

ESTONIAN UNIVERSITY OF LIFE SCIENCES  
Department of Geomatics

LATVIA UNIVERSITY OF AGRICULTURE  
Department of Land Management and Geodesy

ALEKSANDRAS STULGINSKIS UNIVERSITY, Lithuania  
Land Management Department

Velta Parsova, Virginija Gurskiene, Madis Kaing



**REAL PROPERTY CADASTRE  
IN BALTIC COUNTRIES**

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Jelgava – 2012

**ISBN 978-9984-48-064-0**

## **Real Property Cadastre in Baltic Countries**

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The textbook has been:

- prepared considering requirements of statute No. 07/4 “Regulation on development of textbooks and course materials of Latvia University of Agriculture”, adopted on April 25, 2007 by Study Board of the Latvia University of Agriculture
- recommended for publishing by Department of Land Management and Geodesy of Latvia University of Agriculture (protocol No.5 of Department meeting, September 5, 2012) and by Land Management Department of Aleksandras Stulginskis University, Lithuania (protocol No.2 of Department meeting, September 18, 2012).

The textbook can be used by Master study programme students of universities of Baltic countries and other countries, as well as for distance learning and e-learning.

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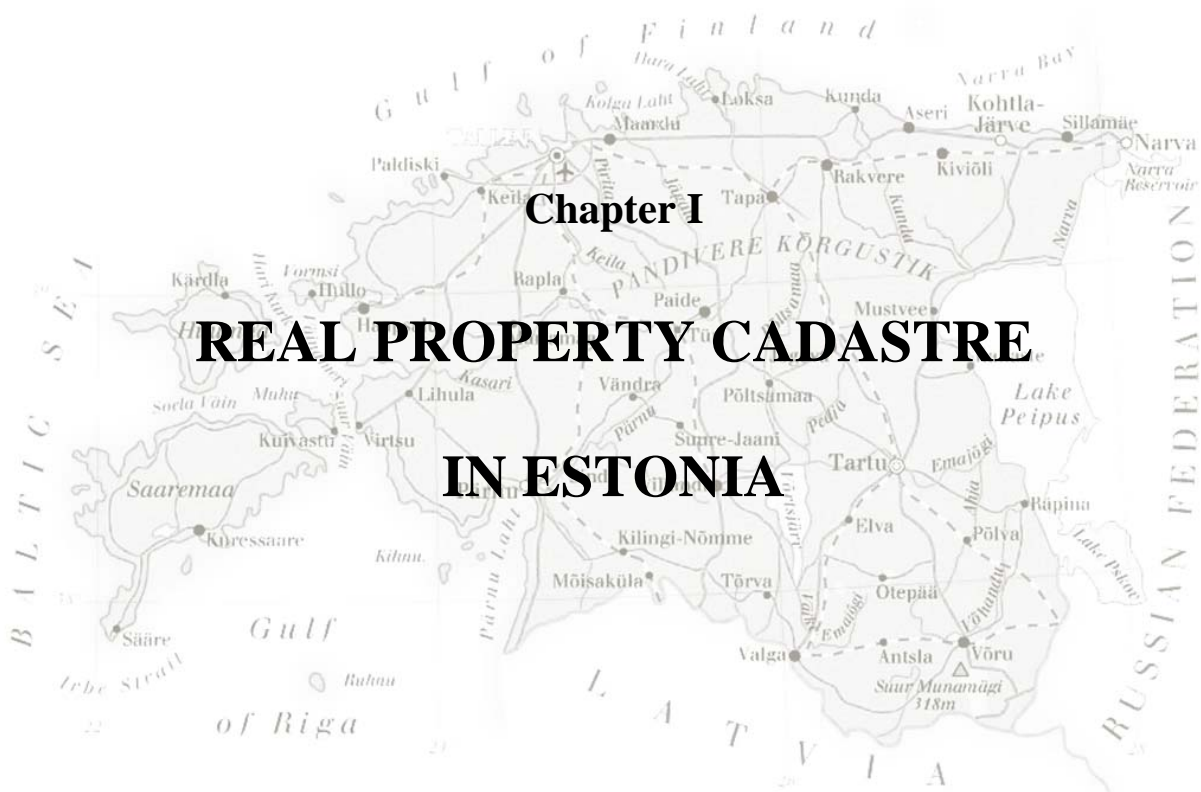
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## **Information about Estonia**

**Area:** 4,522,700 ha

**Population:** 1,340,194 (2011)

**Density:** 30 p/km<sup>2</sup>

**Capital:** Tallinn

**Official language:** Estonian

**Currency:** Euro

**Type of Government:** Parliamentary democracy

**Land borders:** 343.0 km with Latvia and 338.6 km with the Russian Federation

**Distance** from Tallinn to Helsinki 85 km; to Riga 307 km; to St. Petersburg 395 km; to Stockholm 405 km.

The Republic of Estonia is divided into 15 counties, 33 towns and 193 rural municipalities. Each municipality is a unit of self-government with its representative and executive bodies. The municipalities in Estonia cover the entire territory of the country.

## **Definitions**

**Land cadastre (cadastre)** – a database consisting of the land register with cadastral maps and a cadastral archive.

**Land register** – a collection of data pertaining to cadastral units, which are registered and maintained.

**Cadastral maps** – maps in the cadastre for the graphic presentation of information entered in the register (boundaries, location of objects which give rise to restrictions, data on quality of land, etc.) Cadastral maps, restrictions maps, land quality and valuation maps.

**Cadastral area** – an administrative unit or a part thereof, which is determined taking into consideration the boundaries of local governments.

**Settlement** – a part of a cadastral area used in the maintenance of the cadastre, which is determined taking into consideration existing settlement patterns.

**Cadastral code** – a numeric code, which is used to identify cadastral units and to relate data to other registers.

**Cadastral unit** – a plot of land registered in the cadastre as an independent unit.

**Plot of land (land unit)** – a delimited part of land or water.

**Intended use of cadastral unit** – the use or uses of a cadastral unit permitted by legislation and determined pursuant to the procedure provided therein.

**Boundary point** – a point on the external border of a land unit which has coordinates determined pursuant to the procedure established by legislation and the location of which can be determined in the field if necessary.

**Boundary marker** – a marker of a boundary point in the field, the location of which can be restored.

**Land use type** – a part of a cadastral unit, which has the same intended economic use and/or natural status and which is not delimited by boundary markers.

# 1. Land Registration System

## 1.1. Land Registration History in Estonia

Cadastral surveys and valuation of manor lands have been carried out in the territory of Estonia since the Danish and Swedish times. Documentation on land registration from 1719 to 1944 has been maintained in the Estonian Historical Archives. The total number of items (depository units) is ca 155,000, maintained in eight funds of Tartu, Tallinn, Narva, Võru, Viljandi, Rakvere and Pärnu Land Registry Departments of County Courts. Review of archival funds “Land Registry Documentation in the State Central Historical Archives of the Estonian SSR” was compiled in 1975, but the use (accessibility) of the document was restricted at that period.

The survey on the document mentioned above:

**Land registration/title registration** (ingrossation) – entry of real estate legal transaction (landed property, buildings) into the land registry.

**Judicial land registration/title registration** (corroboration) – entry of ownership rights into the land registry and also delivery of deed, a certain certificate of ownership about the execution of ingrossation. Registration of real rights may solely be executed by a designated judicial body for real property situated within the territorial jurisdiction of the court.

**The principle of the Land Registry** is its accessibility and reliability.

The principle of reliability lies in documentation of property ownership and mortgage system. The Land Registry is obliged to give an exact and truthful overview of the economic and legal status of the property to anyone making a request. Entries to Land Registry are therefore not merely informative, but also foresee a judicial obligation to everybody.

Public Land Registries were introduced in 1747. The main types of registries were:

- registries of oral requests comprising oral registration requests in a chronological sequence;
- Land Registry Journals comprising all registration applications and court orders on the approval or non-approval of submitted requests;
- Land Registry Records (Land Registry in a narrower sense) for submitted applications/documents bound within these together with court orders about approved and sealed documents;

- registries of Landed Property – a separate part was maintained for each property with entries on each subsequent ingrossation.

The Baltic Private Law Act, enacted in 1864, was of utmost importance, regulating judicial affirmation of immovable property acquisition and its pledge. The act regulated purchase and pledge of real estate, and a judicial registration of corresponding transactions. Pursuant to the Court Reform of 1889, the territory of Estonia was divided into 34 districts of courts of the first instance, and 5 judicial circuits: Tartu-Võru, Pärnu-Viljandi, Tallinn-Haapsalu, Rakvere-Paide and Saaremaa.

The official language then was the Russian language. A land registry division was affiliated to each district court.

During the years of the Republic of Estonia, the practice of land registration was based on the documentation and procedures determined before 1918. In 1919, the names of land registry divisions were changed, as the official language in the Republic of Estonia was the Estonian language. In 1938, land registry divisions were changed into land registry offices.

During the Soviet occupation in Estonia in 1940-1941, the need for land registry offices disappeared due to the fact that all land was nationalized in state ownership and could not be the object of purchase and sale or other conveyance, or pledge. During the German occupation in 1941-1944, the land ownership and land registry offices were restored. When the Soviet occupation was restored in 1944, land registry offices were abolished completely.

In the 1950s, the registers, files, documents and records of the former land registry offices were gathered into the Estonian Historical Archives in Tartu (address: J. Liivi 4, Tartu). Since the land registration system in the Republic of Estonia was single-purpose, namely, the objective of land registry offices was a judicial registration of land ownership and mortgages, data on other spheres of life are not to be found in their documentation. During the Soviet period, offices of technical inventory were formed, which later on during the restoration of independence in Estonia were renamed to building registers.

Land registry offices were reopened in the Republic of Estonia on December 1, 1993. At present they are included in county courts as land registry departments. Land registry jurisdiction is the jurisdiction of the court. Land registry jurisdiction may be divided into land registry divisions where separate land registers are maintained.

## 1.2. Land Registration System in Estonia

The Republic of Estonia was restored in 1991 on the basis of legal continuity, which formed the basis of our citizenship policy and underpinned the restoration of ownership relations. Land ownership relations were changed in the course of transition to market economy: the private ownership was restored. The state land ownership was converted into private land ownership. A new real estate registration system was created with three separate registers (Table 1).

Table 1

Registers in Estonia

Register	Land Cadastre	Land Register	National Register of Construction Works
Ministry	Ministry of Environment	Ministry of Justice	Ministry of Economic Affairs and Communications

**Land Cadastre.** The Land Cadastre, held in the Estonian SSR during the Soviet period, concentrated on the detailed documentation of land use types by different users of land, and therefore it was not applicable for the needs of new land registration system. Today, the Land Cadastre is maintained on the basis of the forms of ownership – the state land ownership, the municipal land ownership and the private land ownership.

The emphasis in cadastral registration is laid on intended use of land units (use of cadastral units permitted by legislation), land use types are specified only to the extent they may affect the assessment value of land of a cadastral unit. First and foremost Land Cadastre is a fiscal register maintained for assessment of land for taxation purposes. The land units registered in the Land Cadastre are cadastral units.

In the period of the Estonian SSR, the Land Cadastre belonged to the governing area of the Ministry of Agriculture of the Estonian SSR; now the chief processor of the Land Cadastre is the Ministry of Environment. The authorised processor of the cadastre (the cadastral registrar) is the Land Board. The Land Cadastre is a general national register. The maintenance of the cadastre is financed from the state budget.

**Access to Cadastral Data.** Cadastral data shall be accessed by way of reviewing cadastral data and taking their extracts. Cadastral data may be accessed at the cadastral registrar and through data communications networks, electronic address: [www.maaamet.ee](http://www.maaamet.ee).

**Land Register.** During the period of the Estonian SSR, the concept of real estate was not in use since all land was nationalised and in state ownership. All land transactions (sale and purchase, gift, pledge) were forbidden. The rights of use of the state-owned land were recognized. There was no need for any kind of land register; The Land Register documentation from the period of the Republic of Estonia had been handed over to historical archives.

The system of land registers had to be restored; land registration and land registry offices/departments were created within the responsibility area of the Ministry of Justice of the Republic of Estonia. The newly created land registers were largely based on the example of the German registration practice within the German legal system. At present land registry departments of county courts maintain land registers. A land registry department shall maintain the land register concerning registered immovables located in the land registry jurisdiction of the respective land registry department. Land units, which had been registered in the land cadastre, were subsequently registered in the land register as registered immovables.

**Access to Land Register.** Everyone may access the register part and obtain necessary printouts. Knowledge of the number of the register part or the address of the registered immovable or the name of the owner is sufficient to be granted access. Access to the Land Register via the webpage is granted on the electronic address [www.eesti.ee](http://www.eesti.ee). X-Road (X-tee) – Main Page – Services – For a citizen – Housing - Registered immovables of citizens – Enter the system. The access to Land Register is free of charge for a citizen viewing the register part of immovable properties in the citizen’s ownership. In other cases the access is restricted or a fee is charged.

**National Register of Construction Works.** During the period of the Soviet regime, private ownership could be acquired for buildings (a detached house, a summer cottage, a garden cottage, a garage) with the right of use of the land under those buildings in addition to the land necessary for maintaining the buildings. These rights were registered in the Technical Inventory Offices. These buildings were also in civil circulation (sale and purchase, gift, bequest) with the right of use of the land.

After the restoration of the Republic of Estonia, technical inventory offices were renamed to building registers. An office of building register worked in each county. The renewal of the system of registration of buildings in Estonia took place in 2003. The Estonian national construction works register, the National Register of Construction Works, was established under the Ministry of Economic Affairs and Communications of the Republic of Estonia. The local offices were closed down; the register is an electronic register.

**Access to the National Register of Construction Works.** Everyone can have an access to the register, free round the clock web access is guaranteed. Certified extracts of register data are issued by local governments. The electronic address of the register: [www.ehr.ee](http://www.ehr.ee).

## **2. Land Reforms**

### **2.1. Land Reform in Estonia in 1919**

The Republic of Estonia was founded on February 24, 1918, when the Salvation Committee publicly proclaimed Estonia an independent and democratic republic. On October 10, 1919 The Estonian Constituent Assembly enacted the Land Act, which confiscated and redistributed the Baltic-German hereditary manor estates; the land was declared property of the Republic of Estonia.

The Estonian land reform was the first of its kind in Europe and most radical, involving 2,000,000 hectares of land. In 1920, the territory of Estonia was 4.19 million hectares; the State land reserve was 2.31 million hectares, i.e. 55% of the total area.

The Land Act, enacted on October 10, 1919, became the basis for the land reform and for the formation of the state land reserve. The land of the former manor estates was expropriated together with fixtures, agricultural machinery and equipment. The expropriated estate land was intended as the land reserve to be distributed among peasants (mostly Estonian citizens who had participated in the War of Independence) for perpetual use (hereditary), for educational, municipal, co-operational, commercial, industrial purposes for long-term use (long leasehold), for co-operative use of labour corps and for short-term lease to natural persons.

Farm sizes were planned to range from 10 to 50 hectares. The actual area of a farm was determined according to the quality of arable land, the share of cultivated, semi-natural or natural pastures within a parcel, prevailing farming methods in the area and proximity to railway or towns. Before the start of the land reform of the Republic of Estonia, during the second part of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century, 51,640 Estonian farmers had purchased their family farms into perpetuity from German landlords. Besides the formation of new family farms during the land reform, a number of settlement farms were formed in the 1930s. According to the agricultural census of 1939, there were 139,984 farms in Estonia with average size of 22.7 hectares.

**The Formation of State Estates (State Farms).** The total number of state farms in 1938 was 57, of which 20 were under the jurisdiction of the Ministry of Agriculture, 20 state

farms were under the jurisdiction of the Ministry of Education, and 2 were under the jurisdiction of the Ministry of Defence. The size of the state farms ranged from 100 hectares to 1,000 hectares. The average productivity of state farms was by 15-20 per cent higher than that of family farms. Many of the state farms were demonstration farms and/or practice and training bases for general agricultural colleges.

The Ministry of Agriculture was a designated executor of the implementation of the land reform in Estonia. The State Land Reserve and Land Readjustment Agency was formed under the Ministry of Agriculture to implement the reform.

Although 95% of the manor estate lands belonging to Baltic-German nobility had been expropriated during the years of the land reform, not all applications for land could be approved.

## **2.2. The Soviet Land Reform of 1940**

**The Soviet Occupation of the Republic of Estonia.** The Red Army of the Soviet Union occupied the Republic of Estonia on June 17, 1940. A new puppet government was appointed on June 21, 1940; the new State Council (later the Supreme Soviet of the ESSR) proclaimed the formation of the Estonian Soviet Socialist Republic on July 21, 1940, which was formally incorporated into the Soviet Union according to the decision of the Supreme Soviet of the SSSR on August 6, 1940. On July 23, 1940, the Supreme Soviet of the newly formed Estonian SSR **declared all land to be in public ownership**; the land was nationalised and proclaimed property of the state. At that point land ownership relations were abolished and land use relations were introduced; land as a commodity was removed from commerce.

The maximum size of farms given into the use of working peasants was not more than 30 hectares. All farmland exceeding the limit of 30 hectares were expropriated into state land reserve with the purpose of providing landless peasants with land. Part of the state land reserve was divided into new smallholdings of 12 hectares and distributed among peasants. The land was given into the perpetual use.

The land reform of 1920 and the land reform of 1940 had disparate aims. In 1920, the lands of the former manor estates were distributed among peasants with the aim of creating viable family farms. On the other hand, the land reform of 1940 attempted redistribution of existing farms and creation of smaller holdings. The newly created 12-hectare small farms would have been classified as pauper-farms in the pre-war Republic of Estonia.



**German Occupation of Estonia during World War II.** As a result of the war between Nazi Germany and the Soviet Union, commenced on June 22, 1941, the Soviet occupation in the territory of Estonia was replaced by the German occupation. All Soviet legal acts were repealed; private ownership of land was restored. Land cuttings were returned to the former, mostly family farm, owners.

**Continuation of the Soviet Land Reform in 1944.** The Soviet land reform, commenced in 1940, continued in 1944, after the new Soviet occupation of Estonia. The state land reserve was restored. Sovkhoz (state-owned agricultural farms) were formed on the basis of the former state estates, also auxiliary farms, machine-and-tractor stations and horse-lending stations. Creation of new small farms continued. Deeds for perpetual use of the land were issued. The land reform was accomplished by July 1, 1947.

**Collectivisation.** The formation of the first kolkhozes in the territory of Estonia started in the autumn of 1947. The policy of collectivisation created a thorough crisis in the minds and lives of Estonian people. While joining a kolkhoz, a farmer was forced to voluntarily change the ownership of his land, animals, agricultural machinery and other assets and hand them over to the kolkhoz to form fixed assets of the kolkhoz. The farmer was allowed to use 0.6 hectares of land as a kitchen garden plot, tools for its cultivation and the animals prescribed for in the statutes of the kolkhoz. The former independent owner and producer was forced into the status of a farm labourer. On January 1, 1949, there were 455 kolkhozes in the territory of Estonia, but by November 1, 1949, as a direct result of extensive deportations in March of 1949, the number of kolkhozes had drastically risen to 3,002. During the following years the newly created small kolkhozes were joined and incorporated into larger, more viable enterprises.

**Restoration of Family Farms.** Some years before the re-establishment of the Republic of Estonia, on December 6, 1989, the Supreme Soviet of the Estonian SSR passed the Farm Act. Accordingly, a farm was constituted of the land given to a farmer by the state or on the basis of a lease contract. It was not restitution or change of land ownership relations. Land remained in state ownership; it was given to farmers for perpetual use.

### **2.3. Land Reform in the Republic of Estonia in 1991**

The adoption of the legal acts pertaining to reorganisation of ownership relations was an integral part of the re-establishment of the Republic of Estonia. The Republic of Estonia Principles of Ownership Reform Act (ORAS) and the Land Reform Act (MaarS) determined the basis for restructuring relations regarding land (land reform). The Land

Reform Act was enacted by the Parliament (Riigikogu) of the Republic of Estonia on October 17, 1991 and entered into force on November 1, 1991.

**Objective of Land Reform.** Based on the continuity of rights of former owners and the interests of current land users that were protected by law, and to establish preconditions for more effective use of land, the objective of land reform was to transform relations based on state ownership of land into relations primarily based on private ownership of land.

