

# REAL ESTATE CADASTRE IN SPAIN

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## Abstract

The Cadastal System in Spain is divided in two organizations: the first one is Register of Property and the other one - Real Estate Cadastre. Both of them are joined with the purpose to get better legal information security and make easier the registration of the information for citizens. At the same time they follow the instructions of the European Infrastructure for Cadastral parcels (INSPIRE). Each parcel has an identification code and every alteration in that parcels should be registered by the different Cadastral declarations models.

Nowadays, the Cadastre System is working to eliminate some small problems with overlap, gaps and edge-matching due to separating of the information in cadastral maps (rural and urban, different municipalities and so on). Every day the cadastral system is updated at electronic estate headquarters and cadastral offices, gradually eliminating this problems.

Key words: cadastral map, cadastral system, Real Estate Cadastre, Register of Property.

## Introduction

The Cadastre has a clear historical mission, the identification and census of the Property wealth, as well as the valuation of properties of this nature. The realization of this mission contributes to the efficiency of the tax system, to achieving a good model of legal security in relation to property and productivity of the different agents, public or private, which manage the territory or which need territorial information as part of their processes.

The Real Estate Cadastre is an administrative registry under the Ministry of Finance and Public Function which describes the rustic, urban and special features estates. It is regulated by the Real Estate Cadastre Law including the cadastral description of the real estate its physical, legal and economic characteristics, among which are its location, cadastral reference, surface, use, cultivation, graphical representation, cadastral value and cadastral ownership.

The current study is based on INSPIRE (Infrastructure for Spatial Information in the European Community), established by European Parliament in 2007 for environmental policies, or policies and activities that have an impact on the environment.

In addition, the main value of the INSPIRE “Cadastral parcels model” is simple, but flexible structure that allows data providers to publish their existing data in the most convenient way. It is also expected that those INSPIRE themes related to cadastral parcels (buildings, soil, land use, utility and governmental services, area management/ restriction/ regulation zones and reporting units) can re-use and/ or further develop the concepts of the current cadastral parcel model.

There are in the world two kinds of cadastre:

- Germanic model, where the ownership is legally approved by the Registry, but simultaneously the cadastre gives faith that the characteristics of the registered properties coincide with the physical reality. It is used in Germany, Denmark, North countries and Australia.
- Latin model, which has exclusively fiscal purpose and without legal value because the registration is not constitutive of the registered right (except the Mortgage right). It is used in France, Italy and Spain.

## Discussions and results

In Spain the cadastral development was linked to the changes introduced by Felipe V in the administration of the Crown of Aragón at the beginning of the XVIII century, by which the native estates of each Kingdom was removed (except the Kingdom of Castilla). The new contributions was based on a single tax, of a direct nature and distributed among the taxpayers according to their richness (as tax capacity), considering the need to obtain systematic information about the richness that each people and each neighbor had. And for it there was no other procedure than to establish a cadastre.

The most important realization of this Borbón house (a royal house of French origin, current house in Spain and in the Grand Duchy of Luxembourg) fiscal reform was the so-called Patiño Cadastre. The Superintendent of Catalonia, Juan Patiño, issued the General Norms for the application of the Cadastre in Catalonia on October 15, 1716, becoming the Catalan Cadastre of the obligatory reference of the Spanish Cadastre and very special in the attempt of global reform. Of the system of the Crown of Castile was established by Marqués de la Ensenada (1749-1756). The new tax imposed in Catalonia, would be called

cadastre in direct relation with the document that served as its base. Thus was generated the real cadastre, as in direct relation with him the personal cadastre and the earning cadastre.

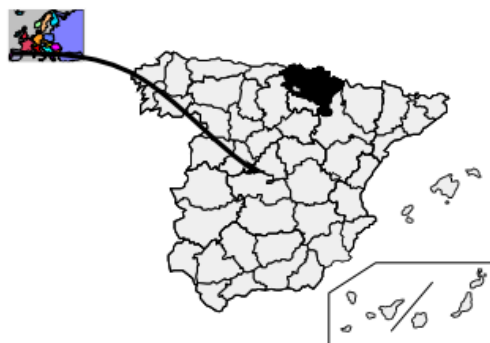
The system was based on four books of the cadastre for each town – for collection of the personal (with a census of properties and inhabitants), for collection of the earnings (with industrial and mercantile richness) and for collection of the real (one collected land and houses and the other the censuses).

