

SYSTEMATIC REGISTRATION FINANCED BY EUROPEAN FUNDS INTEGRAL PART OF NATIONAL CADASTRE AND LAND REGISTRY PROGRAM

Ileana SPIROIU, PhD. eng., Director, National Center of Cartography, Romania, ileana.spiroiu@cartografie.ro

Victor GRIGORESCU, Eng., Deputy Director, National Center of Cartography, Romania, victor.grigorescu@cartografie.ro

Abstract: *The study proposes a brief description of the ROP Project „Enhancing the coverage and inclusiveness of the property registration system in rural Romania” - code SMIS 120063, financed by European funds, as an integral part of the National Cadaster and Land Registry Program. The objectives of the project, the main activities, as well as data on the current stage of implementation will be briefly presented.*

The main factors that influenced the speed of project implementation will be analyzed, as well as the actions taken by the National Agency for Cadaster and Real Estate Advertising to increase the degree of contracting. Emphasis will be placed on the main changes in the regulatory framework that influenced the process of systematic registration of buildings in the period 2018-2023.

The study will describe the procurement procedures carried out up to now, as well as the activities proposed to be carried out in the next stage, within the Operational Program Smart Growth, Digitization and Financial Instruments 2021-2027.

Keywords: *European funds; systematic registration; properties*

1. Introduction

1.1 Background

After the Revolution in 1989, Romania initiated efforts to create a national system for recording property rights. **The legal framework of this new system was created by the Law on Cadastre and Land Registration (Law no.7/1996).**

Romania has not yet developed a cadastre containing essential and complete information for the entire territory of the country, showing the boundaries of the territorial administrative units and land ownership.

The process of implementing the Law on Cadastre and Land Registration is ongoing and has been difficult due to a lack of human and material resources and difficulty in harmonizing the various related legal rules.

Romania has an area of approximately 238,400 km² (23.8 million hectares) and a population of about 21.8 million. There are 42 Counties and 3,181 territorial administrative units (UATs).

Of the 3,181 territorial administrative units (UATs), 320 are cities and municipalities and 2,861 are communes in rural areas (rural UATs).

Cadastre and land registration services in Romania are provided by the National Agency for Cadastre and Land Registration (ANCPI) which is a public institution subordinated to the Ministry of Development, Public Works and Administration (MDLPA).

ANCPI has the mission to regulate and manage the Integrated System for Cadastre and Land Books (ISCLB).

By the Law on Cadaster and Land Registration, no.7/1996, as amended and supplemented was established the National Program for Cadaster and Land Book ((NPCLB) whose purpose is the registration of immovable property without charge within the integrated system of cadaster and land book, issuing the cadastral plan of immovable and opening of land books in all administrative territorial units.

The Romanian Government has approved the National Program for Cadastre and Land Book 2015-2023 through Government Decision no. 294/ 2015, which sets out the program activities and the estimated budget.

The NPCLB has the objective of registering properties in the national integrated system of cadastre and land books (eTerra), in Romania for free.

The major project “*Enhancing the coverage and inclusiveness of the property registration system in rural Romania*” is designed to respond to the National Program for Cadastre and Land Book as regulated in the Law on Cadastre and Land Registration, as amended and the National Strategy for Sustainable Development of Romania, 2013-2020-2030.

1.2 Existing situation

There are an estimated 40 million properties in Romania, 8 million in urban UATs and 32 million in rural UATs, distributed as follows:

Tabel 1: Estimated number or properties in Romania

Areas of Romania	UATs	Properties	
		Number	% of total
RURAL	2,861	32,549,212	80%
Urban	320	7,862,591	20%
Grand total	3,181	40,411,803	100%

At the present date, over 23 million properties have been registered and entered into the Integrated System of Cadastre and Land Book, resulted from both sporadic and systematic registration, out of which 6.8 million from systematic registration (ANCPI web site – 10.04.2024).

The systematic registration in Romania has been started in 2007 with a pilot project in UAT Ștefan Vodă (Călărași County) implemented by ANCPI from own revenues. This project has been finalized in 2011.

ANCPI has performed during 2011 – 2013 another pilot for systematic registration works under the Complementing EU Support for Agricultural Restructuring Project (CESAR RO 4875), financed with a World Bank loan. There were contracted 50 rural UATs from rural areas of Romania – national level spreading.

After official closing of the loan with the WB (30 June, 2013), ANCPI continued to finance the contracts for systematic registration of properties with state budget funds until September 2014. Following the provisions of Emergency Ordinance no 8/2014 stating the mixed source of ANCPI financing, from own revenues respectively from state budget, starting June 2015 (after the approval of Law no. 150/2015 for amending and supplementing the Law no. 7/1996) the contracts have been budgeted from ANCPI own funds.