**Content of Land Reform.** According to the land reform, the unlawfully expropriated land was returned to its former owners or their legal successors or they were compensated therefor, the land was transferred for or without any charge into the ownership of persons in private law, legal persons in public law or local governments; the land to be retained in state ownership was determined.

According to the land reform, the right of superficies was constituted for the benefit of owners of structures, or the right of commercial lease or usufruct was established on land in the cases provided by law.

**Return of and Compensation for Land.** The right to claim return of or compensation for land had: natural persons whose land was unlawfully expropriated if they were citizens of the Republic of Estonia on June 16, 1940 or if they resided permanently in the territory of the Republic of Estonia on June 20, 1991; other persons who had the right to claim return of or compensation for land were determined by “MaarS”, § 5.

**Return of Land.** Land was returned according to its former boundaries unless otherwise provided by planning and land readjustment requirements or by agreement between adjacent neighbours who were entitled subjects.

Based on planning and land readjustment requirements, the area of plot of land to be returned might differ from the area of land subject to return by up to +/- 8 per cent but not more than 5 hectares. Upon return of land, reallocation or planning might be carried out pursuant to law, and the land had to be returned on the basis of the reallocation plan or the adopted detailed plan.

**Compensation for land.** If land was not returned in part or in whole, the land was compensated for pursuant to the procedure provided for in the Land Valuation Act.

The price of land was determined on the basis of the land valuation documentation, 1993.

**Privatisation of Land.** The land which was not returned, or which was not retained in state ownership or which was not transferred into municipal ownership, is subject to privatisation. A natural person who applies for the privatisation of the land with the right of pre-emption has the right of pre-emption to the land.

**Methods of Privatisation of Land.** Methods of privatisation of land are: privatisation of land by a right of pre-emption, a usufruct established on vacant agricultural land and privatisation of vacant forestland.

Persons who have been granted land for perpetual use pursuant to the Estonian SSR Farm Act or who have the right to purchase land as the owner of a structure or a plantation may privatise land by a right of pre-emption; residential building, apartment, garage, cottage or gardening associations may privatise land which is in the common use of members of the association by a right of pre-emption. The selling price of land to be privatised by a right of pre-emption is the assessed value of the land. The total selling price may be paid in privatisation vouchers.

A usufruct is established on vacant agricultural land for the benefit of an Estonian citizen or an Estonian legal person in private law. A usufruct may be established for the benefit of one person on up to 250 hectares of vacant agricultural land which, taking into account the land readjustment requirements, may include up to 15 hectares of forest land. Land on which a usufruct is established shall not be subject to a commercial lease or granted for use to another person.

Estonian citizens are the entitled subjects of privatisation of vacant forest land. One person may privatise up to 20 hectares of vacant forest land. The area of land to be privatised may be up to 10 hectares larger, depending on the land readjustment requirements. A person who has privatised forest land shall not transfer such forest land before full payment of the redemption price and in any case not before five years have passed since the contract of purchase and sale was entered into.

For seven years after Estonia's accession to the European Union, a land unit with an area of more than 2 ha containing a land use type of agricultural land or a land use type of forest land may be privatised or a usufruct may be established on such land unit with a preferred right to privatisation to only Estonian citizens or citizens of the Contracting States who have permanently resided in Estonia for at least the last three years.

**Municipal Land.** Transfer of land into municipal ownership shall be decided by the county governor on the application of the local government council, or by the Government of the Republic. Transfer of land is specified in clause 28 of the Land Reform Act.

Land to be transferred into municipal ownership is mostly land under buildings and constructions retained in municipal ownership and the land for servicing them, and/or public land. Land is transferred into municipal ownership without any charge.

**State Land.** Land is retained in state ownership by a resolution of the Government of the Republic or of a government agency authorised by the Government of the Republic. The

area and boundaries of land retained in state ownership is determined in compliance with planning and land readjustment requirements without the preparing of a detailed plan. Land to be retained in state ownership is specified in section 31 of the Land Reform Act.

**Granting Land for Use by Contract.** Use of land retained in state ownership is granted on the bases of and pursuant to the procedure provided for in the State Assets Act.

A usufruct may be established for the benefit of a person who was granted use of land pursuant to the Estonian SSR Farm Act and who uses the land during application for establishment of a usufruct and does not wish to acquire the land.

**Constitution of Right of Superficies for Benefit of Owner of Structure.** The right of superficies may be constituted pursuant to the procedure established by the Government of the Republic on state land for the benefit of the owner of a structure who does not wish or who does not have the right to acquire the land.

**Land Reform Statistics.** Statistics have been produced on land reform since 1993, when registration of land units into the Land Cadastre of the Estonian Land Board started; although the first cadastral units had been registered in December of 1992.

The total area of Estonia is 4,552.7 thousand hectares, 88% of the territory has been registered in the Land Cadastre of the Estonian Land Board as of December 31, 2011. The number and area of land units registered in the Land Cadastre of the Estonian Land Board are given in Table 2.

Table 2

Number and Area of Land Units Registered in Land Cadastre of Estonian Land Board as of December 31, 2011

Nr.	Legal basis for formation of a land unit	Number/ Area	%
1.	Cadastral units registered in the cadastre (number)	614,756	-
2.	Area registered in the cadastre (hectares), <b>including:</b>	3, 977,341,0	100.0
2.1.	Land retained in state ownership (hectares)	1,458,545,1	36.7
2.2.	Land in municipal ownership (hectares)	34,857,8	0.9
2.3.	Land privatised with pre-emption (hectares)	636,956,2	16.0
2.4.	Land privatised by auction (hectares)	89,962,4	2.3
2.5.	Land privatised as vacant arable land (hectares)	150,765,6	3.8
2.6.	Land privatised as vacant forest land (hectares)	104,494,5	2.6
2.7.	Restituted land (hectares)	1,501,759,4	37.7

Source: Estonian Land Board

## 3. Land Cadastre

### 3.1. Land Cadastre Act

**Land Cadastre (Cadastre).** The Land Cadastre (cadastre) is a database consisting of the land register with cadastral maps and the cadastral archive. The cadastre is a general national register. Maintenance of the cadastre is financed from the state budget. The cadastre is maintained as a uniform single-level computerised database and maps for the entire territory of Estonia.

The objective of the maintenance of the cadastre is to register information in the cadastre reflecting the value of land, the natural status of land and the use of land, and to ensure the quality of such information and that it is preserved and made available to the public. Cadastral data shall be the basis for the creation and development of information systems containing spatial data. The cadastre is maintained in Estonian. The chief processor of the cadastre is the Ministry of the Environment. The authorised processor of the cadastre, i.e. the cadastral registrar, is the Land Board.

**Cadastral Registrar.** The function of the cadastral registrar is to register cadastral units, register restrictions and rights of use of land, and collect and process data necessary for the valuation of land. The cadastral registrar shall ensure the access to and preservation of original documents and maps in the land register. The cadastral registrar and the land registry department of the court exchange data electronically through inter-base cross-usage of data from the cadastre and the land registry department databases. The exchange of data between the cadastral registrar and the land registry department of the court is free of charge.

The cadastral registrar and local governments exchange data electronically, free of charge. In order to organise inter-base cross-usage of data, the chief processor of the cadastre and the chief processor of the corresponding local government database shall enter into a contract.

**Plot of land (land unit)** is a delimited part of land or water and shall be registered in the cadastre according to the Land Cadastre Act regardless of the form of ownership.

**Cadastral unit** is a plot of land registered in the cadastre as an independent unit. The minimum size of a cadastral unit is 30 m<sup>2</sup>.

**Access to Cadastral Data.** Every person may access cadastral data and receive its extracts. Cadastral data may be accessed at the cadastral registrar and through data

communications networks. Cadastral data may be accessed if the cadastral register number, location (address) of a cadastral unit and the name of the cadastral unit (if the cadastral unit has a name) are known. The home page of the Estonian Land Board should be opened: [www.maaamet.ee](http://www.maaamet.ee). to access cadastral data. The desired cadastral unit may be accessed through Geoportaal and Cadastral Register Query, entering either the cadastral code or the address (short address).

**Cadastral Code.** Cadastral code (attribute) is a numeric code, which is used to identify cadastral units and to relate data to other registers. This is a 12 digit numeric code, which consists of 12 numbers and is divided into three parts. For example: 79514:023:0004, wherein the three first numbers indicate the local government (municipality) (795 – the city of Tartu). The next two numbers (14) indicate the part of the city, 023 indicate the quarter, and 0004 indicate the sequence of registration within the quarter.

**Land Register.** The land register is a collection of data pertaining to cadastral units, which are registered and maintained. The land register contains the following data pertaining to a cadastral unit: the cadastral code; the location; the name of the local government; the date, month and year of registration in the cadastre; the register part number of the immovable property; the date of registration in the land register; the name of the owner; the restrictions on use; the intended use; the total area; the area by land use type; the data pertaining to boundary points; the assessed value; the cadastral code or codes from which the cadastral unit is formed.

**The Database of Transactions.** The database of transactions shall contain the following information on transactions for transfer of immovables and of structures as movables or their parts: the identification number of the transaction; the type of transaction; the cadastral register number(s); the share in the ownership of the object of the transaction; the intended use of the object of the transaction; data on buildings or structures; information concerning the existence of encumbrances; the date of entry into the transaction; the price of the transaction; information concerning the parties to the transaction.

**Cadastral Maps.** Cadastral maps are maps in the cadastre for the graphic presentation of information entered in the register (boundaries, location of objects which give rise to restrictions, data on quality of land, etc.); cadastral plans, cadastral maps, restrictions maps and land quality and valuation maps.

**Cadastral Area.** Cadastral area means an administrative unit or its part, which is determined taking into consideration the boundaries of local governments. Settlement is a part of a cadastral area used in the maintenance of the cadastre, which is determined taking into consideration existing settlement patterns.

### 3.2. Land Use Types

**Land Use Type.** Land use type is a part of a cadastral unit, which has the same intended economic use and/or natural status and which is not delimited by boundary markers. Regulation No. 101 of the Government of the Republic of Estonia, of March 8, 1995, established a classification of land-use types and sub-types, as well as the procedures for compilation of land use maps and land quality and valuation maps. Land use types are classified as follows (Table 3).

Table 3

Land Use Types

<b>Agricultural land</b>	<b>Non-agricultural land</b>
1. Cultivated land	1. Forest and woodland
1. A. Arable land	2. Yard land
2. Natural grassland	3. Other land

**Cultivated land** – land used for growing crops, also former arable land (fallow land).

**Arable land** includes regularly cultivated mineral soil land under temporary crops, greenhouses, seed-beds, cold frames (high tunnels), tree nurseries, strawberry and raspberry permanent plantations, temporary meadows for mowing or for pasture, improved grasslands and pastures, land under orchards, market or kitchen gardens.

**Natural grassland** - meadows suitable for mowing and pasturing, tree canopy cover up to 30% (in regularly mown wooded meadows, up to 50% of tree canopy cover), or shrublands and scrubs, covered with shrubs up to 50%; also semi-improve grasslands, which have been managed to improve their productivity (fertilisation, reseeding); and former arable land (fallow land) with natural turf grass cover or with insufficient drainage, which cannot be reused as arable land without cultivation.

**Forest land** - land covered with forest or, formerly covered with forest, which is temporarily deforested due to natural causes or human actions, with timber production capability of at least 1 cubic metre per hectare per year and which is not used for other purposes (wooded meadows). Forest is a plot of land, with an area of at least 0.1 hectares and woody plants, renewed either by natural forest renewal or by planting, with the height of at least 1.3 metres and with the canopy density of at least 30 per cent, on mown wooded meadows of at least 50 per cent; and also clear cutting.

**Yard land** – land under structure or land necessary for servicing the structure. For assessment purposes, the cadastral plan legend contains the area of land under structure in square metres.

**Other land** – land not used as arable land, natural grassland, forest land or yard land. These may be natural green areas, shrubs, swamps, bogs, waste land, land under bodies of water, and land under roads.

### 3.3. Intended Use of Cadastral Unit

Regulation No 155 “Categories of Intended Use of Cadastral Units and the Procedure for Designation thereof” of the Government of the Republic of Estonia of October 23, 2008, determined the intended uses of cadastral units. Intended use of cadastral unit is the use or uses of a cadastral unit permitted by legislation and determined pursuant to the procedure provided therein; shown in Table 4.

Table 4

Categories of Intended Use of Cadastral Units

	<b>Intended Use</b>	<b>Code</b>	<b>Index</b>
1.	Residential land	001	E
2.	Commercial land	002	Ä
3.	Industrial land	003	T
4.	Water bodies	006	V
5.	Transport land	007	L
6.	Waste disposal land	008	J
7.	National defence land	009	R
8.	Protected land	010	H
9.	Profit yielding land	011	M
10.	Vacant land	012	S
11.	Mining land	014	Mt
12.	Peat extraction land	015	Tt
13.	Public land	X	X
13.1.	Public buildings land	016	Üh
13.2.	Public space	017	Üm

Explanation of Categories of Intended Use of Cadastral Units:



**Residential land (001; E)** – land designated for residential buildings prescribed for permanent or temporary residence and land under garages. The land under dwelling houses (also apartment houses), summer cottages, garden cottages, farm buildings, outbuildings and the land necessary for servicing these buildings.

**Commercial land (002; Ä)** – land designated for commercial purposes. Land under office buildings, retail stores, service buildings, business buildings and land necessary for servicing these buildings.

**Industrial land (003; T)** – land designated for industrial purposes. Land under industrial facilities, warehouses and manufacturing plants, and land necessary for servicing these buildings.

**Land under water bodies (006; V)** – land under natural and artificial water bodies (reservoirs, harbours) or part thereof.

**Transport land (007; L)** – land designated for traffic and transport, also land under road protection zone, land under road/traffic safety and road management constructions and land necessary for servicing these constructions.

**Waste disposal land (008; J)** – land of domestic/municipal and industrial waste disposal sites, land under landfills, waste management and waste water treatment facilities and land necessary for servicing thereof.

**National defence land (009; R)** – land designated for the purposes of national defence, border guard and rescue service.

**Protected land (010; H)** – areas under protection pursuant to the legislation, also land under and around protected objects and monuments, wherein economic activities are prohibited.

**Profit yielding land (011; M)** – land designated for agricultural production and forestry and land potentially usable for agriculture or forestry.

**Vacant land (012; S)** – land not designated for a specific purpose, an area of land temporarily in reserve; a registered plot of land without a planning permission, formulating an independent cadastral unit, wherein designation of intended use is not possible or reasonable.

**Mining land (014; Mt)** – land under mines and quarries (except peateries); areas designated for extraction and processing of mineral resources.

**Peat extraction land (015; Tt)** – industrial peat extraction, processing and manufacturing fields.

**Public land** – land not designated for profit yielding. Intended use sub-categories of public land are the public buildings land and the public spaces. Upon determining the intended use of public land, the sub-category of the land shall be determined.

**Public buildings land (016; Üh)** – land designated for institutional buildings, without pursuit of profits, and land necessary for servicing thereof.

**Public space (017; Üm)** – publicly used land, formulating an independent cadastral unit, mostly vacant, permitted only outbuildings on the plot.

The local government shall determine the intended use of cadastral units and also decides on the alteration of the intended use or uses of cadastral units on the basis of the application of owners of the registered immovable. The local government shall inform the cadastral registrar of a decision on the basis of which the intended use or uses of a cadastral unit is changed and it shall submit the data pertaining to the changed intended use or uses of the registered immovable or its part to the cadastral registrar. Several intended uses may be determined for a cadastral unit. A cadastral unit may have up to three intended uses, with minimal share of 5%.

### **3.4. Cadastral Survey**

Cadastral surveys have been carried out throughout the period of the Land Reform in Estonia. Currently the work is carried out pursuant to Regulation No. 264 “The Procedure for Execution and Monitoring of Cadastral Surveys” of the Government of the Republic of Estonia of October 23, 2003, which entered into force on November 3, 2003.

**Preliminary Work.** Preliminary work for a cadastral survey comprises the compilation of a layout plan. The layout plan is drawn on a cadastral base map (the map on which the cadastral maps are based) extract as follows: for high-density areas M 1: 2,000 and for low-density areas M 1: 10,000. The layout shall comprise: boundaries of the adjacent cadastral units, buildings, access roads, objects giving rise to restrictions.

**Terms of Reference.** The cadastral registrar or a person authorised by the cadastral registrar shall deliver terms of reference to the surveyor. The terms of reference shall comprise the name of a surveyor, the number of the corresponding licence; location of a land unit, scale of the plan, coordinate system, coordinates of starting points, data pertaining to objects giving rise to restrictions. The terms of reference are valid for six months as of its day of issue.

**Determination of Boundaries of Land Units and Marking their Location in the Field.** Determination of boundaries of land units on natural or artificial landscape objects: in the

sea – according to the shore line of the sea on the cadastral base map (the map on which the cadastral maps are based); on other water bodies – the part of a water body within the boundaries of several immovables which belongs to each shore-owner shall be between the perpendicular imaginary lines drawn from an imaginary line in the middle of the water body to the shore boundary markers of the corresponding owner, or between the imaginary lines drawn from the centre of the water body to the shore boundary markers of the corresponding owner, unless otherwise provided by law or the agreement; on a watercourse of width not less than 3 metres – on the centre line of the water body; on a road – up to the edge of the road area. Cutting of boundary lines in forest and other wooded areas – boundary lines of width not more than 2 metres. The owner of the registered immovable is responsible for cutting and management of boundary lines.

Boundary markers are used to mark the boundaries in the field. The land surveyor shall mark the boundaries of a land unit in the field on the basis of the layout plan or other document. The existent boundary markers should be located and their situation examined as preliminary part of fieldwork.

Boundary markers are:

- granite rocks – of weight not less than 80 kg;
- steel pipes, wooden stakes or concrete posts – equipped with an anchor or a catch;
- nails in asphalt or concrete and specific wall signs.

The owner of the registered immovable may erect a mound of stone around the boundary marker, with a diameter of 2 metres. The land surveyor shall erect boundary markers. A boundary marker may be put under the ground surface or remain not erected, whereas the location of the boundary marker shall be connected to not less than three natural or artificial permanent objects perceivable in the field in the way that the location of all boundary points can be restored.

**Cadastral Plan.** A certified land surveyor or a person with a corresponding licence constructs a cadastral plan. One copy of such a plan shall be included in the cadastral unit formation file.

The borders of a cadastral unit are drawn in the cadastral plan according to their coordinates, scale 1 : 500; 1 : 1,000; 1 : 2,000; 1 : 5,000; 1 : 10,000. The legend for the cadastral plan shall be constructed, comprising the following: for high-density areas – the area of the land unit and separately, the area under buildings; for low-density areas – the total area of the land unit and separately, the area under cultivation, the area under natural grasslands, forestland, yard land (separately, the area under buildings). For areas from M 1 : 500 to M 1 : 2,000 - precision of 1 m<sup>2</sup> and for others - precision 0.001 ha.

The total area of the land unit shall be determined analytically on the basis of the coordinates of the boundary points. The areas by land use type shall be determined analytically and the sum of these areas shall be connected to the total area of the land unit.

**Drafting of the Cadastral Plan.** The boundaries of a cadastral unit, situation, structures (buildings and constructions), address, scale, four crosses of the coordinate grade, explanation of symbols used, legend, a table of boundary data, coordinate system, the time of the survey, the name of the surveyor and the number of the corresponding licence, location of land use types, location of objects which give rise to restrictions and data on the area of each land use type shall be marked on a cadastral plan. A cadastral plan shall be drawn in format A3 (on A3 size sheet). A cadastral plan is the source document upon the making of an entry in the cadastre for the proof of the location of boundaries and objects which cause restrictions.

**Cadastral Map.** A common mathematical basis and cartographic projection shall be used for cadastral maps and the base map. The scale of cadastral maps shall be 1:10000, and the scale of cadastral maps in high density areas determined pursuant to the procedure provided by legislation shall be 1:500 or 1:2000.

The cadastral registrar shall make markings on cadastral maps. The state border, the administrative boundaries of counties, rural municipalities and cities, the boundaries of towns, small towns, villages, cadastral areas, settlements and cadastral units, and their cadastral codes shall be marked on the cadastral map.

Administrative boundaries are marked and amended on maps based on the boundaries confirmed by legislation. If the map on which cadastral maps are based is altered in the course of maintenance of the cadastre, and if the administrative boundary on the map to be adopted does not coincide with the situational elements on the map previously used, the cadastral registrar is permitted to specify the administrative boundary on the basis of cadastral data.