In the Crown of Castile, under Ferdinand VI, his minister the Marquis of Ensenada, who had worked in Catalonia under Patiño, implemented a Cadastre similar to that of Catalonia, 1751. The form of realization of this Cadastre of Ensenada was quite curious and it promoted the fraud. This cadaster was a project of a single Contribution.

In 1850, a statistic system was introduced, it was called ‘Amillaramiento’ or General Pattern of the richness of each village, which contained individual information about the owner of the property and general information as, for example, the total extension of the land and their quality, total of urban, rural and cattle estates. In 1860, creation of the General Board of Statistics, in 1870 with the cadastral works supported by three institutions, the General Directorate of Statistics, the Geographic Institute and the Statistical Advisory Board and finalizing in joint works of the Geographical Institute and the Ministry of Finance.

Since 1980, the general renewal of the Cadastre of Spain has given its best results in the integration into the tax mass of about 6 million parcels that enjoyed impunity for the lack of fiscal knowledge of its existence. Today, the Spanish cadastre is a modern and extremely efficient cadastre, which has basically achieved its objectives, not so much for its own efforts but for the intelligent management and coordination with the records of the property, which makes every parcel declared. In addition, the need to have the crops of a certain type declared in the cadastre has also contributed in the rural environment, because it is this organization that is taken as a certification for the application of subsidies of the European Union.

Nowdays, the Spanish General Management for Cadastre is responsible for the cadastral administration of 95% of the Spanish territory, and the remaining 5% (on black color on Fig.1) is administered by the regional governments of Navarre and the Basque Country.



**Fig 1.** Cadastre map of Spain

Cadastre information system. On website of Electronic Headquarters ([www.sedecatastro.gob.es](http://www.sedecatastro.gob.es)) are available:

- free access services to citizens, companies and professionals:
  - consultation of cartography, cadastral data and cadastral reference
  - certificate validation
  - map web service
- access with certificate:
  - consultation and cadastral certification
  - initiation of procedures; declarations, applications and resources
  - notifications in cadastral procedures
  - check the status of files
  - list of accesses to real estate information of a holder
  - modify the status of cadastral certifications
  - mass data query
  - download of cartography and cadastral alphanumeric information of municipal scope
- specific services to registered institutions and collaborators:
  - access to the cadastral information in the scope of it competences, through direct access to applications and Web services

- exchange of information with Notaries, Registrars and entities that collaborate in the maintenance of cadastral information, through file exchange.

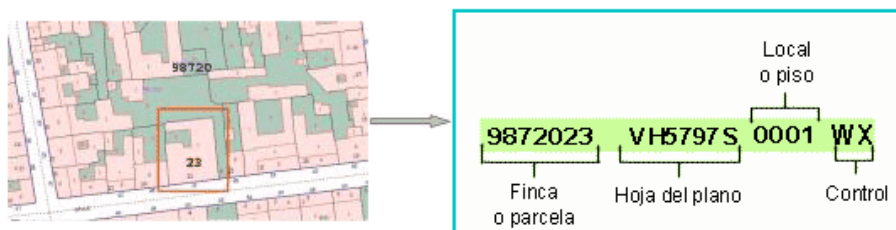
**Declaration models.** The cadastral declaration is a procedure of cadastral incorporation initiated at the request of a person who asks for the procedure. It can be done through the Electronic Headquarters of the Cadastre, or by completing the corresponding declaration form. Order EHA/3482/2006 approves the models for the declaration of cadastral alterations of real estate and determining the graphic and alphanumeric information necessary for the processing of certain cadastral communications (BOE; 15/11/2006). The following declaration models are approved of cadastral alterations of property urban, rustic and special features, which are listed as an annex to this order:

- model 901 N: cadastral declaration by alteration of the ownership and by variation of the participation fee in real estate
- model 902 N: cadastral declaration by new construction, extension, renovation, or rehabilitation
- model 903 N: cadastral declaration by aggregation, grouping, segregation or division
- model 904 N: cadastral information by change of cultivation or use class, change of use and demolition or pulling down.