ANCPI has also contracted in late 2015 the systematic registration in 87 rural UATs, in 2016 the activities have been started in 42 UATs and in the other 43 UATs in 2017.

The bidding procedure for systematic registration in another 60 rural UATs has been finalized in the beginning of September, 2017 and the contract agreements have been signed for 55 UATs; the bid for the lot 12 containing the remaining 5 UATs has been cancelled.

At the beginning of the year 2018 there were also 24 UATs that started the systematic registration of properties with local funds of which 15 UATs are rural and 9 urban.

In Romania, the lack of reliable information on real estate rights is affecting the development of rural and urban areas, infrastructure construction, growth, social development, and environmental actions.

1.3 The main problems caused by the incomplete property record

○ Constrained land market, access to credit, investment and revenues has an important impact on economic development. The high cost of registration and the formal resolution of succession encourage informality, limit land market activity, blocks access to formal credit markets, and discourage investment and limits property tax assessment and collection;

○ Difficulties in managing natural resources and responds to climate change. Privately or publicly held forest lands have been poorly registered, which hinders their management and the lack of basic information constrains programs to address climate change and other environmental concerns;

○ Delays in land restitution laws has a major impact in social inclusion percentage. Many homes and farms of the poor and disadvantaged are held without legal rights (this is often the case with rural Roma settlements).

2. Brief description of the project

2.1 Project objectives

The general objective of the project is increasing the geographical and property registration coverage of the national integrated system of cadastre and land books in the targeted rural areas of Romania and to finalize the implementation of a national cadastral system in Romania, allowing to map and digitalize property and land ownership in a central national cadastral database.

The project starts with contain the following three investment components:

- 1) **Component 1: Systematic Registration Process for properties from targeted rural areas of Romania:**
 - ☑ Sub-Component 1.1 – Systematic Registration in targeted Rural Areas;
 - ☑ Sub-Component 1.2 – Scanning of Analogue Land Books;
 - ☑ Sub-Component 1.3 – Training sessions for the personnel involved in the systematic registration process;
 - ☑ Sub-Component 1.4 – Capacity Building of ANCPI, OCPIs and CNC.
- 2) **Component 2: Improved Land Registration Services:**
 - ☑ Sub-Component 2.1 – Strengthened ICT sector for registration services;
 - ☑ Sub-Component 2.2 – Archiving Existing Analogue Records.
- 3) **Component 3: Project Management:**
 - ☑ Sub-Component 3.1 – Strengthen Project Management Capacity;
 - ☑ Sub-Component 3.2 – Monitoring and Evaluation.

The objective will be achieved specifically through a Systematic Registration Process for properties from the targeted rural areas together with Scanning Analogue Land Books, and by improving Land Registration Services, Capacity Building and Project Management.

The proposed project focuses on increasing the registration of properties in rural UATs, because the present situation impacts the preparation and implementation of structural

investments financed by the European Union, as well as other development programs and infrastructure investments

2.2 Project status

The project is carried out in 660 UATs in the rural area of Romania, totaling a surface of 5,758,314 hectares. The table below shows the status as of 31.03.2024.

PROJECT INDICATORS	COMPLETED		CONTRACTED		TENDER PROCEDURES PREPARATION	
660 UAT uri	110	16.7%	538	81.5%	12	1.8%
5.758.314 ha	1,447,285	25.1%	4,066,337	70.6%	244,692	4.2%

3. The main factors that caused delays

3.1 legislative changes

- Adoption of Law no. 98/2016 on public procurement, led to changes in the way of drawing up technical documentation and adaptation to the new legislative requirements;
- Amendment of the Cadaster and Real Estate Advertising Law no. 7/1996, by Law no. 243/2016 approving GEO (OUG) no. 35/2016, art. 1 paragraph (3) by which was amended. 9 para. (3411) of Law no. 7/1996, led to the exemption from Law no. 98/2016, on public procurement, of the procurement procedures for systematic real estate registration services. This fact caused a blockage in the process of drawing up procurement documentation, until the removal of the provision mentioned by Law no. 111/2017;
- Adoption of GEO (OUG) no. 114/2018 which required the performance of ex ante control by the Management Authorities, which determined for ANCPI the preparation of procurement documentation and their transmission to AMPOR, followed by GEO (OUG) no. 16/12.03.2019, according to which the ex-ante control is carried out by ANAP, which determined the renewal of the procurement documentation and its transmission to ANAP, through SICAP6.
- The state of emergency decreed in Romania by Presidential Decree no. 195/16.03.2020 and 240/14.04.2020. The exceptional situation that Romania went through as a result of the COVID 19 pandemic affected the activity of both the providers of systematic registration contracts, as well as the activity of ANCPI and partner OCPIs.;
- By Emergency Ordinance no. 44/2023, it was established the possibility of extending by one year the execution terms of the systematic registration contracts concluded in the project having a legal termination clause, and all contracts in this situation were fined, thus extending the implementation period of most contracts until the year 2024/2025;