**Boundary Report.** A certified land surveyor shall prepare a boundary report which comprises the following: marking the boundary points in the field, showing the boundaries of the land unit in the field and informing an owner or other entitled/authorised person, of the obligation to maintain boundary markers.

**Ascertainment of Restrictions.** Ascertainment of restrictions on the use of a cadastral unit is the determination of location of objects, which cause restrictions in order to register such objects in the cadastre. In order to ascertain the restrictions, the owner of an object which causes restrictions shall order a cadastral survey which shall be performed pursuant to the procedure established by the government of the republic. The cadastral registrar

shall issue terms of reference that stipulate the location of a plot or object that is the cause of restrictions, type of an object etc. The cadastral registrar registers restrictions on the use of a cadastral unit.

## **4. Land Register**

### **4.1. Content of Land Register**

The Land Register Act provides for the procedure of maintenance of land register. The system of land register in Estonia was renewed starting from December 1, 1993. Land Registry Departments of County Courts maintain land registers. The land registry jurisdiction is the jurisdiction of the court. All immovables shall be entered in the Land Register unless otherwise provided by the law. An independent registry part is opened for each immovable entered into the Land Register and a separate number (registered immovable number) is assigned to it. Real estate rights related to immovables are entered in the Land Register.

**Registered Immovable.** A registered immovable is an immovable entered in the Land Register as an independent unit. The registered immovables may be registered under the following sub-types:

- an immovable (plot of land);
- the right of superficies;
- apartment ownership;
- the right of superficies in apartments.

**Content of Land Register.** The Land Register is a general notion. The Land Register is composed of:

- a register;
- a land registry journal;
- a land registry file.

#### **4.1.1. Land Register**

Entries are made in the Land Register. Registered immovables have a standard numeration. The register part has a title and four divisions.

**Title of Register Part.** The title of register shall contain:

- the land registry jurisdiction;

- the land registry division if it exists;
- the registered immovable number;
- the name of the registered immovable if it exists;
- supplementary pages.

**First Division of Register Part.** The following is entered in the first division “Composition of Registered immovable” of the register part:

- the cadastral code of the registered immovable;
- the specific purpose of the registered immovable;
- the location of the registered immovable;
- the restricted real rights established for the benefit of the registered immovable;
- the area of the registered immovable;
- the merger and division of registered immovables.

**Second Division of Register Part.** The following is entered in the second division “Owner” of the register part:

- an owner (the name and Estonian personal identification code of the natural person; in case of a legal person, the name and the registry code);
- if the registered immovable is in shared ownership, the names of the owners, their identification or registry codes, the size of the shares of co-owners and the legal basis for the entry.

**Third Division of Register Part.** The following is entered in the third division “Encumbrances and Restrictions” of the register part:

- restricted real rights encumbering the registered immovable;
- restrictions of the right of disposal of the owner of the registered immovable.

**Fourth Division of Register Part.** The following is entered in the fourth division “Mortgages” of the register part:

- the mortgagee;
- the monetary amount of the mortgage (the sum of the mortgage);
- notations concerning a mortgage.

#### **4.1.2. Land Registry Journal**

Registration applications which express the desire for an entry to be made are registered in land registry journal. The date of acceptance of the application, the number of the registered immovable concerned, the date the ruling was made, the duration of the ruling,

the dates of arrival of supporting documents, the dates of making, entry and notification of the court ruling on entry, the signatures of the persons performing the registration, the value of the transaction and the state fee are also entered in the land registry journal.

#### **4.1.3. Land Registry File**

For each registered immovable, a land registry file bearing the number of the registered immovable concerned is opened. Documents in a land registry file are numbered sequentially. The land registry file is composed of:

- a copy of the register part;
- all documents concerning the registered immovable.

**Register Entries.** Entries shall be made concerning real rights and notations. An application for the entry of a notation shall be notarised unless otherwise provided by law. An entry is made in a register on the basis of a ruling on entry.

Everyone may access the register part and obtain its printouts. Knowledge of the number of the register part or the address of the registered immovable or the name of the owner is sufficient to be granted access. No identification is required. The land registry file can be accessed and printouts obtained upon existence of a legitimate interest, and identity verification (ID-card) is required. The land register and land registry file may be accessed at the land registry department, notary office or via a corresponding web page. Land registry journal is intended for internal use and access to it is not allowed.

**Electronic Land Register.** The Land Register departments maintain electronic land registers concerning their own land registry jurisdiction. An electronic land register shall consist of the land register, a land registry file and a land registry journal. All information of the electronic land register is recorded and stored in one data processing centre. The data processing centre ensures the electronic recording, storage in the permanently unaltered state and reproduction of the information of the Land Register. In the processing of land register, the possibilities for smooth reproduction of land register information on screen and on printout shall be ensured, measures against loss of information shall be taken, and all inquiries to the Land Register shall be recorded.

The Land Register and the Land Cadastre exchange data specified by legal acts and pursuant to the procedure established by law and the Government of the Republic of Estonia. The Land Register and The Land Cadastre are electronically connected; information is exchanged through electronic inter-base cross-usage of data by automatic retrieval of data from the Land Cadastre to the Land Register and vice versa.

Everyone may access the electronic land register and obtain its printouts. Access to the following digitally stored data on a registered immovable is free of charge: the cadastral code of an immovable, the intended use, the location and its area.

The owner of a registered immovable or registered immovables may independently access the Land Register through a web page: on the Estonian eGovernment Website [www.eesti.ee](http://www.eesti.ee). X-Road (X-tee) – Main Page – Services – For a citizen – Housing - Registered immovables of citizens – Enter the system. Entering the website is possible with the ID-card or using the online banking code card delivered to the citizen by a bank. The web page “Registered immovables of citizens” enables an access by reproduction of the register part on screen as well as printouts, free of charge. The target group includes private persons; all official forms are in Estonian. Output entails the data of registered immovables, including: a number of registered immovable, land registry division, the name of registered immovable, links to extracts from the Land Register, cadastral register number, and its location. The X-Road was launched in 2001 as an environment for making queries to different databases.

The archives of the land registry department are maintained digitally. The list and time limits for preservation of information and documents to be kept in the archives of the land registry department, as well as procedure for maintenance and preservation of the archives and the requirements for the archives shall be established by the regulation of the Minister of Justice.

**Statistics on Register Parts.** Statistics on register parts is published annually. Statistics on register parts for the year 2011 is shown in Table 5. The total number of register parts opened is 944,119, the majority of which are register parts for apartment ownerships (ca 50%).

Table 5

Statistics on Register Parts (year 2011)

Type of property	Number
Immovable (plot of land)	464,569
Apartment ownership	473,826
Right of superficies	4,474
Right of superficies in apartments	1,250



## 4.2. Registration

The competence of a judge and assistant judge upon registration is provided in the Code of Civil Procedure. A land registry secretary is competent to review registration applications and prepare draft rulings on entry.

**Registration.** Registration is the making of an entry in the land register, including amendment or deletion of an entry on the basis of a ruling of a person with registration competence. Submission of a copy of a cadastre plan, issued and certified by the registrar of the State Land Cadastre is required for entering an immovable (a plot of land) into the Land Register.

**Submission of Registration Applications.** Any person whose rights are affected by an entry or for whose benefit the entry is made has the right to submit a registration application. A registration application shall be notarised or digitally signed.

**Documents Necessary for Registration.** The following documents shall be appended to a registration application:

- a standard format disposition;
- required consents;
- a copy of the court decision or a statement of the compulsory auction;
- information which allows to verify payment of the state fee;
- other documents provided by law, which are necessary for registration.

**Submission of Plan.** A copy of the cadastre plan or a sketch map of the registered immovable issued by the registrar of the state land cadastre shall be submitted to the land registry department if this is necessary for understanding the entry.

The language of the Land Register is Estonian. Documents in foreign languages shall be submitted together with a notarised translation into Estonian. Sums of money shall be transferred to the Land Register in Euros.

A registration application which arrives in the land registry department is immediately registered in the land registry journal and numbered according to the time of arrival of the application. After the review of a registration application, the person with registration competence shall make a ruling on entry within three months. An entry is made in the register on the basis of the ruling of entry.

**Entering Right of Superficies in the Land Register.** Upon encumbrance of a registered immovable with a right of superficies, an independent register part shall be *ex officio* opened for the right of superficies. A number is assigned to the register part opened for the

right of superficies in the general order. The title of the register part shall indicate that the register part is opened for the right of superficies. The following is entered in the first division of the register part:

- the word “right of superficies”;
- the content of the right of superficies;
- the owner of the registered immovable encumbered.

### **4.3. Division and Merger of Registered Immovables**

**Division of Registered Immovables.** Registered immovables may be divided. If upon division of a registered movable the formation of a new registered immovable from a separated part is desired, the land register department shall open a new register part. The former register part shall indicate the decrease in area as a result of the division and the new registered immovable number. If encumbrance of a part of a registered immovable is desired, the part shall be separated from the registered immovable and entered as an independent registered immovable. Division is not required upon encumbrance of a part of a registered immovable with servitude unless the confusion happens. The encumbered part shall be indicated on the copy of the plan or the sketch map of the registered immovable annexed to the registration application.

**Joining Part of Registered Immovable with Other Registered Immovable.** If part of a registered immovable is joined with another registered immovable, an amendment is made to both registered immovable entries and the numbers of both registered immovables are noted therein.

**Merger of Registered Immovables.** Registered immovables may be merged. Upon merger of several registered immovables into one registered immovable, the register part for a registered immovable being merged is closed in the register, and the registered immovable with which the registered immovable is merged is noted in the closed part. Registered immovables located in the same land registry jurisdiction or, if the land registry divisions exist, in the same land registry division, may be merged.

## **5. Privatisation of Dwellings**

The Dwellings Reform in Estonia was made in two stages: the Privatisation of Dwellings Act was enacted on May 6, 1993, and the Non-Residential Premises Privatisation Act was enacted on June 14, 1995.

**Privatisation of Dwellings.** The Act of Privatisation of Dwellings regulates the relations, which arise in connection with the privatisation of dwelling houses and dwelling units/apartments (hereinafter “dwellings”) in the ownership of the state, local governments or other obligated subjects determined by law; determines the object and the subjects of privatisation, the conditions and the procedure for privatisation.

**The Aim of Privatisation.** The aim of privatisation of dwellings is to enable natural and legal persons gain ownership of the dwellings previously rented by them, or of the dwellings not inhabited, and ensure thereby better maintenance, management and preservation thereof.

**The Object of Privatisation.** The object of privatisation is a dwelling house or an apartment (dwelling unit) with the corresponding other part of the building, or a dwelling house or a dwelling unit under construction in the ownership of the state or a state company, or of a local government or a public limited company. The area of the corresponding other part of the building to the dwelling unit being privatised, is determined according to the proportion of the area of the dwelling unit or the non-residential unit in the total area of all dwelling and non residential units in the building. The corresponding other part of the building is determined as a legal share.

Ancillary premises, located in the building or on the same plot of land, are to be privatised. Ancillary premises are premises in the dwelling house or premises in other buildings on the same plot of land, which according to the building design documentation are designed to serve the dwelling house, or for the common or individual use of tenants. Ancillary premises are also former dwelling units, which have not been classified by the local governments as non-residential premises, regardless of their actual/current usage.

**Dwellings - subject to privatisation;**

**Dwellings - not subject to privatisation.**

**Entitled Subject of Privatisation of Dwellings.** Entitled subjects of the privatisation of dwellings; tenant of the dwelling on the basis of lease contract; citizen of the Republic of Estonia, at least 18 years of age; a legal person registered in the Republic of Estonia.

**Right of Pre-Emption for Purchase of Dwellings:**

- Tenant of a dwelling under residential lease contract, with application having been submitted before March 1, 1995;
- For vacant dwellings – either an entitled subject for the ownership reform, with application submitted for restitution of land on which the dwelling is located; a tenant of a dwelling provided by employer; secondarily – natural persons.

**Privatisation by Public Auction.** A vacant dwelling may be privatised by public auction, also a dwelling vacated by the previous tenant, or vacant through eviction or death of previous tenants.

**Obligated Subject for Privatisation of Dwellings:**

- In the case of dwellings in state ownership, the obligated subject of privatisation of dwellings is the local government or the body in whose administrative area the dwelling is located.
- In the case of dwellings in municipal ownership, the obligated subject of privatisation of dwellings is the legal person in whose possession the dwelling being privatised is.

**As from January 1, 2004:** Privatisation of dwellings and dwelling units in shared ownership, a fractional owner thereof being the state or a local government, an undertaking, agency or organisation maintaining the dwelling, may be performed with the consent of the ministry, state agency, or executive body of a local government.

**Determination of Price.** The price for the dwellings being privatised shall be determined by the value coefficient, whereas the difference of the value of one square metre of the area of a specified dwelling unit, from the value of a square metre of a standard dwelling is determined and taken into consideration, as well as the natural wear and tear of the dwelling, its maintenance and the location.

In privatisation of dwelling units, public capital bonds were used. One working year of a citizen was considered equal to the price of a square metre of dwelling area in a 9-storey panel building (type 121-02-E), the book value of one working year being 300 EEK.

**Procedure for Payment and Formalisation.** Payment for privatised dwelling units shall be processed by means of public capital bonds (EVP), bonds issued as compensation for unlawfully expropriated property, and money (EEK). Privatisation of dwellings shall be formalised by means of a purchase and sale contract between the purchaser (entitled subject) and the vendor (obligated subject). The contract of purchase and sale shall be notarised and submitted for registration by the notary.

**Land Grant to the Privatised Dwelling.** Land under, and necessary for servicing the dwellings being privatised, shall be privatised or given into contractual use. In case the area of the land necessary for servicing the building was not determined at erection of the dwelling, the city government or the local municipality shall determine the land under the building as being the land necessary for servicing the building. The area necessary for servicing a building may be determined on the basis of desk surveys.

**Establishment of Apartment Ownership.** The owner of an apartment as a movable may become the owner of the established apartment ownership. The obligated subject of

privatisation of dwellings shall submit an application for privatisation, with the application for determining the area of the land necessary for servicing the apartment, to the local government. The application may also be submitted by the apartment association, or by the owners of dwelling units as movables in a dwelling. The due date appointed for submission of applications for establishment of apartment ownership was 31 December 2001. In case the applications are not issued by a specified date, the land shall be transferred into municipal ownership, or left in state ownership.

**As from 1 January 2004:** For registration of dwelling units, the obligated subject of privatisation of dwellings shall submit to the land register a notarised application and a document (floor plan) on the building, dwelling units and non-residential premises, the size and location of physical and legal shares, and other documents stipulated by law. Registration fees and other related expenses are borne by the entitled subject of privatisation pursuant to the procedure established by the Government of the Republic. The notary who certified the registration application shall submit information to register of construction works within one day as of notarial certification. The owner of a dwelling unit as a movable shall be registered in the Land Registry as the owner of the apartment ownership.

**Real Encumbrance in Public Law.** On opening a registry part for an apartment ownership acquired by a person as a movable, an encumbrance in public law for the benefit of the state shall be established on the apartment ownership in the part, which, as the total area of land as legal share attached to all apartment ownerships in the residential building, surpasses the area of land under the residential building, except for the cases when the price for the land as legal shares has been paid in total.

In order to enter a real encumbrance in public law in the land register, an obligated subject of privatisation of a dwelling shall submit a notarised unilateral petition together with the other documents and a document, which specifies the duration, monetary value and size of the annual payment of the real encumbrance.

**Formation of Apartment Ownerships in Buildings of Housing Associations (Cooperatives).** A housing association (Cooperative) has the right, based on the decision of the general meeting of apartment possessors, to privatise the land under the building and the land necessary for servicing the building. The price for the land shall be determined on the basis of the assessed value of land.

Until entry of the land under a residential building in the land register, a meeting of the apartment possessors of the residential building belonging to a housing association (cooperative) may decide to separate from the current housing association (cooperative)

and found an apartment association or a new housing association based on the residential building. On the foundation of a new association, all apartment possessors of the residential building shall be considered to be members of the new association.

Upon the termination of the activities of a housing association, the owners may found an apartment association for the joint maintenance of the residential building or select any other form of maintenance of the legal shares of the object of apartment ownership.

## **6. Privatisation of Non-Residential Premises**

**Object of Privatisation** – non-residential premises and corresponding other parts of the dwelling, in the ownership of the state, or the local government, or a state company, or a public limited company the shares of which are owned by the local government, or a private limited company the single share of which is owned by the local government unit.

**Residential building (dwelling)** for the purposes of the Non-Residential Premises Privatisation Act, is a building where the total area of dwellings (apartments) is equal to the size of non-residential premises in the building.

**Non-residential** premises – For the purposes of this Act, non-residential premises are deemed to be office premises, premises intended for cultural activities, studios (workrooms of persons engaged in creative activities), commercial premises, household premises, storage premises, industrial premises and other premises located in residential buildings which, pursuant to the building design documentation, the permit for use or the permission of the rural municipality or city government, are prescribed for permanent use as non-residential premises. Prior to the privatisation of non-residential premises, the information concerning such premises shall be entered in the state register of construction works.

Ancillary premises, located in the building, which are designed to serve the residential building, or for individual or common use of the tenants, are not considered to be non-residential premises for the purposes of this Act. Non-residential premises shall be privatised as objects of apartment ownership. Prior to entering the corresponding apartment ownership in the land registry, non-residential premises are privatised as movables.

**Organisation of Privatisation.** Non residential premises are privatised through public auction. Starting price for non-residential premises being privatised is the market value determined by comparison of recent sales prices of neighbouring properties having similar characteristics. In privatisation at the starting price, the right of pre-emption (first priority)

is assigned to the Art Studio, the second priority is assigned to the person using the non-residential premises on the basis of lease contract, the third priority is assigned to the apartment association or the tenants of the residential building.

## **7. Apartment Ownership**

**Apartment Ownership Act** was passed on 15 November 2000, and entered into force on 1 July 2001.

**Apartment ownership** means ownership of the physical share of a structure together with a legal share of common ownership to which the physical share belongs. Provisions of the Law of Property Act concerning immovable property ownership apply to apartment ownership in issues not regulated by the Apartment Ownership Act.

The objects of common ownership are a plot of land and such parts and equipment of a structure which are not part of the physical share of any apartment ownership and are not in the ownership of a third person. The physical share of a structure and the legal share of common ownership which are objects of apartment ownership cannot be separately transferred, encumbered or bequeathed. An apartment ownership shall be restricted to one immovable.

**The physical share of an object of apartment ownership** (entered into force on January 1, 2003) is a delimited dwelling or non-residential premises and parts of the structure belonging thereto, which enable separate use and which can be altered, removed or added without violating common ownership or the rights of other apartment owners and without altering the external form of the structure. A part of a garage with a permanent marking may also be part of a physical share of an object of apartment ownership.

Separate space, meaning space separate from the dwelling, located in the same building and necessary for servicing the dwelling, or space separate from the non-residential premises, located in the same building and necessary for servicing the non-residential premises, or part of a construction works which is separate from the delimited part of the construction works and necessary for servicing part of the construction works, is also included in the physical share of the apartment ownership.

**Division of Immovable Property Ownership into Apartment Ownerships.** Immovable property ownership the object of which is a plot of land together with a structure or a structure to be built thereon may be divided into apartment ownerships. Immovable property ownership may be divided into apartment ownerships only in its entirety. Upon division of immovable property ownership into apartment ownerships, some dwellings or

non-residential premises may remain in common ownership. Upon division of immovable property ownership into apartment ownerships, each legal share of common ownership shall have a physical share of an apartment ownership.

**Creation of Apartment Ownership.** The owner may divide immovable property ownership into apartment ownerships on the basis of a notarially authenticated unilateral registration application. Apartment ownership is created by entry in the land register. Upon registration of apartment ownerships, an independent land register part shall be opened concurrently for each apartment ownership.

**Termination of Apartment Ownership.** Apartment ownership terminates by deletion of the entry from the land register or by closure of the apartment ownership register parts.

**Administration. Community of Apartment Owners.** On the basis of an agreement, apartment owners may organise legal relationships concerning the object of common ownership in the form of a community of apartment owners.

**Use of Apartment Ownership.** Apartment owners may regulate the use of legal shares of apartment ownership and the object of common ownership by an agreement.