**What are the cadastral references?** The cadastral reference is the official and obligatory identifier of the property. It consists of an alphanumeric code that is assigned by the Cadastre so that all buildings must have a single cadastral reference that allows place it unequivocally in the cadastral mapping.

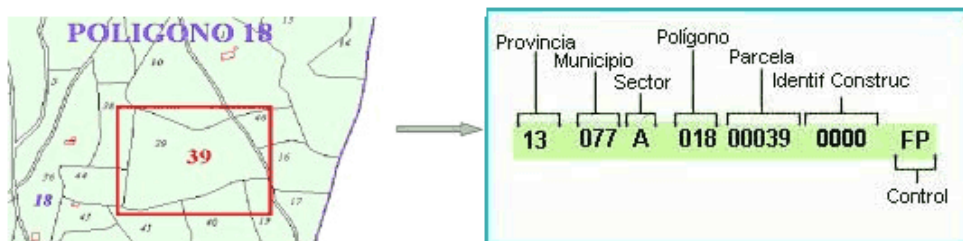
It is composed of twenty characters. We can find these examples of cadastral reference structure:

- **Example 1: 9872023 VH5797S 0001 WX (the Block).** In the case of urban land, the parcels are grouped in blocks. The parcels contain buildings and urban units (flats, individual parking, other units inside the real estate...). Each unit inside the parcel has his own cadastral reference, but all the urban units of a parcel have the same first part of the cadastral reference and all the parcels of a block have in common the first 7 digits of the reference (Fig.2).



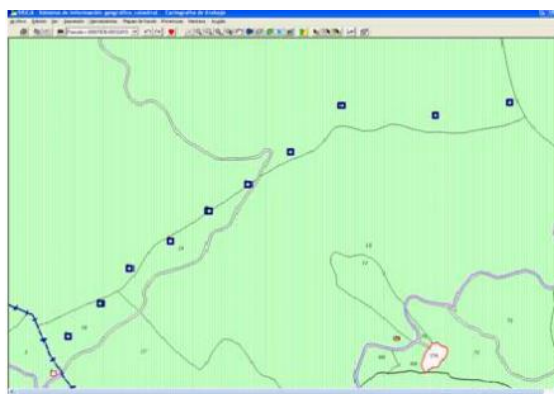
**Fig 2.** Example of urban cadastral map

- **Example 2: 13 077 A 018 00039 0000 FP (the polygon).** In the case of rural real estate, the municipality is divided in polygons (zones) depending on the homogeneity of the cultures, existence of geographical accidents, etc, inside each polygon there are several parcels. The unit of property is the parcel. Each parcel has its cadastral reference. The rural parcel contains one or more sub-parcels depending on use or crops and intensity and quality of these crops. A rustic parcel can contain constructions too (Fig.3).



**Fig 3.** Example of the rustic cadastral reference

- **Example 3. “special real estates”.** In the third category, “the special real estates”, (motorways, airports, nuclear plants, etc.), there are only one cadastral reference for each “special real estate” and it can be composed by several parcels even in different municipalities.



**Fig 4.** Example of wind generators plant.

The cadastral reference allows know the localization of the properties in the cadastral cartography. Thanks to the cadastral reference, we know exactly what real property is involved in legal business (buying-sales, inheritance, donations, etc.), not confusing one property with others. Likewise, the assignment of the cadastral reference in the Property Registry facilitates the physical identification of the property in front of third parties, thus improving the agility and security of real estate transactions. The Real Estate Law establishes that the cadastral reference must be included in all documents that reflect relationships of an economic or tax-related nature related to the property. It must be stated in the following documents relating to immovable property:

- public instruments, injunctions and judicial decisions.
- administrative Records and Resolutions.
- documents containing facts, acts or business of real transference related to the domain and other real rights.
- contracts for the rent of immovable property or assignment for any title of the use of the property.
- contracts for the supply of electricity.
- document showing any alteration of the real estate (tax declarations, technical projects, certifications of completion of works, etc.).
- private documents relating to immovable property.
- the cadastral reference must also be recorded in the Property Registry.

