic efficiency, advantages recognized in the world. The orto-photo-plans, APIA required for the whole country, were commissioned and realised in conditions unsuitable for their use in preparing the real estate records, and are thus used only occasionally. *In the national programme* (2015-2023) the possibility of using the orto-photo-plans in the cadastral plan on TAU, within incorporated area, is surprisingly provided. However, it is known that its possibilities are limited there, while numerous surveys on land are necessary.

c) **General cadastre and real estate promotion** are as stated, components of the integrated system of real estate records but they have their own goals and principles, which are carried out in two distinct stages and by different operators (§ 2.2, fig. 1). The two activities – real estate register and land register – are mixed up in official documents, without differentiating the objectives and functions to be carried out. As a result, real estate engineers are compelled to “*register all the proprietors and other legal owners*” without having proper jurisdiction in the matter, their nomination and registration having only a transitional nature until the operation in the land register.

4. OTHER FINDINGS

4.1 Overall observations

a) **The normative acts mentioned above**, particularly the new law no. 7 and the Regulation that point at all the works, deserve to be presented more organized for they shall become mandatory and adhered to *ad literam*. Consequently, the knowledge should be organized separately on the two parts of the record, and within them, by law articles, and/or parts of regulations, chapters, subchapters, respecting the order of works.

b) **The titles, their content and of the law articles' content**, are sometimes less successful and hard to understand. Two articles of the law are presented on one row, and a chapter of the regulation on a page. What can be understood by plotting the coordinates, by the graphical representation of the common lines?

c) **The regulation glossary** refers only to the technical terms of surveying, while the legal ones are missing. Some definitions leave to be desired (the cadastral plan as a “graphical representation of the properties' boundaries from TAU”, the plot/real estate ratio, sector and field, etc.).

d) **The eight years national program** says that *the real estate registration is free*, but it is not clear whether it refers to entries in the land register or to records in general. How does it come to the € 900 million *own revenues* resulting from funding sources, from *the fees charged* from population by the National Agency of Cadastre and Real Estate Promotion? What is the gain? Also, will the 5,600 jobs appear within the National Agency of Cadastre and Real Estate Promotion or within private companies? Were the 144 territorial administrative units made in 2015 ?

e) Are **the real estate records** and the cadastral plan *carried out on territorial administrative units and not on sectors* through measurements and cartographic representations and only through “records” in the land register?

4.2 Specific aspects

a) **Some** of the total or/and partial **shortcomings** of the current norms, or resulting from practical activities, are to be kept in mind for their importance. We are talking about the *cadastral demarcation*, which is incorrectly defined as operation mode (using the orto-photo-plan), the *cadastral numbering* which is only mentioned without further specification, the *constructions' and lands' classification* by categories and use, the *calculation of areas*, which again is only mentioned, without details, etc.

b) **The work method** for the preparation of cadastral plan *is not at the performer's discretion* but shall be established by technical regulations, and becomes compulsory in order to ensure *products' unity and homogeneity*. Therefore, “*specialized works*” through “*graphical, numerical, photogrammetric or combined methods, measurements and tracing*” cannot be accepted(?!).

c) **The limit**, as the notion of dividing line between lands, cannot exist in the real estate records. The line separating two countries is called “*frontier*”, two territorial administrative units, “*bounds*” and two properties, “*border*”. Thus, the “*limit*” as a term used in all current normative acts and in speech *must disappear* as it represents an area more than a line.

d) **The location and delineation plan (LDP)**, is a particularly valuable piece, especially in matters of bordering, which allows the secure, guaranteed realignment of a building's position and location by means of characteristic points coordinates. These coordinates and inclusively the surface calculated on them, *are no entered registered in the LDP*, which is incomprehensible, difficult to be accepted and impossible to motivate.

e) **The individual land registers** *derived from the field's land register*, as new elements are not described or presented, so that we do not understand what it is about.

The confounding use of the term “*publication*” instead of “*promotion*”, even as title, cannot be accepted under any circumstances.

A list of these shortcomings is quite long and it is worth being reconsidered and a re-enrolled in the Regulation together with the new Law no. 7. In this case, the definition of certain terms might improve and some dubious or useless ones might be eliminate or replaced. A more simple and correct formulation comes to the operator's aid and to carry out quality works.

5. CONCLUSIONS

1) **The extensive campaign**, organized and carried out over 20 years, under the coordination of the National Agency of Cadastre and Real Estate Promotion, has bizarre names, as the “*cadastre initiation*”, “*modern cadastral works*”, “*systematic inventory of properties*”, etc. which aim, in fact, at an *integrated system for land and building records* called simply “**Real estate records**” .

2) **The issue** is solved in two stages corresponding to the system components, namely *the cadastre*, with technical and economic papers, and *the real estate promotion*, with legal issues, both tributaries to the information system, as a way of working.

3) **The objectives** are clearly outlined: the land register seeks identifying, measuring and mapping the land and constructions from the territorial administrative units, including their valuation, and the real estate promotion, based on the cadastral data, enters in the land register, the real estate rights, the legal acts and facts related to these buildings.

4) **The central issue** of real estate records consists of *obtaining the cadastral plan* on TAU through different ways, topographical, aerial, terrestrial, photogrammetric or combined, depending on certain conditions.

5) **The strategy of obtaining** the country cadastral plan is based on an "*original*" solution, namely on the existent plans, doubled by the gaps' filling through topographic measurements, regarded at the time as the "effective solution".

6) **The option**, tacitly adopted, insufficiently analysed and formulated, transmitted by successive regulations and orders, has caused and is still causing numerous discussions and gripes, some of which are pointed out in this communication.

After twenty years of work and efforts, it is time to further carefully examine the way, which should be effected through technical rules and regulations specific to the two activities, compulsory in the whole country.

References

1. N. Bos, O. Iacobescu, *Cadastru si Cartea Funciara*, C.H. Beck Publishing House, Bucharest, 2009;
2. *** - Law no. 7/1996 on cadastre and real estate promotion;
3. *** - Law no. 165/2013 on the measures for the completion of the restitution in kind or equivalent of the real estate abusively taken during the Communist regime in Romania – land inventory procedures;
4. *** - Law no. 71/2011 on the implementation of law No. 287/2009 regarding the civil code;
5. *** - Law no. 18/1991 – *The Law Of The Land Fund*;
6. *** - Government decision No. 294/2015 on the approval of the National Programme of cadastre and land registry, 2015-2023, Official Gazette no. 309/06 of May 2015;
7. *** - Ordinance No. 4/2010 concerning the establishment of the National Infrastructure for spatial information in Romania;
8. *** - Ordinance No. 64/2010 on amending and completing the law no. 7/1996 on Cadastre and Real estate promotion;
9. *** - Order no. 700/09 of July 2014 of the President of the National Agency of Cadastre and Real Estate Promotion on the approval of the Regulation of advice, reception and registration in the cadastre and land registry records.