Within the limits of normal use, apartment owners may decide issues by majority vote.

**Obligations of Apartment Owners.** An apartment owner is required to: maintain the physical share of the apartment ownership and use the physical share and the object of common ownership in a manner not exceeding the effects produced on other apartment owners by the normal use of the property.

Apartment owners shall pay taxes incumbent on common ownership, bear real encumbrances in public law and the expenses arising from the management of the common ownership and receive the fruit arising from the management of the common ownership in proportion to the size of the share of common ownership belonging to them. Apartment owners may derogate from such proportions on the basis of an agreement. An object of common ownership shall be jointly administered by the apartment owners unless otherwise prescribed by law or an agreement between the apartment owners. The agreement may be: the internal rules regulating the use of the object of common ownership; entry into a non-life insurance contract by the apartment owners on the basis of the reinstatement value of the object of common ownership, and insurance of the liability of the apartment owners; a sufficient repair fund and/or a management plan.

**General Meeting of Apartment Owners.** Decisions made by majority vote pursuant to the Apartment Ownership Act or an agreement of the apartment owners shall be adopted by the general meeting of the apartment owners. An administrator shall call a general meeting of apartment owners at least once a year. Each apartment owner has one vote



regardless of the number of apartment ownerships belonging to him or her. If an apartment ownership belongs to several persons, they shall exercise the voting right jointly and one vote represents all such persons. A general meeting has a quorum if the apartment owners participating in the meeting hold more than one-half of the shares of common ownership entered in the land register.

**Appointment and Removal of Administrator.** Appointment and removal of an administrator shall be decided by a majority of the votes of the apartment owners. An administrator may be appointed to office for a term of up to five years. The consent of a candidate for the office of administrator is required for his or her appointment. Restrictions on removal of an administrator may be applied according to which he or she may be removed only with good reason.

An administrator is entitled and required to implement the decisions of the apartment owners and monitor compliance with the internal rules. An administrator shall prepare a management plan for one calendar year. Following the end of each calendar year, an administrator shall submit a report to the apartment owners indicating, inter alia, adherence to the management plan and proprietary rights and obligations relating to common ownership. Management plans and reports shall be approved by a majority of the votes of the apartment owners.

**House Council.** Apartment owners may, by a decision, appoint a house council consisting of apartment owners. A house council shall consist of the chairman and two members.

A house council shall assist the administrator in the performance of his or her duties and monitor the activities of the administrator.

**Right of Superficies in Apartments.** A superficiary may divide a right of superficies belonging to the superficiary into a right of superficies in apartments with the consent of the owner of the plot of land. A plot of land shall not concurrently be an object of apartment ownership and be encumbered with a right of superficies in apartments.

The object of a right of superficies is a delimited dwelling or non-residential premises of a structure and the parts of the structure belonging thereto which enable separate use, together with a legal share in the right of superficies to which the apartment belongs. The provisions concerning the legal share in a plot of land which is an object of apartment ownership apply with respect to a legal share in a right of superficies which is the object of a right of superficies in apartments.

## 8. Apartment Association

**Apartment Associations Act** was passed 27 June 1995.

**An apartment association** is a non-profit association established by:

- apartment owners for the purpose of shared management of the legal shares of the buildings and plot of land which are part of the object of apartment ownership and representation of the shared interests of the members of the apartment association;
- by the owners of a right of superficies in apartments for the purpose of shared management of the legal shares of the right of superficies which is part of the object of the rights of superficies in apartments.

**Foundation of Apartment Association.** An apartment association shall be founded pursuant to the procedure prescribed in the Non-profit Associations Act on the basis of a majority resolution of the apartment owners of an immovable divided into apartment ownerships if the greater part of the building and plot of land belongs to that majority through the legal shares of the object of apartment ownership. A memorandum of association shall not be entered into. An apartment association shall be registered in the Non-profit Associations and Foundations Register. An apartment association may be formed for the management of the apartment ownerships of one or several houses.

**Articles of Association.** The articles of association of an apartment association are adopted by the foundation meeting and amended by the general meeting of the members. More than one half of the total number of votes shall be in favour of adoption or amendment of the articles of association.

**Members of Apartment Association.** All apartment owners of an immovable or immovables divided into apartment ownerships are members of the apartment association. Other persons shall not be members of the apartment association.

Upon transfer of the apartment ownership, the date of transfer of the right of ownership shall be deemed to be the date the acquirer becomes a member of the apartment association.

The date of opening of a succession shall be deemed to be the date a successor who accepts the succession becomes a member of the apartment association. If an apartment ownership belongs to several owners, one owner becomes member of the apartment association according to a written agreement between the owners.

**Assets of Apartment Association.** An apartment association as a non-profit association may acquire assets necessary for performance of the functions in the articles of

association. The assets of an apartment association are created by the contributions of the members thereof, income received from the activities of the association and other revenue.

**Share Capital.** An apartment association shall have share capital. The share capital of an apartment association shall be comprised of contributions of the members of the apartment association and shall not be less than one month's expenditure forecast in the annual operations plan of the apartment association in its founding year.

**Contribution.** The amount of contribution of a member of an apartment association to the assets of the apartment association shall be proportional to the size of the member's legal share of the building and plot of land which is part of the object of apartment ownership unless otherwise provided for in the articles of association of the apartment association. Payment of contribution is mandatory. Contribution is determined to all members of an apartment association on equal bases.

Apartment owners may make advance payments to the apartment association for the repair of the legal shares in the possession of the apartment association and in order to cover other costs prescribed in the articles of association of the apartment association.

**Securing Right of Claim of Apartment Association.** The members of an apartment association shall secure the claims for expenditure made for management of the legal shares of the objects of apartment ownership by a mortgage equal to six times the contribution, for the benefit of the apartment association, entered in the first vacant ranking of the apartment ownership. An apartment association may demand satisfaction of a claim secured by a mortgage after expiry of a three month advance notice term.

**Participation in General Meeting.** An apartment association member or representative of a member who is granted an unattested proxy may participate and vote in the general meeting. Each apartment ownership has one vote at a general meeting of the members of an apartment association unless otherwise provided by the articles of association of the apartment association.

**Annual Operations Plan and Annual Report.** Each year, an apartment association board shall prepare and present an annual operations plan for the apartment association to the general meeting of the members of the apartment association for approval, which contains: forecast revenue and expenditure for management of the legal shares of the object of apartment ownership; and obligations of the members of the apartment association for bearing earmarked expenses and encumbrances.

## **9. National Register of Construction Works**

### **9.1. Maintenance of National Register of Construction Works**

**The National Register of Construction Works** was established on 1 January 2003, on the day the former Building Register was closed. The National Register of Construction Works was created and is maintained pursuant to the procedures provided for in the Government of the Republic of Estonia Regulation Nr 405 of 17 December 2002 “Statutes for the Establishment and Maintenance of the National Register of Construction Works”.

The main function of the National Register of Construction Works is to compile and maintain records of construction works which are being built or which are being used. The entries in the register of construction works concern construction works under construction or in use. The chief processor of the Register of construction works is the Ministry of Economic Affairs and Communications. The register of construction works consists of a data base of source documents and of registry archives, and is kept as a single-level electronic database.

**Information in the Register of Construction Works.** Information shall be submitted to the Registry of Construction Works by: local authorities, the Estonian Technical Surveillance Authority, the Heritage Conservation Inspectorate, notaries public, the Ministry of Economic Affairs and Communications. the Railway Administration.

The information in the Register of Construction works is (1-78 items): construction works registry code, date of submission of information, information concerning the location of the construction work, including the cadastral code etc.; essential technical specifications of the construction work are (9 items): technical specifications of the construction work, classification of water supplies, types of washing facilities, electricity supply, sewerage, heating system, types of fuel, gasuous fuel installations, types of usable floor space of residential building. Informtion to be submitted is also: techincal information on dwelling units, technical information on non-residential premises, technical information on parts of construction works, types of foundation, classes and types of building materials used.

**Access to Information Recorded in the Register of Construction Works.** The information recorded in the register of construction works is public and shall be made publicly accessible on the website of the Registry of Construction Works; ; [www.her.ee](http://www.her.ee). Certified extracts of the information in the register of construction works are issued by

local authorities. All users can search for information recorded on construction works and the submitted documentation thereon, and have access to them.

In the electronic webpage of the Registry of Construction Works, a user needs to start with: Find a construction work (Otsi ehitis); insert either the address of the desired construction works, the cadastral code or the registration number in the Registry of Construction Works. The following information about the construction work may be opened; Building Materials, Registration Number, Utility Systems, Parts of the Construction Work, Documents submitted, Geometry, etc.

## **9.2. The Building Act**

**The Building Act** (Ehitusseadus – EhS) provides the requirements for construction works and building design, and establishes the basis and procedure for design work, building work, the use and the registration of construction works.

**A construction work** is a completed structure which is constructed as a result of human action and which is attached to a specific area of the ground.

**Construction works are divided into buildings and civil engineering works:**

- A building is a construction work which has an interior space that is separated from external environment by a roof and other parts of the building envelope. A building that uses energy to ensure the quality of indoor air, including to maintain, increase or reduce indoor temperature, is a building with indoor climate control.
- A civil engineering work is any construction work other than a building. A complex which comprises several civil engineering works that form a functional whole can be regarded as a single civil engineering work. Adventure parks, playgrounds as well as shipping channels constructed by way of dredging the sea bed or the bottom of an inland water body are also civil engineering works.

**Design work** means:

- architectural and structural designing of a construction work or part thereof;
- designing of utility systems of a construction work;
- designing of the technology used in a construction work;
- technological and economic assessment of required use and maintenance of a construction work, based on the service life of this construction work.

**The product of design work is building design documentation.** Building design documentation is a set of documents which are necessary for the construction and use of a

construction work or part thereof, including technical drawings, specifications, instructions on maintenance and other relevant documents.

**Building work** means:

- erection of a construction work;
- adding an extension to a construction work;
- modification of utility systems of a construction work or part thereof or complete replacement of a utility system;
- demolition of a construction work.

**Erection of a construction work** means erection of a new separate (detached) construction work on a building plot. Adding an extension to a construction work means construction of an annex adjacent to the existing construction work, overlying the construction work or underlying the construction work (i.e. expansion of a construction work).

**Reconstruction of a construction work** means modification of its envelope elements and modification or replacement of its loadbearing or stiffening elements. Reconstruction is deemed to be significant if its cost exceeds one third of the average building cost of a construction work that is equivalent to the construction work that is being reconstructed.

**A utility system of a construction work** means the set of equipment or communications located within the boundaries of the construction work and required for the functioning of the construction work and for ensuring its safety, including all structural elements required for the functioning of such equipment or communications.

Construction works shall be designed and built according to good building practices and pursuant to legislation concerning building work and building design documentation, and may not present a threat to the life, health or property of individuals or to the environment.

**A small construction work** is a construction work which is entirely confined to one registered immovable and which occupies an area of up to 60m<sup>2</sup> and is designed to have a height of up to 5m above ground level, and which serves no public function. Building design documentation is not required for building a small construction work.

**A temporary construction work** is a construction work built for a limited period of time but not for longer than five years. If a temporary construction work is built, the local authority shall determine the period of use of the construction work and set it out in the written approval, building permit or the use and occupancy permit.

A written approval of the local authority or a building permit must be obtained to carry out building work, except for building a small construction work.

**Written Approval.** A written approval of the local authority is required in the case of: building a small construction work that occupies a ground surface area of 20–60 m<sup>2</sup> and modifying the utility system of a construction work or replacing the entire utility system with an equivalent system.

The owner of an immovable that abuts on the shore of a public water body shall be entitled to build on the immovable a civil engineering work that rests on the bottom of the public water body, that is designed to be used for berthing water craft and that occupies a ground surface area of no more than 60m<sup>2</sup>. Such a civil engineering work may be built such that a part of it extends over the boundary of the immovable and it must not obstruct the traffic of water craft.

**Building Permit.** A building permit is an authorisation granted by a local authority or the government for: the erection of a construction work, and of any civil engineering work necessary to service the construction work, on the land or in the water body specified in the building permit; building an extension to a construction work or part thereof as specified in the building permit; the reconstruction of a construction work or part thereof as specified in the building permit; the demolition of a construction work or part thereof as specified in the building permit. A building permit is granted for an unspecified term.

**Owner Oversight.** Before building commences, the owner of the construction work shall appoint a person who is authorised to perform owner oversight to act as the performer of owner oversight, and this person shall not be the person who designed the construction work or the person who is building it.

The objective of owner oversight is to ensure: that building work is performed according to building design documentation; that technical documentation regarding the building operations is drawn up; the requisite quality of the construction work.

**Occupancy and Use Permit for a Construction Work.** An occupancy and use permit for a construction work (the ‘occupancy and use permit’) means approval by the local authority or the government of the completed construction work or part thereof as conforming to the requirements established for such construction works and as fit to be used for its intended purpose. An occupancy and use permit is granted for an unspecified term. An occupancy and use permit is required in order to use a construction work, except where the construction work relates to a state secret or to classified information of a foreign state or serves national defence purposes or where the construction work is a small construction work which is not used as a dwelling.

**National Register of Construction Works.** The main function of the National Register of Construction Works (‘the register of construction works’) is to maintain records of

construction works which are being built or which are being used. The entries in the register of construction works concern construction works under construction or in use.

The register of construction works is kept as a single-level electronic database. The information stored in the register of construction works is for information and statistical purposes only. The information recorded in the register of construction works is public and shall be made publicly accessible on the website of the National Register of Construction Works.

**Construction Oversight.** The exercise of construction oversight on the administrative territory of a local authority is within the competence of the local authority. Oversight authorities in charge of heritage conservation, health protection, environmental protection and other areas shall inform the body which exercises construction oversight authority in respect of a construction work of the results of public oversight inspections carried out in respect of that construction work. Public oversight of the requirements established by this Act and the legislation enacted on its basis shall be performed by the Estonian Technical Surveillance Authority. The Estonian Technical Surveillance Authority shall scrutinise register information for accuracy.

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**LATVIA UNIVERSITY OF AGRICULTURE**  
**Department of Land Management and Geodesy**

**Velta Parsova**



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## Some facts about Latvia

**The name “Latvija”** comes from the ancient Latgallians, one of four Indo-European Baltic tribes, who along with Couronians, Selonians and Semigallians formed the ethnic core of today’s Latvian people.

**Division into regions:** Kurzeme (western part of Latvia), Zemgale (southern part), Vidzeme (middle and northern part), Latgale (eastern part)

**Official name:** Latvijas Republika (The Republic of Latvia)

**Government:** Democratic parliamentary republic. Legislative power is in the hands of the single chamber Saeima (the parliament), which has 100 deputies. Parliamentary elections are held every 4 years. Latvia’s head of state, the President, is elected by the Saeima for a period of 4 years. The President signs laws, chooses the Prime Minister (who heads the government) and performs representative functions.

**Memberships:** European Union, NATO, United Nations Organisation, Council of Europe, World Trade Organisation, Organisation for Security and Co-operation in Europe, Council of the Baltic Sea States, etc.

**Official language:** Latvian.

Latvian is a Baltic language that belongs to the Indo-European language family. Its only linguistic relative is Lithuanian, and it is considered to be among the oldest and least changed of all living Indo-European languages in the world. It is estimated that 1.5 million people worldwide use Latvian as their primary language. English and Russian are widely spoken throughout Latvia, while German, French and the Scandinavian languages are also frequently heard.

**Capital:** Riga (706,413)

**Largest Towns and Cities:** Daugavpils (103,922), Liepāja (84,074), Jelgava (64,898), Jūrmala (55,858), Rēzekne (35,074), Ventspils (42,734), Valmiera (27,217), Jēkabpils (26,284). Of 77 towns and cities in Latvia, 23 cities have the population of over 10,000.

**Largest Religious Confessions:** Evangelic Lutheran, Roman Catholic, and Russian Orthodox. Since the 16th century Reformation, the Lutheran church has played a leading role in Latvia.

**National currency:** Lats (LVL), 1 lats consists of 100 santims

**Time:** GMT +2 (GMT +3 in summer)

**Population:** in 2010: 2,248 374 people, urban 68%, rural 32%

**Ethnic composition:** 59.4% Latvian, 27.6% Russian, 3.6% Belorussian, 2.5% Ukrainian, 2.3% Polish, 1.3% Lithuanian, 3.3% other nationalities

**Independence Day:** 18th of November, the date of the proclamation of Latvia's independence in 1918

**History:** Latvia was ruled by Germans, Swedes, Poles and Russians from 1200 to 1918; the Republic of Latvia was founded on November 18, 1918. It has been continuously recognised as a sovereign state since 1920 despite occupations and rule by the Soviet Union (1940-1941, 1945-1991) and Nazi Germany (1941-1945). On August 21, 1991 Latvia declared the restoration of its de facto independence, re-established international diplomatic ties, and joined the United Nations. Latvia joined the WTO in 1998 and in 2004 it became a member of the European Union and NATO.

**Area:** 64,589 sq.km or 24,937 sq.miles

**Geography:** Latvia is the central country of the Baltic States (Estonia, Latvia and Lithuania) and it is located in north-eastern Europe on the east coast of the Baltic Sea. It consists of fertile lowland plains and moderate hills, with most of its territory less than 100 metres above the sea level. It has an extensive network of rivers, thousands of lakes and hundreds of kilometres of undeveloped seashore lined by pine forests, dunes, and continuous white sand beaches.

Total national border length – 1,862 km; length of Latvia's Baltic coastline – 494 km; the largest lake – Lubāns, 80.7 sq.km; the deepest lake – Drīdzis, 65.1 metres; the longest river within Latvia's territory – the Gauja, 452 km; the largest river to flow through Latvia's territory – the Daugava, total length 1,005 km, of which 352 km within Latvia's territory; the highest point – Gaiziņkalns, 311.6 metres.

**Location:** Latvia is bordered by Estonia to the north, Russia to the east, Lithuania to the south and the Baltic Sea to the west.

**Climate:** Latvia's weather features a temperate maritime climate, with mild summers, moderate winters and frequently high levels of humidity and precipitation. The average temperature in summer is 16°C, in winter – 4°C. The average precipitation amount in summer is 195 mm, in winter – 116 mm.

**Nature:** With over 44 percent of its territory covered by forests, a vast network of free flowing rivers and thousands of lakes, Latvia is one of Europe's best preserved havens for a wide variety of wildlife.

# 1. Objectives and tasks of modern cadastre

## 1.1. Concept of cadastre

There was a feudal society in the 9<sup>th</sup> – 11<sup>th</sup> century in the territory of the Baltic States. Main engagement of inhabitants was farming. There was plough agriculture; the main tools were wooden ploughs and harrows. Inhabitants lived in farmsteads and villages. Clearance crop-growing and farming system gradually was replaced by the fallow system, large-scale landowners or feudal lords developed. Dues were collected on the field in 1/10 of amount of yield. Collection of feudal rent or “*vakas*” was gradually introduced.

In the 11<sup>th</sup> – 12<sup>th</sup> century the territory of present Latvia became subject to attacks of Crusaders. Formally the land, conquered by Crusaders, was managed by the Pope. His deputy in the Baltic region was the Bishop, who later represented the secular power. The power of the Bishop was ensured by the troops consisting of knights, who were given the rights to receive and manage the conquered land, suzerain (*lēnis*), and the rights to impose and collect dues and require corvee (*klausas*) from peasants.

Already in the 13<sup>th</sup> century knights turned into landlords, and since the 15<sup>th</sup> century documents contain the term “serfs”. Although formally the period from the 1184 to 1561 (the date of the Livonian War) is considered to be “German Times” in Latvia, the German landlords retained their power long time after. Baltic peoples suffered a lot from frequent and destructive wars. Feudal farming system in the Baltic region was based on hard taxation system, which was imposed mainly on the peasantry by the ruling class. Subordinating the local people, the Crusaders introduced Western European tax determination and collection system.

In the territory of Latvia, then Livonia, the beginning of land cadastre is linked with tax collection. The cadastre served for legal strengthening of tax system. Taxes and corvee were determined on the basis of the land area used by each peasant. For a long time landlords' land was not an object of taxation. The first unit of measurement which led to taxation was a plough. A plough as a measure of affiliation was known by many peoples: Latin – “*uncus*”, German – “*haken*”, Russian – “*gak*”, etc. There was an assumption that if somebody had a horse and a plough, he worked on the land, he had his own household and income, and therefore he was able to pay a tax. Historians consider that in land relations in Latvia such a legal and economic concept as “plough” played a significant role. It affected

the size of a household, as well as taxes, corvee and other obligations to the landlord and the country.