The consignment is not mandatory in the following cases:

- documents containing cancellations of real guarantee rights, such as mortgages.
- administrative acts that adopt or cancel measures to ensure the collection of public-law debts, such as taxes.
- proceedings of deferral or fractionation of tax payments.
- procedures for verification, investigation and tax settlement.
- annotations to be made in the Registry of property in compliance with and enforcement of a judicial or administrative decision issued in the process of enforcement.

The cadastral reference of the real estate must be submitted to the judicial or administrative authority within a period of 10 days from the date on which the corresponding request is made; in front of the notary, prior to the authorization of the document and in front of the registrar of the property, during the term of office of the former. In all other cases, the cadastral reference must be provided at the time of issuance of the document or the signing of the contract. The failure to comply with the obligation to provide the cadastral reference is classified as a simple tax offense and may be sanctioned, after processing the corresponding sanctioning file, with a fine that can vary between 60 and 6,000 €.

Coordination of Cadastre Register. The Mortgage Law and the Real Estate Cadastre Law, after its amendment by Law 13/2015, of June 24, establishes a coordination system between the Real Estate Cadastre and the Property Registry, so that it incorporates the Geo-referenced graphical description of the register parcels, based on cadastral mapping. This is trying to give greater security to the location, delimitation and area data of the registration estates that are the subject of legal traffic.

The technical requirements for the exchange of information and better coordination between the Cadastre and the Property Registries have been developed through a joint Resolution of the General Directorates of the Cadastre and of the Registries and Notaries, which entered into force on November 1, 2015. From this date, coinciding with the entry into force of the legal reform, the description of the parcels in the Property Registry may be accompanied by the geo-referenced graphical representation of the parcel, according to the

information provided by the Cadastre, based on the European format INSPIRE of cadastral parcel. In this way, it will be possible to identify on the surface the situation, form and surface of the register property, surpassing the previous situation in which most of the register parcels were described only literally.

When it is not agreed with the cadastral graphic representation, an alternative graphic representation can be provided, which, once registered in the Property Registry, may lead to an appropriate correction in the Real Estate Cadastre.

This coordination is a tool to increase legal security in real estate traffic since, once the cadastral information is incorporated, certain delimitation data, location and area of the graphical representation of the registered parcel will be presumed to be true for all legal purposes. In the publicity granted by the Property Registry will indicate if the property is coordinated with the Cadastre and on what date. It also supposes a reduction of administrative burdens: the citizen will not have to declare to the Cadastre all the information that is communicated to him by the Land Registry.

The Cadastral parcel is defined as the portion of land delimited by a closed line, owned by a single individual or by several. The Spanish Cadastre distinguishes between two basic types of properties, based on the type of land on which they are located and the applicable assessment model: these are urban real estate and rural real estate. A third residual category exists for special real estates, whose characteristics require different treatment, especially with regard to assessment (motorways, airports, nuclear plant, etc.). The Spanish cadaster has information for 12 million urban parcels and 42 million rural parcels.

A real estate never changes its reference. The cadastral information is daily updated, when there are changes in the real estate configuration.

### **Conclusions and proposals**

1. Spanish Cadastre has a continuous map for all towns, between neighbouring municipalities, and between rural and urban land; but because all this information was separately took, there are still some problems with gaps and overlaps, but we are working to eliminate them. We are studying and proceeding to eliminate one by one.
2. There are still some problems of edge-matching between neighbouring municipalities, and between rural and urban land. We are studying and proceeding to eliminate one by one. Edge-matching with neighbor countries not yet considered.

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