3.2 complex process that involves multiples entities

The systematic registration of all properties is a complex task that cannot be carried out by ANCPI without the effective and responsible participation of the other "entities" involved in the process:

- **the mayor staff**, which ensure the local administration of the lands and whose participation is essential for the registration of the properties, by making available to the executors the information regarding the buildings and owners, participating in the identification of the properties through representatives, the correct and complete information of the citizens and ensuring the participation them at work;

- **the private contractors**, licensed surveyors, have the prime responsibility for undertaking the systematic registration works;
- **the cadaster and land registration local offices**, whose attributions are the coordination at the local level of the systematic registration works, the verification and reception of the works and the resolution of the rectification requests submitted by the applicants during the public display of the cadaster results;
- **authorities and public institutions** that owns properties in the UATs that are the subject of systematic registration, their non-participation in the process for identifying the real estate and establishing their limits, often leads to the procrastination of the process and the incomplete registration of information regarding the real estate;
- **citizens**, who, through non-participation or lack of collaboration, contribute to the procrastination of the process and the incomplete or incorrect registration of property-related information.

4. The actions taken to overcome the delays and increase the contractors participation in the tender the systematic registration

4.1 Changing the contracting strategy, in order to stimulate the participation in the procurement procedures of small and medium-sized cadastral companies, in the sense that in the procurement procedures that followed, small lots of one UAT each were established;

4.2 Changes made to the Technical Specifications for carrying out systematic registration works, which had as their object:

- simplifying the content of Delivery 1 Preliminary report (which represents the payment of 10% of the contract value);
- introduction of a new deliverable Preliminary cadastral plan of the inner city with payment 15% of the contract value; The purpose of the measure was to ensure the cash-flow invoked by the providers as necessary to ensure the continuity of the companies' activity, given the long period between Delivery no. 1 and Delivery no. 2 (over 6 months).
- introduction of partial deliveries to Delivery no. 2/UAT – Technical documents of the cadaster for publication. Thus, the possibility was provided for the providers to choose the method of delivery of Delivery no. 2, depending on the size of the UAT by several partial deliveries;
- shortening the terms of delivery verification and receipt;
- simplifying the requirements for bidders to participate in public procurement procedures;

4.3 Increasing in unit price/ha for calculating the estimated value of purchases

ANCPI organized during the time two public consultation for unit price/ha:

4.3.1 First public consultation in 19.06.2020 – using 6 classes of complexity of the UATs

The classes are function of the historical areas of each UAT taking into account the formal type of properties (new titles of properties issued based on Law

18/1991- called cooperatives area, non – cooperatives areas or mixed, with old or new land book system)

The resulted medium price per hectare was for 246 UAT s Tender 186 lei/ha (without VAT) and for 261 UATs Tender 192 lei/ha.

Due to this first public consultation the percentage of UAT with signed contracts increase from 17% for the first 5 tenders to 43% and respectively 38 %.

4.3.2 Second public consultation in 16.03.2021 – for each of the 309 UATs that remained to be tendered.

The resulted price per hectare was bigger than the allocated budget (500 lei/ha without VAT).

Due to the fact that the budget allocated to the systematic registration activity could not ensure an increase in the unit price/ha, ANCPI took the decision to restructure the project's activities and abandon the complementary activities from the project, with the aim of transferring the budget of the eliminated activities to the budget of the Activity of systematic registration, in order to increase the unit price/ha. In this regard, in September 2021, was signed an additional act no. 3/2021 to the financing contract.

As a result of this action, in the procedure for systematic registration in 297 UATs that was started in July 2021, at an average price of 317 lei/ha without VAT, 728 offers were submitted for 291 UATs -hate

4.4 Improvement of the activities of the commission for solving requests for rectification by involving, together with the staff from the cadaster offices, the representatives of the private contractors and the local mayor staff

5. Conclusions

Based on the experience gain until the present date the conclusions are:

- Systematic registration of the properties is a complex process and the measurements are only the tip of the iceberg;
- Cooperation between the involved parties, citizens, private contractors, mayor staff and local cadaster office staff, is very important factor;
- The main challenges arise in identifying locations and establishing their link with the property deeds;
- A good communication with the citizens and their involvement in the process is essential;
- Systematic registration of the properties is a complex process that requires experience and management and involvement of all the parties

6. References

1. www.ancpi.ro
2. <https://insse.ro>
3. www.mdlpa.ro
4. <https://mfe.gov.ro>
5. *European Commission - Partnership Agreement with Romania 2014RO16M8PA001.1.2*