At first “plough” was not a strictly defined area of the land, but only designation of the affiliation of household and land. The term “plough” indicated the area of land, which was managed by a single horse, a wooden plough and a harrow. The cultivated land only could be divided into ploughs; this measurement served as a unit for land inventory and taxation. Rights of plough regarding forests and meadows were determined by specific quotas (a number of mowers and wood-axes). Besides “plough”, other units of the land were widely used. Gradually, different sizes of ploughs were established which later, implementing the cadastre, were equalized. For taxation purposes the census of ploughs, the so-called audit, was carried out frequently, but later – assessment of ploughs, too. Since the 15<sup>th</sup> century all land ploughs were recorded in special Record Books (*vaku grāmatas*). These books can be considered to be the first written documents of the land cadastre.

In 1629, after the Polish-Swedish War as a result of the Treaty of Altmark, the territory of Latvia was divided by foreign powers. The Duchy was established in Kurzeme, Latgale was added to Poland, but Vidzeme came under Swedish rule. Swedes wanted to convert Vidzeme into their granary in order to have food for its large army. In 1683-1693 the first land cadastre was implemented in Vidzeme which was based on unified land surveying and valuation, at the same time making reduction of manor properties (*muiža*). For the first time in Latvia the Swedish cadastre carried out a partial estimation of the quality of land, following a common assessment methodology and system.

After the Great Northern War (1700-1721) as a result of the Treaty of Nystad, Russia received Estonia, Vidzeme and a part of Finland. After the partition of Poland, Latgale (1772) and Kurzeme (1795) were added to Russia. The restitution of manor houses was carried out in the territory of Latvia, the ownership rights of manor houses were consolidated, dues and corvee exceeded peasants' ability to pay. Gradually the importance of the cadastre and Record Books (*vaku gramatas*) lost their primary importance. The tax system in the 18<sup>th</sup> and 19<sup>th</sup> century in Vidzeme was based on old-fashioned data of the Swedish cadastre. New laws made changes in the implementation of the cadastre, determining the status of peasants and separating landlords' land from peasants' land. “Further a peasant shall be deemed a person, not a thing. He will not be subject to the landlord, but will be linked to land. Relations with the landlord shall be established on the basis of a contract”. Re-measurement and re-assessment of the land was realised to establish the legal system of dues and corvee. As a result of Judiciary Reform of 1889,

Land Book offices were established in the Baltic province (*gubernia*) to register land maps, contracts and taxation data.

The implementation of changes had not been finished yet when the proposed system of reforms collapsed and liberation of peasants started after Napoleon's invasion of Russia. Peasants formally gained freedom and the process of selling the land to peasants began. The tasks of the cadastre included preparation of information for calculation of land's buy-out price, registration of the area of farmsteads, adjustment of ownership rights and preparation of registration of properties.

At the end of the 19<sup>th</sup> century the living conditions of peasants and landlords had radically changed. It caused the need to reform the existing system of tax calculation and collection. An entirely new principle – equality and participation of all types of land properties in tax payment was recognized and created. The necessity for cadastral data for mortgage loan increased. According to the Law on Cadastre, adopted in 1901, real property appraisal was based on the normative net income of land and buildings.

The independent state of Latvia (1918–1940) was established in the conditions of completely shattered economy. Proclaiming the Latvian state on November 18, 1918, it was stated that Latvia consists of Kurzeme, Vidzeme and Latgale; the territory and borders of the country were defined. The major political and agrarian reform was implemented in the interests of the majority of the people by selling land for a symbolic price to new farmers and owners of smallholdings. The first task of the cadastre at that time was to prepare the cadastral information for implementation of the agrarian reform, to identify and register land distribution and current situation of the properties: abandoned land, desolated farmsteads and forest stands, bunkers and trenches arranged in time of the war, destroyed roads, bridges, and other constructions; it was necessary to manage land and its owners. The State Land Fund, including 52% of the total area of Latvia, was established for the purpose of the agrarian reform. An ambitious land reform started in Latvia in 1920, the land buyout was foreseen for the time period of 41 years.

In 1920 the Law on Land Book Offices was adopted, stipulating that the land boundaries determined during the Russian tsarist regime should be valid before any new land data are obtained. The national cadastre system on the basis of information of the Vidzeme cadastre was developed from the beginning of the independent state of Latvia. In 1931 the Law on Cadastre and other legislative acts were adopted on surveying and valuation of real property. The aim of cadastre was to obtain information on land, the current situation of real properties throughout the country, to clarify and determine their legal status. The value of land was calculated on the basis of estimated normative income, current natural

and economic conditions, and compactness and location of the land. The value of land was rated according to 100-point scale, the cadastral value of one point was 7 lats. In 1937 the Land Book Law was passed, determining the procedure of real property registration and transactions.

Latvia lost its independence in 1940, when the Soviet power was established, the land was nationalized and the ownership of land belonged to the state. After having initiated World War II, Nazi Germany occupied the whole territory of Latvia in 1941. The independence of Latvia was not restored and the nationalization of land was not abolished.

The Soviet power was repeatedly established in Latvia in 1945. The legislation of the USSR was attributed to the territory of Latvia. The cadastre was not recognized at all, however, after 1968 it was determined in legislative acts on land that the land cadastre is necessary for management of planned economy. The cadastre included:

- land registration;
- recording of the amount and quality of land;
- quality assessment of the soil;
- economic valuation of the land.

In the Soviet period the primary recording of the land, inventory of ameliorated land, as well as updating of cartographic material by aerial methods were carried out within the cadastre on a regular basis.

After the restoration of independence of Latvia in 1991, the land reform was performed in the whole territory of Latvia. During the reform, the former landowners or their heirs, all the existing land users as well as others persons could apply for land use rights and were entitled to resume their former land ownership rights or privatise the assigned land for a charge. The institution, called State Land Service, was established in 1992 for the implementation of the land reform.

It was clear that Latvia was in transition period from the Soviet system, where a comparatively small number of agriculture enterprises with large territories played an important role in the country's economy, to the market economy characterised by an enormous number of land properties of comparatively small territories. The process of the reform during the transition period was characterized by very changeable and multiform patterns of land use and land ownership. At the same time boundaries of land parcels changed constantly. Reliable information was necessary to get an overview of the land reform process, namely, the distribution of land between groups of land users and landowners and national economy sectors, municipalities and state institutions.



It indicated that it was necessary to develop a new national cadastre system. For this purpose, the experience gained during the previous years of independence of Latvia and the experience of some developed countries had to be studied. In 1991 the Parliament adopted the Law “On Land Use and Land Surveying”, which provided that the Government should organise and maintain the national land cadastre (State Land Cadastre). It was determined that the state land cadastre should contain the following: the register of land use, cartographic materials, land registration and valuation data. Starting from the beginning of 1991 surveying divisions of regional governments started to register land users and land areas assigned for use.

It means that a legal basis was created in Latvia both for the development of the national land cadastre and the land register. The land register was defined as a component of the state land cadastre. In those days the normative acts regulated only matters relating to land. Only later buildings and apartments were recognized as an independent real property, and maintenance of such data in the cadastre was considered important.

Proposals on the renewal of the cadastral system were put forward after some staff members of State Land Service had made a study visit to the Overseas Agency of the National Land Survey of Sweden (Swedsurvey) in 1990. Co-operation between the two organisations continued, and in 1991 “Swedsurvey” organised training for experts from the Baltic countries – Estonia, Latvia and Lithuania on cadastral and land information systems of Sweden. The aim of the training was to provide theoretical and practical information on the cadastral system of Sweden, purposes of cadastre as well as managerial and technical problems in its maintenance. The participants were interested to investigate the cadastral system of Sweden and find what experience Latvia could borrow from Sweden for the renewal and development of Latvia’s cadastral system during the period of transition to the market economy.

It was clear that the land reform should be implemented without delay and in a limited timescale, and the registration system could be based only on the use of computers, because the system should be able to update a great number of rapidly changing data. While developing the new system, the positive and the negative aspects of the Soviet land cadastral system had to be evaluated to decide what could be borrowed from the former system.

Investigation and analysis enabled to formulate the first proposals on the development of the cadastral system of Latvia at the end of 1991:

- one unified cadastral system both for rural and urban areas;
- only one register for registration of cadastral data and property rights;

- register that would contain both textual and graphical data;
- computer network to connect the central office with regional centres.

The cadastre was designed as a set of data on real property location, its boundaries, size, legal form, cadastral value, as well as their owners and users.

The result was foreseen as a computerised real property register (cadastre) and a cadastral map in digital form covering the whole territory of Latvia. Looking back, we can say that in 1991 the right guidelines were adopted for the development of a modern cadastre register, and initial ideas had been implemented. It means that the authors of the concept had properly evaluated Latvia's situation and had borrowed foreign experience that was suitable for Latvia's conditions.

The task of the State Cadastre of Latvia was provision of:

- formation of real properties for their registration;
- consolidation of use and tenure rights of real properties, legal possessions and land uses;
- unified cadastral designation system of real properties and real property objects;
- representation of real property objects on cadastre map;
- activities of land cadastral surveying;
- land classification and registration;
- cadastral evaluation of the land and buildings;
- national statistics, spatial planning institutions, as well as natural and legal persons with necessary information for efficient use of land and buildings.

The cadastre in Latvia is divided into national cadastre and sector cadastre. Legislation determines such sector cadastres - cadastre of mineral deposits, cadastre of land amelioration, national cadastre of natural resources, national cadastre of protected areas, State Register of Forests (Forest cadastre), cadastre of fishery resources of water bodies of Latvia, etc.

Either each economic sector or state and local government may establish and maintain respective sector cadastre for fulfilling their functions. Such a cadastre should be made using the basic data of the national cadastre supplementing them with specific necessary information.

The National Cadastre provides updated cadastre information for the following purposes:

- formation of new real property, specification of real property object and cadastral assessment (valuation);
- registration of the rights of ownership in the Land Register;
- planning of the development and management of real property;

- administration of real property tax;
- planning of the economic development, protection of territories and the environment, performance of land survey works, preparation of the state statistics information;
- provision of operation of other information systems;
- calculation of the amount of mortgages and state taxes (fees);
- calculation of the amount of management of real property transactions (purchase, sale, donation, exchange and inheritance);
- spatial planning and land use planning;
- national and regional economic planning;
- construction and environmental and cultural heritage protection.

To ensure implementation of these tasks, the State Cadastre should follow the principles of:

- unity – cadastre is maintained in accordance with the legislative requirements, it covers all real properties and real property objects;
- legality – cadastre shall be legally enforceable;
- obligation – cadastral activities are mandatory for all state institutions, local governments, property owners, as well as all natural and legal persons;
- objectivity – cadastral data have to be true, sufficient and current;
- openness – cadastral data must be available;
- continuity – cadastral information is stored and maintained in accordance with legal, operational and actual situation, and its acquisition is continuous;
- economy – the methods and techniques selected for retrieval, processing, storage and use of cadastral information must be economical, meeting technical, legal and other requirements at the same time.

## **1.2. Role of cadastre in real property formation**

### **1.2.1. Establishment of real property**

In the 20<sup>th</sup> century, due to the changes in legal, political and economic conditions, real property was handled in different ways. In this regard it is necessary to describe individual types of real property as determined in accordance with Latvian legislation.

The classical form of real property is land including buildings on it. In compliance with the Civil Code of Latvia (1937 – 1940) only rights to land as real property were corroborated in the Land Book. Article 968 of the Civil Code states that “a building built

on land and permanently fixed to the land shall be regarded part of land". It was a matter-of-course that rights to both land and buildings on it belonged to the same person or, in case of a common property – to several persons. No situation was allowed that rights to land and rights to building on it could belong to different persons. Indivisibility of land and buildings on it is the general legal regulation defining that the owner of the buildings is the owner of the land. However, during 50 years of the Soviet jurisdiction land was determined as real property exclusively owned by the state, but people could own only buildings. Official legal institutions, mainly building inventory bureaus and municipalities, had the right to register ownership of buildings. The generally accepted concept of real property was ignored.

Already at the end of the Soviet period with its planned management system the processes that were focused on restructuring of production relations and possibilities to workers of large collective farms to get the status of individual land user began. The law adopted in 1989 declared that the land was still an exclusive state ownership, but farmers were able to receive the land for eternal use with inheritance rights. Such creation of peasant farms corresponded to the political, economic and social relations of that time, and actually created a prerequisite for the subsequent conversion of state ownership.

Ownership relations changed substantially after the restoration of independence of Latvia. As a result of the Land Reform and privatisation, different persons became owners of land and buildings. However, the principles of indivisibility of land and buildings were followed in 1993-1997, when buildings had to be registered in the Land Book together with land, except when buildings were legally recognised as an independent property and were located on another person's land. If land and buildings were registered in the Land Book as a single real property, it was impossible to separate buildings from land.

**Land as real property.** The rearrangement of relationship to the land was proposed as one of the challenges of the property reform. For this purpose the Supreme Council of Latvia adopted a decision in 1990 on the need for an agrarian reform, and in the frame of it – need for a land reform.

The aim of the land reform in rural and urban areas was a step-by-step process of state property privatization, denationalisation, conversion, and restitution of illegally expropriated land to reorganize legal, social and economic relations of land use and ownership in order to promote Latvian traditional rural lifestyle, to provide sustainable use and protection of natural and other resources, as well as to develop of built-up territories according to public interests.

During the land reform, from the first corroboration of the land in the Land Book, formation of land properties, as well as shape and boundaries, size and mutual location of land parcels were regulated by the land reform and other special laws. During land privatisation process gradual transfer of state-owned land in ownership of natural and legal persons on the basis of decisions of Land Commissions established by local governments occurred.

Land Commissions made their decisions according to approved regional land use projects on the basis of personal application. Land properties formation activities included:

- formation of land parcels, confirming shape and size of land parcels designed on graphical material, establishing easements (servitudes) and encumbrances;
- formation of land properties, prescribing which land parcels were included in specific land property (land property may consist of one or several land parcels), as well as giving a title to property, etc.

The aim of regional land use projects was:

- to create preconditions for rational use and protection of land and other natural resources, preserving priority of agriculture and forestry to suitable for this purpose land;
- to create a favorable organizational and territorial preconditions for successful development of production, as well as for ensuring work culture and social life of people;
- to create conditions for permanence of acreage and boundaries, typically allocating them in compliance with natural elements of situation – roads, rivers, streams, ditches and other permanent elements of the situation;
- not to leave small areas between land parcels, allocation of which to other land users is difficult;
- to respect and ensure legitimate interests of all claimants as much as possible.

Due to the fact that the land ownership rights were restored not only to the former owners, but also to their heirs, in many cases land fragmentation occurred, setting up several properties of small size instead of one former property.

**Buildings as real property.** In the Land Reform of the 1990s, ownership rights of the former landowners and their heirs were restored, but buildings very often remained to be the property of another person. In such circumstances it was very important to ensure a full set of rights to building owners. In market economy, building owners are interested to buy, sell, exchange, grant or mortgage their property in order to obtain bank loans for extending their businesses, for improving their buildings, etc. For this purpose it is

necessary to corroborate rights to buildings in the Land Book. The owner of a building has established his rights in regard to the third persons after the property registration in the Land Book.

Unfortunately, the Latvian legislation did not permit Land Book registration of buildings alone until 1995 and prescribed that buildings may be regarded as independent property and registered only if the respective land has been registered. In such cases buildings were registered as encumbrances to land properties.

The legislator was forced to amend the registration procedure concerning building properties. Recognition of building properties means non-compliance with the provisions of the Civil Code which defines real property as land and buildings on it, and building as part of the land.

Therefore in 1997 amendments to the Law “On the Procedure and Terms of Enforcement of the Renewed Civil Code (1937) of the Republic of Latvia Concerning its Introductory Part, Inheritance Rights and Rights in Things” were made. Article 14 of the above mentioned law determines in which cases provisions of Article 968 of the Civil Code are not applicable for reasons of social justice. Before consolidation of buildings and land in one real property, buildings shall be regarded as independent properties under the following conditions:

- buildings have been constructed on land that has been legally allotted for building purposes, acquired as a result of transaction or in some other legally valid way before September 1, 1992, but the right to the land has been or may be renewed to a former owner or his heir, or if the land may be registered or has been registered on behalf of the state or the local government;
- buildings as objects of state-owned or municipal enterprises have been acquired in the privatisation process;
- buildings have been constructed on state-owned or municipal land, or on the land that may be registered on behalf of the state or municipality, if the land has been allotted for use to the owner of the building during the Land Reform;
- the owner of the building has constructed buildings as auxiliary buildings of a privatised enterprise;
- buildings have been constructed on leased land, and a lease contract has been concluded for a term of at least ten years and includes the condition that the lessee has the right to construct buildings as independent properties.

Formation and registration of building properties is prescribed in the Law “On Registration of Real Property in the Land Book”. Building property may consist of one or several buildings.

When a building is registered in the Land Book as an independent real property, a separate folio is opened and property data are recorded according to the general procedure. When the owner of building property acquires land under his building property, buildings are subjoined to the land property and the folio of the building property is closed.

The reason why owners of buildings are interested in the formation and registration of building properties is the prohibition to transact buildings that have not been registered in the Land Book since 2000.

Situations when buildings are located on another owner’s land are rather common in Latvia, especially in urban areas. Relations between the building owner and the landowner have to be regulated by a lease contract. Unfortunately, conclusion of lease contracts is only a voluntary act, and no special regulations in this matter exist. If owners cannot reach an agreement about the land area to be leased and the amount of rent to be paid, a claim may be brought to the court. Issues of easements and encumbrances are not properly regulated either. This creates a lot of problems and leads to conflicts between owners of buildings and landowners.

Although in some cases buildings are formed as independent real property objects, nevertheless the principle of indivisibility of land and buildings is maintained, making it as temporary solution until merging them into one real property, unfortunately without setting specific deadlines. As an instrument for guaranteeing the principle of indivisibility of land and buildings, the right of the first refusal (preemption right) or redemption right is prescribed in the legislation of Latvia. If a building is independent property, the landowner has the right of first refusal. The right of first refusal is granted to the building owner when land is transferred. The law on renewal of ownership rights and privatisation of real property ensures the right of first refusal to the former owner or his heir. Municipalities may use their rights only after the exercise of the above mentioned right of first refusal.

**Residential property.** Another important reform in the field of real property is splitting of apartment houses into apartments and their privatisation. Splitting of apartment houses into apartments should be done in compliance with the law, court judgement, contract or testament. Privatisation of dwelling houses is widely spread and takes place both in urban and rural areas. The aim of apartment privatisation is to transfer the public housing fund to private owners, to facilitate the real property market, and to promote good management of residential properties in the interests of their inhabitants.

Residential property arises on the basis of the Law “On Apartment Property” accepted in 1995. The Law states that residential property is independent real property and consists of individual property together with a share in the indivisible part of a dwelling house and land (Fig.1).

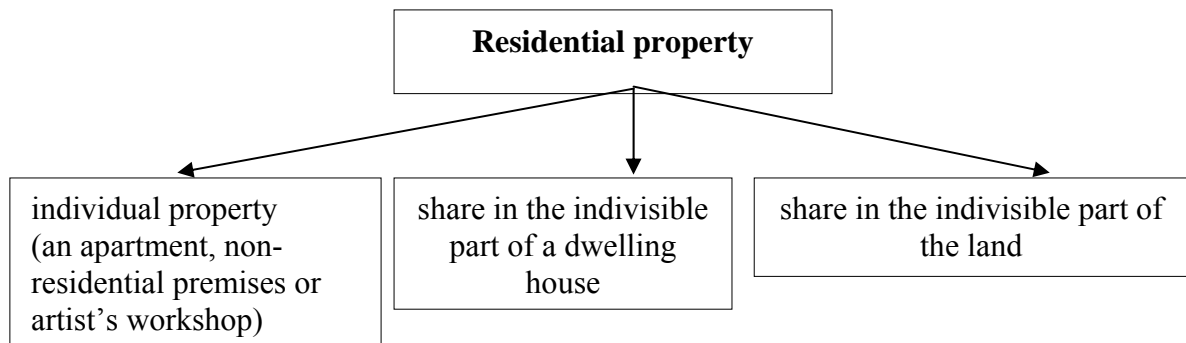


Fig.1. Components of residential property

The individual property is a constructively segregated space or a set of such spaces (an apartment, non-residential space or an artist’s workshop/studio) of an apartment house. Each individual property shall be marked on the inventory file of the apartment house. Walls, internal partitions, ceiling, floors, windows, doors, pipes and flues, and other components necessary for the functioning of the apartment, as well as auxiliary rooms and buildings located outside the apartment but functionally linked with it, belong to individual property.

The share in the indivisible part of a dwelling house belonging to any residential property is calculated in proportion to the size of the individual apartment. If the apartment house is located on the land owned by the owner of the apartment house, a share in the land parcel is added to each apartment property.

Residential property arises on the basis of the Law “On Apartment Property” accepted in 1995. The Law states that residential property is independent real property and consists of an individual property together with a share in the indivisible part of a dwelling house and land (Table 1).

Local Housing Privatisation Committees were responsible for the process of privatisation of apartments. Before registration of any residential property in the Land Book, the dwelling house itself shall be registered in the Land Book.

When the dwelling house is located on the land owned by a natural or a legal person, legislation provides that owners of privatised apartment properties and landowners have to conclude a land lease contract.



Table 1

## Legal basis of formation of residential property

Owner of the dwelling house	The Law	Process
Condominium	“On Privatisation of Condominiums”	Privatisation
Collective farm and state agriculture enterprise	“On Privatisation of Agricultural Enterprises and Fishermen’s Collective Farms”	
State and municipality	“On Privatisation of Dwelling Houses Owned by the State and Municipalities”	
Natural or legal person	“On Registration of Real Property in the Land Book”	Splitting into residential properties

In case of residential property Latvian legislators did not succeed to solve the regulation which states that co-ownership is only entitled to the undivided share in accordance with Civil Law. Regulations of the law shows that residential property is such independent matter of property rights, where the person has exclusive rights to the individual property, but other parts of the building and the land are jointly owned by owners of all residential properties. Because undivided share of residential property is located in the dwelling house, which is an indivisible co-ownership, actions with the undivided part are problematic.

### 1.2.2. Real property and real property objects

Legislation adopted in the Republic of Latvia provides that there are the following types of real properties:

- land property (land without buildings or land together with buildings, belonging to the landowner, on it),
- building property;
- residential property, which may be:
  - obtained in the planned privatisation process, or
  - obtained in the accelerated privatisation process (before the planned privatisation process).

The real property in the laws and regulations on cadastre is defined as independent land parcel or building; or set of land parcels or buildings; units of land and buildings. Residential property and apartment, artist’s workshop, unoccupied premises, which has been given into ownership up to the privatisation of the residential house shall also be regarded as immovable property (Table 2).

Due to the fact that the real property objects, especially buildings and sets of premises are very different in their size, configuration, constructional solution, intended purpose of use,

value and other parameters, it is often very difficult to determine in practice which of the terrain objects can be considered as real property object.

Table 2

Types and objects of real property

Nr.	Types of real property	Real property objects
1.	Land property	Land parcels
		Buildings owned by landowner
2.	Building property	Buildings, located on land, owned by another person
3.	Residential property	Set of premises property together with an undivided share of the relevant commonhold of the building and land parcel

Therefore, the Cadastre Law clearly defines terrain objects which can and which cannot be formed as the real property object. This means that real property can be composed only of terrain objects, which are real property objects (Table 3).

Table 3

Classification of terrain objects into real property objects

Nr.	Terrain objects as real property objects	Except for
1.	Land parcel	Part of land parcel, which is added to an adjacent land parcel
		Part of land parcel
2.	Building	Building, which is movable from one place to another without disassembling thereof or otherwise not damaging it externally (movable building)
		Temporary building
		Basement, attic, stairwells, communication system, equipment and other elements of common use present in the structure and connected with the exploitation of the building, which are not able to be detached functionally, if the constructive reconstruction has not been performed, by modifying them as a set of premises
		Annexes to buildings, projections, engineered equipment and other buildings
		Fence, brick wall, rail bank, sleepers and tracks, vegetation covering the land surface, boundary sign, as well as other installations connected with the unit of land or building
3.	Set of premises	Room within a set of separate premises, if the set of premises consists of several premises

As specific cadastral object by the laws and regulations on cadastre is defined part of land parcel, which is specified for rent purposes. It is not an independent object of real property, but if it is located on the land owned by the state or municipality, it is an object

subject to real property tax. Therefore formation and registration of part of land parcel is compulsory.

### 1.2.3. System of cadastral designations

In 1992 the development of a registration system of land properties and land use purpose started, and the problem of adopting a unique identification system concerning land parcels was recognised. There were exclusively discussed problems related to the development of a cadastral identification system of land parcels, because buildings and apartments were not recognised as real property at that time.

In the middle of 1993 the regulations establishing the procedure for assigning cadastral designations were approved. It was stated that each land parcel in the territory of Latvia should be assigned by a unique cadastral designation. Cadastral designations of land parcels have to be used in documents, registers, on maps and plans, and they have to serve as a key linking the cadastre with other registers and information systems. The approved procedure for assigning cadastral designations prescribed the use of numerical and textual record. Later, when digital techniques were introduced in practice, just numerical record form remained.

Creation of cadastral designations is based on the principle of hierarchy – in the beginning the cadastral designation of land parcel is created, further it is used for creation of cadastral designation of building. Cadastral designation of building is used for creation of cadastral designation of set of premises (Fig.2). The system is developed using existing administrative division of Latvia.

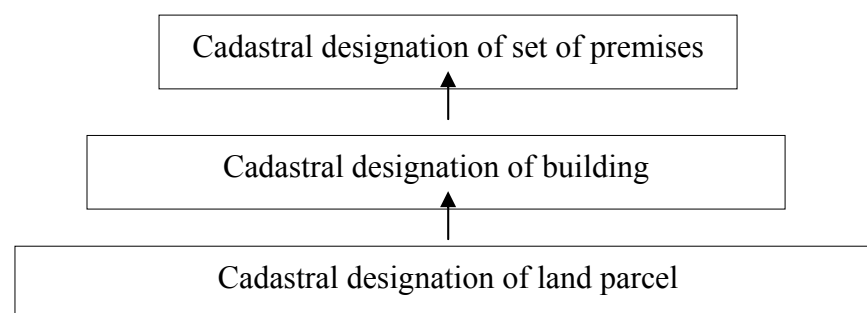


Fig.2. Principle of hierarchy used for creation of cadastral designations

The cadastral designation **of a land parcel** consists of eleven digits e.g., 01000020001, which represent codes and numbers as follows:

- 4-digit administrative unit (rural municipality, city, town) code according to classifier ATK;

- 3-digit number of the cadastral group within the administrative unit (001 through 999);
- 4-digit number of the land parcel within the cadastral group (0001 through 9999).

The cadastral group was defined as a territory within the administrative unit, marked as a definitive line on the cadastral map. New parcel designations were created by continuing the existing number of land parcels within the same cadastral group or, in some urban areas, within the same street block.

In cases of land parcel partition and amalgamation, cadastral designations are assigned according to a standard procedure. When a new land parcel is formed, it is assigned to a new cadastral designation. If land parcels are amalgamated, cadastral designations of the attached land parcels have to be deleted and are not further used, but the cadastral designation of the basic land parcel has to be kept. If one land parcel is split into several land parcels, each subdivided land parcel gets a new cadastral designation, but the remaining land parcel keeps the existing one.

The land parcel cadastral identification system exists since 1993 and since 1996 the State Land Service was obliged by the Cabinet of Ministers to assign cadastral designations.

It is very important to note that the administrative division of Latvia was stable at the time when the land parcel cadastral identification system was developed. Problems appeared when the State Land Service realised that the government changed boundaries of some administrative units. To solve this problem, it was decided to set up cadastral territories and not to use administrative divisions for the purpose. In 1998 it was decided to use cadastral territory instead of administrative unit. According to classifier KTK 4-digit code denoted the respective rural or urban municipality. It means that changes in the administrative unit boundaries do not affect the established cadastral identification system. It is often necessary to assign cadastral designations to large, functionally linked objects located in several administrative territories or cadastral territories. The following should be regarded as large, functionally linked objects:

- land parcels of linear geometry – railway lines, public highways, municipal roads, electrical power lines, gas and oil pipe-lines, utility service lines, rivers etc.;
- land parcels of non-linear geometry – lakes, forest areas, etc.

When a non-linear land parcel is located within one administrative territory and in more than one cadastral territory, it is identified as belonging to one territory. It is given a cadastral designation chosen from one of the cadastral territories where it belongs to.

Where linear land parcels overlap, some hierarchy of priorities should be observed in their formation:

- water bodies (rivers, lakes, etc.);

- railway lines;
- public and municipal roads, where a higher class of road has a higher priority.

When such linear objects intersect, the object of a higher priority is formed as a solid land parcel.

In 1997 the need appeared to identify unequivocally any buildings and sets of spaces within a building, because legislative acts prescribed conditions when buildings (structures) shall be regarded as independent property and the Law “On recording of real property in the Land registers”, which prescribed the procedure for corroboration of rights to buildings (structures) and residential properties in the Land Book.

It was decided to allot **cadastral designations to buildings**. Each building in the territory of Latvia should be given a unique cadastral designation irrespective of their ownership status. It consists of fourteen digits, e.g., 01000020001001. The cadastral designation is composed combining the following:

- 11-digit number denoting the cadastral designation of the land parcel on which the building is located;
- 3-digit number of the building located on the same land parcel (001 through 999).

Every building is assigned to a cadastral designation only once when the building data are entered in the Cadastre Register. The building designation is never changed, even when the respective land parcels are divided or amalgamated. If the building is demolished or destroyed, the cadastral designation of this non-existing building is deleted and is not used further on.

A cadastral designation is given to each **set of spaces within a building**.

The cadastral designation of a set of spaces consists of seventeen digits, e.g., 84260020001001013. It is composed combining the following:

- a 14-digit number, which is the cadastral designation of the building where the set of spaces is located, and
- 3-digit number of the set of spaces within the same building (001 through 999).

Looking at the existing cadastral identification system of land parcels, buildings and sets of spaces within a building, we can conclude: a comparatively simple, secure, reliable and functioning system has been developed in Latvia. Changes in boundaries of administrative units do not affect this system. This is very important, considering the reform of administrative divisions, because cadastral designations will be kept, and it is not necessary to re-register them in the Cadastre Register and in the Land Book.

In the process of the Land Reform, Land Commissions formed real properties by combining one or several land parcels. If the buildings belonged to the landowner, they

were included in the real property. In this case a unique identification of this entity (real property) required that the real property a cadastral identifier – a cadastral number should be given.

An 11-digit numerical code, e.g. 01000030002 – the cadastral designation of one land parcel belonging to the property, was used as a cadastral number for the identification of **land property**.

The necessity to identify **building properties** appeared after the adoption of the legislation, which defined some buildings as independent property. In this case buildings did not belong to a landowner. One or several buildings were included in the structure of one entity – building property. It was necessary to assign the building property to its cadastral identifier, a cadastral number for unique identification of such real property. One cadastral number is assigned to the whole building property regardless of the number of buildings it contains.

The procedure for assigning a cadastral number to building property is the following: each building property is given an 11-digit cadastral number, e.g., 96485920033, which consists of the following parts:

- 4-digit code of the cadastral territory;
- 3-digit code obtained by adding 500 to the cadastral group code;
- 4-digit ordinary number denoting a building property within the cadastral group.

If, through a transaction, the building property is combined with the land and building property, the cadastral number of the land and building property is given to the joined real property.

The procedure for assigning cadastral numbers to **residential properties** was set by the State Land Service with a certain delay, i.e., at the end of 1998. The cadastral number of any residential property consists of 11 digits, e.g., 01009000023, and includes the following parts:

- 4-digit code of the cadastral territory, and
- 7-digit ordinary number denoting apartment property within the cadastral territory (9000001 through 9999999).

The classification of designations of real property objects is regarded as classification of national importance and is mandatory for all state and municipal institutions in any reference to real property or separate real property object.

To fulfil the requirements of the Law “On Real Property Tax” adopted in 1997, it was necessary to register the state and municipality land or free, unclaimed land, granted on lease. Cadastral designation has to be assigned to each leasehold object for this purpose.

When any part of a land parcel is leased, the object of leasehold is this part. The designation of a part of a land parcel consists of 15 digits, e.g., 010003233338001, and includes the following:

- 11 digit designation of the land parcel, and
- 4 digit number designating part of the land parcel within the same land parcel (8001 through 8999).

The cadastral designation of part of a land parcel does not change when the cadastral designations of the land parcel changes.

Examples of cadastral designations and cadastral numbers are given in Table 4.

Table 4.

Examples of cadastral designations and cadastral numbers

Real property	Cadastral number	Real property object	Cadastral designation
Land property	64840020024	Land parcels	64840020321
			64840020024
		Buildings	64840020321001
			64840020321004
Building property	01005030001	Buildings	64840020024001
			01000270001004
			01000270089001
Residential property	01009000001	Set of spaces	01000270089001043
X	X	Part of land parcel	648400200018001

#### 1.2.4. Real property formation

Real property may be formed, its content may be amended, as well as the entry in the Cadastre information system may be deleted on the basis of the submission of real property owner. Real property may be formed only from objects, which have been specified in accordance with the requirements of the laws and regulations.

Real property may be formed by:

- establishing new real property;
- dividing registered real property into several real properties;
- joining registered real properties into one real property, or
- amending the content of the registered real property, separating or adding the real property object.

Corresponding to the choice of the owner and in accordance with legislative acts in the content of the real property, the following real property object or a set of real property objects may be included in one of the following cases:

- individual land parcel or land parcels and the buildings thereon owned by landowner which are located in one administrative territory;
- individual building or buildings which are located on foreign land in the territory of one land parcel;
- individual set of premises or sets of premises which are located in one dwelling house, have a mutual border on the horizontal or vertical side, together with an undivided share of the joint property.

If the land parcel and buildings belonging to a landowner are registered in the Cadastre information system as a single real property, dividing such real property, the separation of the building from the land parcel on which it is located is impossible.

If all real property objects are merged with another real property objects or individual real property is merged with another real property, or all real property is destroyed, the real property has to be deleted from the Cadastre information system.

In some cases it is necessary to transform all residential properties within one dwelling house into different type or real property – building property. Such activity may be performed: new building property shall be registered and all entries regarding the residential properties in the Cadastre information system shall be deleted.

In establishing a new real property or deleting the entry regarding the real property, the building of the registered real property, to which the real property or the real property object is added or separated from, shall be amended at the same time, as well as the data characterising thereof, and the data shall be updated in the Cadastre information system.

### **1.3. Role of cadastre in real property taxation**

From 1990 to 1997 inhabitants of Latvia were obliged to pay land tax and the tax was imposed on land only. Taxes are imposed according to the law "On Taxes and Duties" and one of the following taxes is real property tax (hereafter – tax), which is determined by the law "On Real Property Tax". Since 1998 the tax is imposed on real property as set of real property objects - tangible things which are located in the territory of the Republic of Latvia and which cannot be transferred from one place to another without being externally damaged. For this purpose cadastral data of Cadastre information system are used.

Payers of the tax are Latvian or foreign physical and legal persons and groups of such persons, formed on the basis of a contract or other agreement, who have ownership or legal possession of real property. As the owner of real property person whose ownership rights have been confirmed in the Land Book is considered.



**Tax rate** on the land, buildings or parts thereof and engineering constructions is **1.5 percent** of the cadastral value of real property.

**Tax rate** on residential buildings, regardless of whether or not they are divided into residential properties, residential parts of the set of premises in non-residential buildings, the functional use of the accommodation, as well as set of premises, the functional use is associated with living (garages, car parks, basements, storage and utility rooms), if they are not used for economic activities is:

- **0.2 per cent** of those which cadastral value do not exceed 40,000 LVL;
- **0.4 per cent** of those which cadastral value is from 40,000 LVL to 75,000 LVL;
- **0.6 per cent** of those which cadastral value exceeds 75,000 LVL.

**1.5 per cent** additional tax rate is imposed on unused agriculture land.

The taxation period is the calendar year. Cadastral valuation is a set of operations in order to specify the value of a cadastre object. The process of cadastral valuation includes:

- development of a cadastral value base;
- calculation of cadastral value.

Valuation methods specified in the standards for valuation of real property are used in development of the base of cadastral values – the method of comparing transactions, income capitalisation method and the method of costs.

The State Land Service performs cadastral valuation according to procedures determined by The Cabinet. Information regarding real property transactions is used at least for last two years. The State Land Service registers and analyses the prices of the real property market and lease payments and determines the price level. In order to accumulate and process information regarding real property transactions, the Cadastre information system maintains the database of the real property market.

The cadastral value is calculated taking into account the following data registered in the Cadastre information system:

- the base of cadastral value;
- data characterising the cadastre object;
- purposes of use of the real property;
- encumbrances of the real property object.

The local government has to administer the tax therefore the State Land Service in the Cadastre information system is performing the following operations:

- maintenance of data regarding the object of real property;
- entering the information regarding the payer of the tax.

The cadastral value does not include the value of forest stands, but the value of forest stands is taken into account for taxation purposes, too. Calculation of forest value is made by the State Forest Service.

Local governments and the State authorities have a duty to provide the data to the State Land Service, which are necessary for the calculation of the total amount of foreseen values of real property objects. Since 1997 the forecast of foreseen values of real property tax is necessary in order to calculate contribution of local municipalities into Equalisation Fund, as well as cost of it to insufficient municipalities. In early stage this calculation was made by simplified methods, using information accumulated in Cadastre information system. Presently data submitted to local governments are prepared of value-based modelling system, which may perform automated conversion and obtain foreseen values considering different bases of cadastral values.

Calculation of the tax on the basis of the last determined cadastral value is responsibility of the local government, and it is one of the most important ways of the use of cadastral value.

Every taxpayer is obligated to pay a tax on the basis of payment notice, issued by the local government. A payment notice regarding a tax is an administrative act. If a payer of real property tax has not received a payment notice by 15 February of the current assessment year, he has an obligation to inform the local government within one month. The tax shall be paid once in each quarter – not later than 31 March, 15 May, 15 August and 15 November – in the amount of one quarter of the yearly tax sum. The tax may also be paid once a year by advance payment.

For real property tax abatements may be determined and amount of tax may be reduced for politically repressed persons - by 50 per cent, if the immovable property is not used for economic activity. The local governments may accept regulations, which provide abatements for separate categories of taxpayers in the amount of 90 per cent, 70 per cent, 50 per cent or 25 per cent of the tax amount.

Amount of 90 per cent of abatement may be granted to persons, having status of low-income persons or family.

Information systems, maintained by the State Land Service, provide data for administration of real property tax by:

- calculation of the cadastral value for real property taxation;
- gathering information on taxpayers;
- preparing lists of objects imposed on real property tax and taxpayers;
- calculation of the total amount of foreseen values of real property objects.

Since 2010 State Land Service is responsible only for calculation of the cadastral value, but it still regularly transfers to municipalities about 80 per cents of data, stored in the Cadastre information system.

## **2. Registration of real property**

### **2.1. Legal registration of real property**

In the course of time two systems of real property registration have been developed in the world: cadastral and legal registration. These systems mainly serve two purposes:

- as “fiscal” records, primarily for the public sector, they have served as the basis for full and accurate taxation of land;
- as “legal” records, primarily for the private sector, they have served as registers of ownership and other rights to the land.

Two independent cadastral and legal registration systems exist in such European countries as Austria, Croatia, Poland, Slovenia, etc. Unique, single registration system exists in such European countries as Czech Republic, Hungary, Lithuania, Slovakia, Moldova, etc.

At the end of 1992 and in 1993 some laws were passed that introduced essential changes in the land cadastre. Firstly, at the end of 1992 there were preconditions for the functioning of the real property market. To facilitate real property transactions it was necessary to ensure registration of real property rights. For such purpose in 1993 the legislator adopted a new law “On the Enforcement Procedure of the Land Book Law of December 22, 1937” and re-enacted “The Land Book Law”. Consequently, the idea about the development of a single register of cadastral information and property rights was not implemented. Due to historical circumstances two independent registration systems has been introduced in Latvia:

- Cadastral Register as fiscal registration system (Property Register);
- Land Book as legal registration system (Land Register) (Fig. 3).

Concerning registration of real property after 1990s, the system that existed before 1940 was re-established. The cadastral system is basically intended for real property taxation purposes, it also serves as a tool for the registration of property use and tenure rights as well as for storage of technical data, whereas the Land Book system offers corroboration of property rights and registration of any restrictions related to the property.

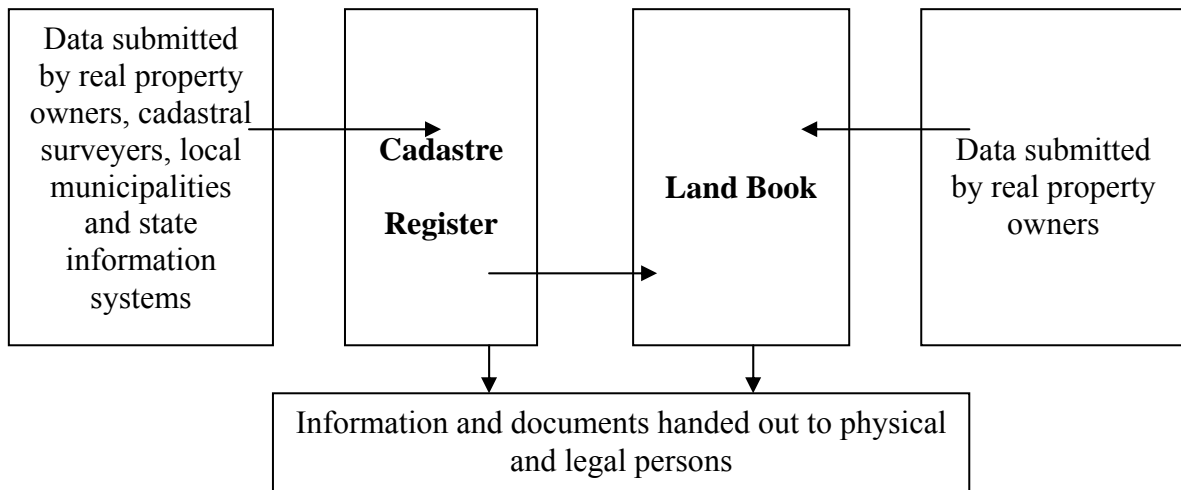


Fig. 3. Registration of the data in Cadastre register and Land Book

Under Latvian law, there are **two authorities responsible for maintaining the real property registration system**, namely, the State Land Service and the Land Book Department (Fig.4).

The State Land Service is subordinated to the Ministry of Justice, which issues methodological guidelines. The Land Book is an independent institution working within the system of regional courts and supervised by the Ministry of Justice.

The Land Book offices are located in 28 regions, including larger cities of Latvia. All databases of 28 Land Book Offices are unified in the State Unified Computerised Land Register, which can be regarded as centralised database from where the information about all real properties registered in Latvia can be obtained. The State Unified Computerised Land Register is the only computerised land register information which is institutionalised and legally recognised. The owner of the State Unified Computerised Land Register and its software is the state of Latvia. The Ministry of Justice performs functions of the holder (<http://www.zemesgramata.lv/default.asp?ln=lv>).

Anyone can obtain data from the Land Book on all real properties located in the Republic of Latvia, which are registered in the Land Book, and may have access to data stored in the subdivisions of the Land Book by entering one of these: division number, cadastral number, property name, or property address.

Rights in real property are corroborated in the Land Book, and these rights include both privileges and restrictions. Judges who have the power to take decisions head Land Book offices. Land Book judges are appointed by the Parliament of the Republic of Latvia. Land Book judges have the same professional status as judges serving in district courts or city courts. In decision-making, judges are independent and only have to abide by provisions

of the law; decisions made by Land Book judges may be appealed in the legal procedure by submitting appeals to the Higher Court.

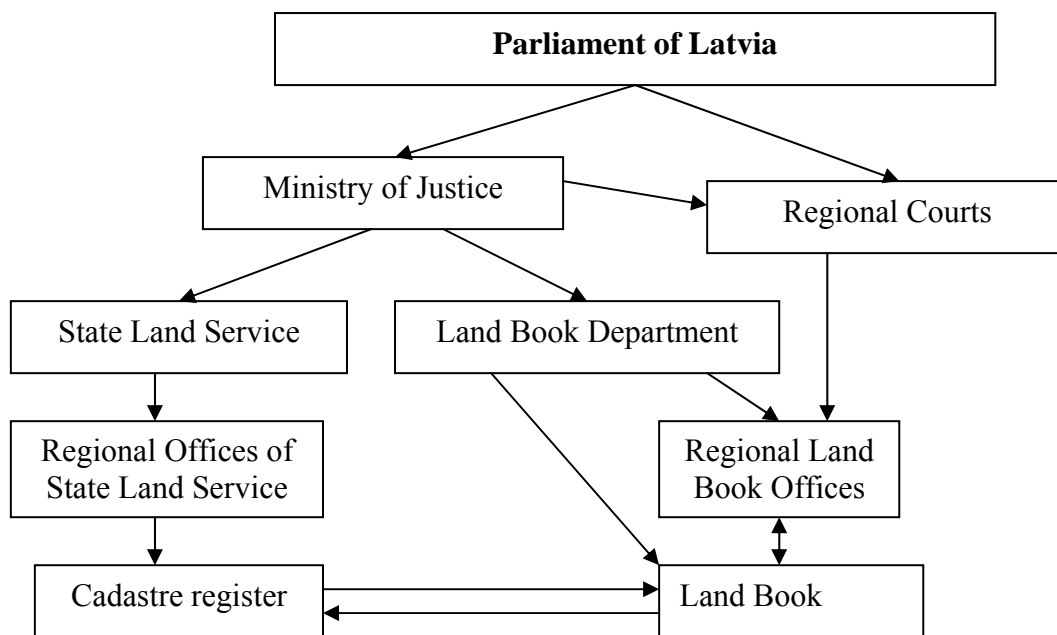


Fig.4. Hierarchy tree including the State Land Service and the Land Book

Creation of institution of the Land Book and its development is focused on protection of creditors' rights, in order to create equal safety conditions for the registered pledging of a real property. The system of the Land Book is serving as the basis to safeguard the obligations (the taken responsibilities). Each piece of real property is registered in a separate register as an independent unit of land. The registration permits it to become the unit for mortgage and it is fully responsible for all registered property rights. The Land Book is available for public and the records possess public reliability.

The Land Book registration is fully computerised. In accordance with the Land Book Law, property data are registered in the **Integrated Computerised Land Book**.

The Land Book is legal registration system of real properties and rights connected with them, which operates on basis of the “Civil code” and the “Land Books Law”. The Land Books provides registration of:

- real property as mortgage unit (incl. land together with buildings, buildings without land, apartments and non-residential premises);
- property rights (who is owner and which is legal background);
- restrictions on property rights (easements, encumbrances, usage limitations etc.);
- easement (servitude) as rights on usage another property;
- mortgages;

- other rights connected to the property (lease holders, will agreements etc.).

The Civil Code states that only after registration into the Land Book, the rights get mandatory status in relation to third persons. The Land Book also contains historical information about real properties.

In early stage the computerised registration system consisted of 28 separate regional systems and all operations were based on registration system, containing data from corroboration journals, land book folios and alphabetic indexes according requirements stated by “Land Books Law”. The technical solution of each regional system was based on ORACLE 7.3 database server (Windows NT platform) and Windows 95 workstations as working sites (Fig.5). This technical solution fulfilled all the requirements for registration of rights, printing of registration certificates and performing other duties of Land Book offices.

The main entities of the Land Book database are:

- Corroboration journal entries, where data about each application for corroboration of rights are entered;
- Land Book folios, where general information (folio number, cadastral number of property, property name and/or property address) on real properties is stored;
- Records in Land Book folios, subdivided into chapters and sections, which describe corroborated rights;
- Persons or companies with the data about persons/companies, who has any interests to the real property (ownership rights, lease holder rights, mortgage rights etc.); person list or company list serves as an index of persons in relation to the real properties;
- Documents, where reference to deeds, agreements, etc. on which basic rights are corroborated, are stored;
- Refusals, which contain decisions of the Land Book office judge to refuse application corroboration rights;
- Territories – a list of administrative territories to support organization of the Land Book according to territories.

The main identifiers for these entities are: folio number, journal entry number and ID code of person.

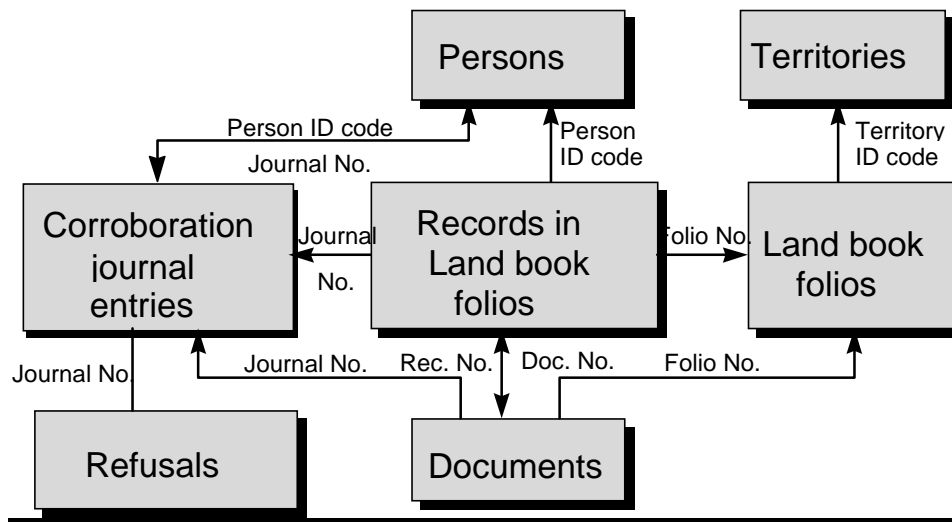


Fig.5. Generalized structure of Land Book database

In 1998 the Parliament passed amendments in the “Land Books Law”. The new edition of the “Land Books Law” defined the following requirements for storing information into database:

- establishment of central database as storage of national-wide Land Books information;
- only central data base contains adjudged information and is responsible for data security;
- exclusive property rights on data and software for computerised Land Books belong to the state;
- cross-checking of data with other public registers;
- central storing of electronic images of corroboration documents;
- standard application forms for corroboration;
- electronic confirmation (authorisation) of judge’s decisions;
- registration of residential property as separate property;
- computerised printout of the Land Book Act, judges’ decisions and other certificates;
- online search on public information only by folio number, cadastral number of property, address or name of property;
- system for accounting of distributed information to ensure payment of proper fees;
- distribution system for delivery of information;
- control of access for different parts of land books information;
- downloading of information to the State Land Service and municipalities;
- having enough flexibility to perform data exchange with other public registers/ institutions.

The main goal for making changes into existing system was to establish national wide Land Book information system with different services for external customers. There was also a task to establish state level information infrastructure by integration of Land Books with other national registers in accordance with principles of national program “Information Systems of State Importance”. It ensures information exchange between state registers at high quality level and performs needed data collection in the most effective way.

The new legislation requires a new functionality of the Land Book system, which should include:

- storage of all legally valid Land Book data into central data base;
- security improvement of registration system;
- data distribution system separate from registration system due to security requirements;
- tools for overall system administration;
- cross-checking with auxiliary registers – Register of Citizens, Register of Enterprises, Taxpayers’ register, Cadastre register, Address Register, etc.
- data downloading to the State Land Service and municipalities.

Information from the computerised Land Book may be received in a Land Book office in an electronic form, in the form of an uncertified computer printout or in the form of a computer printout certified by a judge of a Land Register office.

## **2.2. Creation and development of cadastral registration system (1991 – 2006)**

### **2.2.1. Registration of textual data**

Land property registration in Latvia started with the introduction of **Registration journals of land users** in each region. The registration was based on decisions on the approval of land use rights. The purpose was to register the following data:

- number of the land parcel in the land use project;
- name of land user;
- title (name) of the property;
- total area of the property, area of agriculture land and area of forest land.

It means that already at the beginning of 1992 the legislator had actually determined:

- the obligation of registration;
- property subject to registration;



- the organisational structure of the authorities responsible for registration.

Registration journals, however, did not acquire great significance; they never assumed the function of an official register and were short-lived for the following reasons:

- the State Land Service was established in 1993 for the purpose of implementing the Land Reform, and all the relevant institutions were included in its structure;
- orientation towards the development of a computerised registration system was already approved;
- allotment and surveying of land parcel boundaries was the responsibility of the company “Zemesprojekts”, which formed an essential part of the State Land Service; all boundary surveying documents were stored in one place in Riga, therefore “Zemesprojekts” could start the development and maintenance of a simplified registration system.

Thus, in the middle of 1992 “Zemesprojekts”, having concluded an agreement with the Ministry of Agriculture, began the initial development of a registration system. It was decided to develop software using the program design language DataFlex and financed by Sweden.

This registration system has remained in history of the cadastre as the Preliminary Register of Land Parcels or **the Preliminary Register**. It was a united temporary registration system with a simplified data structure. It was designed to be run manually as a registration book for each municipality, finally to be transformed into a computerised register.

In the middle of 1992, “Zemesprojekts”, guided by preliminary specifications, started to run the manual Preliminary Register. But the life of this register was rather short: as soon as the technical environment could be improved, data input in a computerised system started.

The computerised Preliminary Register was developed with the aim of accumulating surveying data of boundaries collected by “Zemesprojekts”. Such a computerised system improved and facilitated the registration process and ensured certain checking and supervision of boundary surveying work. The Preliminary Register was not a juridical register. Data accumulated in this register were intended only for controlling the process and statistics of the Land Reform. It served as an intermediate stage in the development of a reliable land information system.

The Preliminary Register was composed of the following parts:

- 3 basic blocks of information (information about land parcels, land properties and land users or landowners);

- 3 subsidiary blocks of information (list of local municipalities, list of regions and list of purposes of land use).

The data input and data adjustment were realised only in the basic blocks. The volume of data was not large: the registration number and date, land parcel cadastral designation, area of land parcel and land property, number and date of the Land Commission decision, title of land property, purpose(s) of land use, name and address of the land user or landowner, etc.

The Preliminary Register was maintained only in one place in the Land Cadastre Centre of the State Land Service in Riga. The reason was that between 1992 and 1994 the State Land Service did not have enough hardware and software, and the technical solutions for digital technologies had to be concentrated in one place. Computerisation of the regional offices of the State Land Service was undertaken later.

Only about 13 employees provided the maintenance of the Preliminary Register. They were responsible for programming, cadastral registration, maintenance of blocks of information, and administration. Only 8 simple computers and a low-capacity server were at their disposal. The first operating computer network was composed of 5-10 workstations, a couple of printers and a server. Regardless of the restricted technical and financial resources already 39.5 thousand land use units, including 50 thousand land parcels, had been registered by the end of 1993 in the Preliminary Register.

At the end of 1992 and in 1993 some laws were passed that introduced essential changes in the process of the state land cadastre. The following responsibilities in relation to cadastre were assigned to the State Land Service under the Law “On State Land Service”:

- to perform formation of real properties for registration;
- to develop, introduce and run the cadastre of land and other real properties;
- to co-ordinate and supervise the development of the land cadastre information system;
- to issue cadastral information to natural and juridical persons, municipalities and state institutions.

The law also determined the following:

- registration of real property is the responsibility Land Book offices, and cadastral information should be incorporated into the Land Book information;
- exclusively the cadastral information submitted by the State Land Service should be recognised as official information regarding land and other real properties;
- the State Land Service is the only developer and manager of the cadastral system.

It means that the State Land Service should develop both the cadastral system and separate registration system for accumulation of the cadastral information. In 1993 the company

“Zemesprojekts” worked out the basic regulations of cadastral registration on the basis of the above-mentioned legislative acts and experience obtained in the field of registration. It was an accepted instruction which prescribed an order of maintenance of:

- Cadastre Register in textual form;
- A cadastral map in graphical form.

**The textual part of the Cadastre Register** initially was performed manually. The registration book was introduced for every rural and urban municipality in the form of a Cadastre Register of manual entries, where each real property was registered on a separate sheet. Data were entered concerning every real property and the respective land parcels; any changes in the cadastral data were reflected. The Cadastre Register of manual entries replaced the registration journals and became official registers of cadastral data.

Between 1993 and 1995 the registration system was based on a very close co-operation between regional offices of the State Land Service maintaining the Cadastre Register in textual form on the regional level, and Land Cadastre Centre of the State Land Service maintaining the Preliminary Register in digital form at the central level.

The staff of the Land Cadastre Centre entered boundary surveying data into the central computerised Preliminary Register, assigned the registration numbers and, on a regular (monthly) basis made printouts from the Preliminary Register and submitted them to the regional offices. Only after real property registration in the Land Book the regional offices registered the received information in the Cadastre Register of manual entries. Land parcels were assigned cadastral designations, a record in the Cadastre Register was made and the Preliminary Register registration number was entered. This process was very important, because information accumulated in the Preliminary Register was further recorded in the computerised Cadastre Register and the Preliminary Register registration number served as a key between the two registers.

When the regional offices of the State Land Service began to deal with boundary surveying, boundary surveying data were stored in the local offices, the regional offices every month submitted lists of newly surveyed land parcels to the Land Cadastre Centre for registration in the central computerised Preliminary Register. At the end of 1995 data on nearly 90 thousand land properties consisting of approximately 125 thousand land parcels had been accumulated in the central computerised Preliminary Register.

In 1994, in order to upgrade the registration system, to increase its efficiency and to bring registration offices nearer to the landowners and to the main customers, i.e., the municipalities, the Land Cadastre Centre started decentralisation of the computerised Preliminary Register. In the future, cadastral registration should be the responsible for the

regional offices of the State Land Service. In this regard, considering the available financing, it was planned gradually to equip regional offices with the necessary equipment, to set up small local computer networks and to train the staff, at the same time continuing the work with the Cadastre Register of manual entries.

It was planned that at the regional level the computerised Preliminary Register should serve the following functions:

- collection, input and processing of the data;
- maintenance and upgrading of the registration system on the regional level;
- preparation and issuing of juridical documents (certificates);
- providing of customers with cadastral information on the regional level;
- data exchanges with municipality information systems;
- preparation of updates for central data storage.

At the beginning of 1995 the regional offices of the State Land Service took over the maintenance of the computerised Preliminary Register. It means that at the same time they also maintained the Cadastre Register of manual entries. The Land Cadastre Centre started to develop the central data storage in order to control data quality and supervise the registration process. The regional offices sent cadastral information to the central data storage in digital form on floppy disks.

The decentralised Preliminary Register existed for about one year, and it was gradually replaced by the computerised **Cadastre Register** in the regional offices. In the course of time the equipment of the State Land Service was improved, and in 1997 a local computer network consisting of 5-20 computers was created in each regional office. The maintenance of the Preliminary Register stopped in the middle of 1996.

In April 1996 the Government issued “Regulations for the State Cadastre of Real Properties”. The Cabinet of Ministers established the legal basis of the Cadastre Register with this document, determining the following procedures:

- geodetic and cartographic work, formation and classification of real property, its cadastral valuation and registration in the Cadastre Register;
- storage and use of cadastral data; the range of cadastral data users;
- rights and responsibilities of both of landowners and performers of cadastral activities.

Consequently the Cadastre Register became the official register of cadastral information, and it was especially necessary to develop and implement the computerised Cadastre Register. Legally the Preliminary Register served only as an auxiliary means and an intermediate stage in the transition from the Cadastre Register of manual entries to a computerised Cadastre Register.

In this regard, the preliminary work for the development of the computerised Cadastre Register started in 1995. The software for the Cadastre Register was developed using the program design language DataFlex.

The Cadastre Register was composed of 15 basic blocks of information and 16 subsidiary blocks. The data input and data adjustment took place only in the basic blocks (files), including the following lists: addresses of land parcels; buildings; changes made in the register; documents registered in the register; encumbrances; documents issued by Land Book; map sheets of the cadastral map; landowners (land users); land parcels; land properties (land uses); restrictions on property; easements; cadastral surveying activities; cadastral value of the land, mutual reference between landowner and land property as well. The service software provided the facilities to enter, correct and change the data, to search and output them in the necessary manner. The Cadastre Register did not contain any software enabling data selection and generalisation and processing of inquiries. Special software generated by the company Data Access served for this purpose.

The Cadastre Register was a relational database where data files were connected by mutual references. It means that one entry in one data file corresponds to one or several entries in another data file. Such a solution takes into consideration a condition where land property consists of several land parcels. The cadastral value of land was entered from outputs of the Land valuation register. The software of the Cadastre Register was improved continuously in accordance with changes or modifications in legislation. The Cadastre Register was a decentralised system – registration took place in the regional offices of the State Land Service.

At the end of 1996, two or three employees in each regional office were able to maintain the Cadastre Register. These offices were provided with some 40 computers, 30 graphic workstations for the maintenance of the cadastral map, and 3 servers for data accumulation and data processing. As a result, 28 mutually unconnected computer networks were created with different kinds of network topology, which functioned in the regional offices of the State Land Service. After 1997 the number of computers in the regional offices of the State Land Service continued to increase. In some of the regional offices the number of computers reached 15-40, but Riga offices had even 50-150 computers at their disposal. State Land Service had a united computer network and data transmission system connecting 28 local computer networks.

Already in 1996 the State Land Service started to work on data transmission by joining the data transmission network of the State Information Network Agency VITA.

Intensive work has been going on to accumulate data in the Cadastre Register, while the interest of state institutions and the general public about the Land Reform, its outcomes and cadastral information was increasing. As a result, the State Land Service was not able to meet this growing demand fully. Also, the Law “On Real Property Tax” led to an acute demand for information about real properties in all Latvia to be obtained from the Cadastre Register. Therefore, as of 1997, the State Land Service made a great effort to register all the land parcels, and already in 1998 this task was fulfilled. In 1999 the State Land Service started intensive and massive activities to register also buildings in the Cadastre Register.

The Cadastre Register was developed using ORACLE database management software and the relational principle of databases, and was based on SQL programming language. In fact, the usage of ORACLE software was a very significant step because it opened up new opportunities and provided:

- maintenance of large databases;
- storage of large volumes of data;
- safety against data damage;
- immediate regeneration of the damaged section;
- an opportunity to link and integrate several data bases quickly.

A disadvantage of the ORACLE software was the high price of the licenses and the complicated maintenance; highly qualified experts in programming, administration and maintenance were required.

The information in the textual part of the Cadastre Register was divided according to sections, namely:

- property section containing data on the type of property and the owner, Land Book information, encumbrances and documents related to the property formation and alteration; to maintain this information, exchanges with the Land Book information was made;
- land parcel section containing more technical information - explication of the types of land use (arable land, forest, etc.), purpose of use of the property, encumbrances, surveying data etc.; the technical data help to calculate the cadastral value of the land;
- section of buildings and sets of spaces;
- cadastral value section;
- section of archived files.

**The section of buildings and sets of spaces** take up a large part of the Cadastre Register. In Latvia the registration of buildings and other structures has been delegated to the State

Land Service, which is responsible for registration and maintenance of such data. Depending on the type and purpose of data collection, the section of buildings/structures of the Cadastre Register is divided into two parts:

- full amount of building inventory data;
- partial building inventory data.

The first part includes technical data gathered by external and internal inspection of buildings. Full technical inspection is made when a building is commissioned for use or when a repeated technical inventory is required. Inspection for full technical inventory is required when an updated cadastral value has to be recorded.

The second part involves external inspection and exterior measurements of the building and it is required for calculation of the cadastral value for the purpose of real property taxation.

Data about sets of spaces are gathered simultaneously with full technical inspection of the building. Inventory data of sets of spaces are valid for five years, and this information has to be updated in cases when more than five years have passed since the last technical inspection.

**The cadastral valuation section** is organised so that it helps to calculate the cadastral value of the land and buildings using the data registered in the Cadastre Register. By law, the State Land Service is responsible for cadastral valuation of land. By the beginning of the year 2000 a special computer program was developed to be used for the calculation of cadastral values and for the maintenance of valuation data. The final cadastral value was entered in the Cadastre Register. Programs for cadastral valuation of urban and rural land were kept apart; they were based on different methodologies and application of different software. As a result, it was difficult to make them compatible with the Cadastre Register. Early in 2000, to avoid duplication of data and incompatibility of computer programs and cadastral data, the cadastral valuation of land became the function of the Cadastre Register.

Within the integrated cadastral valuation section the following has been achieved:

- cadastral values are automatically calculated by the Cadastre Register software;
- cadastral values are automatically re-calculated each year by January 1 for the needs of real property taxation;
- forest values provided by the State Forestry Service are automatically downloaded into the Cadastre Register;
- land value zones are automatically selected.

Cadastral valuation of buildings is made using the actual technical inventory data stored in the Cadastre Register. Cadastral valuation of buildings is based on the following data:

- type of building;
- number of floors above the ground level;
- size of the building: built-up area (sq. m), volume (cu.m), and length (m);
- degree of physical deterioration;
- material used for external walls.

**The archived files section** was introduced in the Cadastre Register facilitate the administration of the wide-scale archive materials of the State Land Service, to control the circulation of the archived files, and to simplify document processing.

Cadastre Register provides the production and printing of the required cadastral documents.

The development of national cadastral registration system is shown in table 5, but development of the content of the Real Property Register is shown in table 6.

Table 5

Development of national cadastral registration system

Year	Registration system	Data registration and processing	Level of maintenance
1991	Registration journal of land use	Manual	Regional
1992	Temporary Cadastre		Central
1993	Cadastre Register	Digital, Data Flex	Regional
1993			Regional
1998	National Real property information system	Digital, Oracle (28 data bases)	Regional
2003		Digital, Oracle (8 data bases)	Regional
since 2007		Digital, Oracle (1 data base)	Central

Table 6

Development of content of Cadastral information system

Year	Textual part	Cadastral map
1992	Land properties, land parcels and encumbrances	X
1995	X	Cadastral areas and land parcels
1997	Incomplete extent of building inventory data	X
1998	Building properties	X
1999	X	Buildings
2000	Full extent of building inventory data, valuation of the land and buildings, apartment properties, leasehold, tax administration data and archive	X
2003	X	Encumbrances



### 2.2.2. Registration of graphical data

Until 1990 the company “Zemesprojekts” mapped all the existing land uses – collective farms, individual farms, forestry enterprises, schools, cemeteries, roads, railways, etc. on **cadastral cartographic materials**. In planned economy cartographic information about land use was necessary for overviews, state statistics, physical planning, development of projects and for other purposes. Such cartographic materials were:

- manual photomaps produced using air photography methods (of a 1:10000 scale);
- manual land use boundary maps of the respective regions (of a 1:75000 scale).

With the initiation of the land reform, the existing cartographic materials become useless because they were unsuitable for mapping of the land allotted for use, mainly for the following reasons:

- the cartographic materials covered only rural areas but not the whole territory of Latvia;
- from the technical point of view, photomaps were not suitable for continued alteration and modification of land parcel boundaries and therefore soon become useless;
- the land use boundary map was drawn up in a small scale (1:75000), therefore it could not represent a great number of land parcels.

It meant that for the needs of the land reform it was necessary to make new cartographic materials. In 1991, during their study visit in Sweden, specialists from the company “Zemesprojekts” found that it was useful to make a special map for mapping land parcel boundaries. Such a map should show an overview of the geometry of land parcel boundaries, their location, and also relative location. The maintenance of the map was possible using only digital technologies. As the State Land Service just started to use computers and the specialists were not adequately trained, a transition period with the use of manual technologies was necessary.

We may consider that **land use projects** were the first cadastral cartographic materials that were made for each rural municipality. The local Land Commission made decisions on the allocation of land on the basis of these land use projects.

At the early stage of the land reform, land parcel boundaries in rural areas were mainly allocated without instrumental measurement. The land parcel boundaries thus allocated were mapped on the existing manual **rural area photomaps** (of a 1:10000 scale). But in cities, towns and in other densely populated areas land parcel boundaries were surveyed using geodetic instruments. For land parcel boundary mapping, so-called **urban cadastral**

**survey map** was created. This map was maintained in digital form. Alongside with the land parcel boundary information, also topographical information acquired during the surveying process was stored in the database of the map. It should be remarked, however, that the State Land Service did not prescribe the procedure for the creation and maintenance of such a map. As a result, each regional office of the State Land Service developed this map at its discretion.

Already in 1996 the Government started drafting a law on the completion of the Land Reform both in rural and urban areas. For this purpose, it was necessary to arrange and map all information about the land allotted during the land reform, i.e., ownership and land use information as well as data on free unclaimed land. In 1997 the State Land Service drew up the **Land use and real property map** (of a 1:10000 scale) for each administrative division. Further the State Land Service updated this map in accordance with the decisions taken by Land Commissions. Land use and real property maps served as the basis for cadastral surveying of land parcel boundaries. Later, however, land use maps lost their significance.

Development of the **manual cadastral map** started in 1993 when the State Land Service established the procedure for the maintenance of the cadastral map in graphical form. The prescribed procedure was as follows:

- the cadastral map should cover the whole territory of Latvia and should show the geometry, location, including relative location, of land parcels;
- boundary points and boundaries of land parcels and their cadastral designations as well as boundaries of the cadastral groups and administrative division units should be shown on the cadastral map;
- the cadastral map should be maintained in a manual way in a scale not larger than 1:10000 and not smaller than 1:500;
- land parcels should be depicted on the cadastral map after their registration in the Land Book;
- regional offices of the State Land Service are responsible for the maintenance of the cadastral map.

Sheets of the cadastral map had to be drawn on special transparent material suitable for the maintenance of the cadastral map. A rectangular control network should be made to conform to the co-ordinate system of Latvia (LKS-92). Every map sheet showed the previously used control network grid and was compatible with manual photomaps and topographic maps. Land parcel boundaries from photomaps should be copied on the cadastral map.

Before starting the maintenance the cadastral map, it was necessary to provide regional offices of State Land Service with cadastral map sheets. Software for the division of the cadastral map into map sheets was developed and separate \*.dgn file for each map sheet was created. In these files information about boundaries of cadastral groups and administrative division units was included. The corresponding text file to each \*.dgn file was created where titles (names) of administrative division units and numbers of cadastral groups were stored.

Cadastral group was defined as a territory inside the administrative division unit, marked on the cadastral map with a conventional line. The territory of a cadastral group was formed as compact as possible.

Cadastral map sheets produced on specific transparent material were supplied to regional offices of the State Land Service in the middle of 1995, and we can say that this date marks the beginning of the cadastral map in Latvia.

Practically the manual cadastral map in a 1:10 000 scale covered only the rural areas of Latvia, whereas no cadastral map was made at that time for cities, towns and other densely populated areas due to the lack of finances. The accuracy of the cadastral map depended on the accuracy of cadastral surveying.

The maintenance of the manual cadastral map was discontinued in 1999. In accordance with the existing regulations, the manual cadastral maps are stored in the State Land Service archives.

The Latvian specialists started to appreciate the significance of the **digital cadastral map** after a study visit in Sweden in 1991 and also when Swedish specialists started to provide training in a new field – digital photogrammetry. As a result of this co-operation, digital orthophoto map of a 1:10000 scale of Latvia was created for several territories. The orthophoto map opened up completely new possibilities to maintain the digital Cadastral map in Latvia. Already in 1993 the State Land Service undertook the preparation for transition to the maintenance of the cadastral map in a digital way, and in co-operation with Swedsurvey national cadastral mapping program was developed.

The graphics software appeared in Latvia in the 90s of the last century. Digital technology in the maintenance of the cadastral map was introduced comparatively late, but it immediately conquered a permanent position. The State Land Service introduced digital technology in field surveying as soon as the modern surveying instruments appeared in Latvia. Such instruments were able to capture surveying data in a magnetic storage device directly in field conditions in the countryside; these instruments provided obtaining of the data in digital form and clearly demonstrated the advantages of digital technology. Land

surveyors started to produce land parcel boundary maps in a digital way by using MicroStation \*.dgn files or digital cadastral survey maps.

The first modern instruments for cadastral mapping appeared in Latvia in 1993 when, by way of humanitarian aid, the Danish surveyors presented the State Land Service a few computers and licensed MicroStation 4.0 software for training purposes.

Land parcel boundaries could be entered in the digital cadastral map by using co-ordinates of boundary points shown on the land parcel boundary maps but this was inefficient and laborious work. For technical reasons, the existing manual rural area photomaps with allotted land parcel boundaries were not available for the digitisation of their graphic data. As a matter of fact, fact preconditions necessary for the maintenance of the digital cadastral map both in rural and urban area appeared in 1994 when the first orthophoto maps were introduced and gradually covered whole territory of Latvia.

Graphics software, specification of the cadastral map, trained specialists and a separate \*.dgn file for each administrative division unit were necessary for the maintenance of the digital cadastral map. The State Land Service decided that MicroStation software should be used for the maintenance of the digital cadastral map.

In 1994, the first specification of the digital cadastral map was approved. This document described how to draw up and to maintain the Cadastral map with the aid of computers. Cartographic data in the database should be stored in a system of files, and these files should be grouped into catalogues and subcatalogues on different levels. The document specified the following:

- parameters of accuracy of the cadastral map;
- sources of graphic data;
- requirements applicable to the software of the cadastral map;
- systems of co-ordinates to be used;
- format of cadastral map printout;
- updating of the cadastral map;
- principles of data storage;
- list of groups of objects to be reflected on the cadastral map;
- codes of groups of objects and parameters of objects (level, colour, style of the lines, etc.)

Later the specification of the digital cadastral map was further improved and supplemented. In 1996, specific KZIS software was developed, linking the textual part of the Cadastre Register with the cadastral map. This software fulfilled some functions of

data quality control, i.e. it precluded duplication of cadastral designations of land parcels as well as warned about overlaps of adjoining land parcels.

Depending on the required accuracy, graphic data for the maintenance of the cadastral map were captured from the following data sources:

- cadastral surveying linked with the national geodetic network;
- cadastral surveying not linked with national geodetic network;
- allotment of land parcel boundaries by using digital orthophoto maps;
- allotment of land parcel boundaries by using manual photomaps of rural areas;
- design of land parcel boundaries by using various cartographic materials.

For the development of the cadastral map basic data were captured by cadastral surveying and allotment of land parcel boundaries, but at the same time various cartographic support materials (orthophoto maps, manual rural area photomaps, land use and real property plans, building overview plans, graphic appendices of leasehold agreements, etc.) were used.

The data on the surveyed land parcel boundaries were included in the cadastral map using the “\*.dgn” file containing land parcel boundaries, which is used for the production of the land parcel boundary map, or co-ordinates of boundary points shown on Land parcel boundary map.

Allocated land parcel boundaries were shown on the cadastral map:

- using the \*.dgn file containing land parcel boundaries, which was used for the production of the land parcel boundary map, or
- using sketches drawn by surveyors, which showed the location of boundary points, together with the “\*.dgn” file containing topographic information as a background file, or
- scanning and drawing anew the manual cadastral map.

The designed land parcel boundaries were shown on the cadastral map drawing its boundaries in MicroStation software environment and using scanned land use maps and real property maps, manual photomaps of rural areas, keeping orthophoto maps as a background file.

The maintenance and quality of the cadastral map as well as data protection is the responsibility of the of State Land Service regional offices. Central office of the State Land Service supervised the maintenance and quality of the cadastral map and ensured methodological guidance and analysis.

A transition from the manual cadastral map to the digital cadastral map was made step-by-step, simultaneously maintaining the manual cadastral map and accumulating graphic data

in the cadastral map database. The transition depended on the available technical and financial resources. One very restrictive factor was the lack of skilled cadastral cartographers; therefore the digital cadastral map was introduced very slowly. However, in 1997 nearly half of the State Land Service regional offices maintained the digital Cadastral map. After 1998 the maintenance of the Cadastral map was completely digitised (Table 7).

Table 7

Development of Cadastral map

Year	Registration system	Data registration and processing	Level of maintenance
1991	Land use projects	Manual	Regional
1992	Photomaps for rural area		
	Cadastral survey map for urban area	Digital, MicroStation	
1995	Cadastral map	Manual	
since 1997		Digital, MicroStation	Regional
since 2000	Central data storage	Digital, MicroStation	Central

2001 was a milestone in the maintenance of the cadastral map as the State Land Service approved “Regulations for the Cadastral Map” and “Cadastral Map Standards”. These documents defined a new approach to the maintenance of the cadastral map and adjustment of the accumulated graphic data. The main purpose of the documents was to systematize and unify graphic data in accordance with the cadastral map standards.

The cadastral map is a visual representation of graphic data obtained by data selection from the cadastral map database. The cadastral map, in accordance with the accepted cadastral map standards and approved conventional symbols, represents land parcels, buildings, encumbrances and parts of land parcels. The legislative acts issued by the Cabinet of Ministers contains the following definition of cadastral map: “a map that shows the location of land parcels in a territory and provides information about boundaries, designations and the features of real property objects”.

The cadastral map was developed according to the principles of the topographic map system adopted in the Republic of Latvia in 1993 (TKS-93). It is based on the plane determined by the Latvian system of co-ordinates of 1992 (LKS-92), the Riga meridian (24 degrees eastern longitude), the image scale of 0.9996, and transverse Mercator’s projection. The Cadastral map is part of the Latvian map system and covers the whole administrative area of Latvia.

Special designations are used to show the following features on the cadastral map:

- boundaries of the administrative division units of Latvia;

- boundaries of cadastral territories and cadastral groups;
- boundaries of land parcels and their cadastral designations;
- external contours of buildings and their cadastral designations;
- restricted and encumbered areas of land parcels and their designations.

Land parcel boundaries on the cadastral map are aligned within definite limits so that overlaps or gaps are excluded. The cadastral map gives an overview of location of land parcels, buildings and encumbered areas in a definite territory. The purpose of the cadastral map is to present these elements in an updated way.

Land parcel boundaries on the cadastral map are shown in the following order of priorities:

- land parcel boundaries surveyed by instruments, where data are captured from electronic data files or are transferred directly from co-ordinates of boundary points fixed on the land parcel boundary map;
- land parcel boundaries allocated by simplified methods (without using surveying instruments, by reference to landscape features that are shown on orthophoto maps and photomaps), according to hand-made sketches drawn by the surveyor and by using simplified topographic maps, orthophoto maps or photomaps as background material;
- designed land parcels, where the decision on allocation of land for permanent use or privatisation has been made, but where no surveying or boundary allocation work has been done yet.

Graphic data of various degrees of accuracy are included in the cadastral map database. Graphical data are obtained by various methods of cadastral surveying of a defined priority:

- surveying by reference to the national geodetic network;
- photogrammetric surveying;
- surveying without any reference to the national geodetic network, where land parcels are surveyed in a free system of co-ordinates and later adjusted to orthophoto and photomap material;
- boundary allocation on the basis of an orthophoto map;
- boundary allocation on the basis of a photomap;
- design of parcel boundaries on the basis of an orthophoto map, photomap or other cartographic material;
- technical inventory (inspection) maps of buildings.

When adjoining land parcel boundaries overlap or form gaps, land parcel contours on the cadastral map are adjusted. In the adjustment process, the priority order of boundaries is

taken into account. The boundaries that do not conform to the standards of accuracy are considered to be erroneous and are stored as such in a special storage place of inaccurate data. A statement is drawn up to record the inaccurately measured land parcels, and various ways are sought to correct the data.

The external contours of buildings are entered on the Cadastral map in a generalised way. Buildings are marked on the cadastral map only when the respective land parcel has already been marked, and again some priorities have to be observed as to the sources of contour data:

- surveying, where buildings are shown according to boundary measurement and topographic measurement data;
- stereo-vectorisation, where buildings are shown according to topographic (simplified) rural or urban maps obtained by stereo digitisation;
- mono-vectorisation, where buildings are marked according to the simplified topographic maps, orthophoto maps or other available materials obtained by mono-digitisation.

The cadastral map standards defined how the cadastral map database should be used to produce the cadastral map and various thematic maps containing cadastral information. Using the link between the databases of the textual part of the Cadastre Register and the cadastral map, textual data input into the thematic map is possible. Methods and parameters for making cadastral map printouts are defined (Fig.6.).

Currently the digital cadastral map fully covers the whole territory of Latvia; it shows all the existing land parcels and buildings, while an intensive process to enter data on encumbered areas inside land parcels is going on.

Today the cadastral map has great significance; it is a marketable product for national economy planning, physical planning, designing and other purposes.



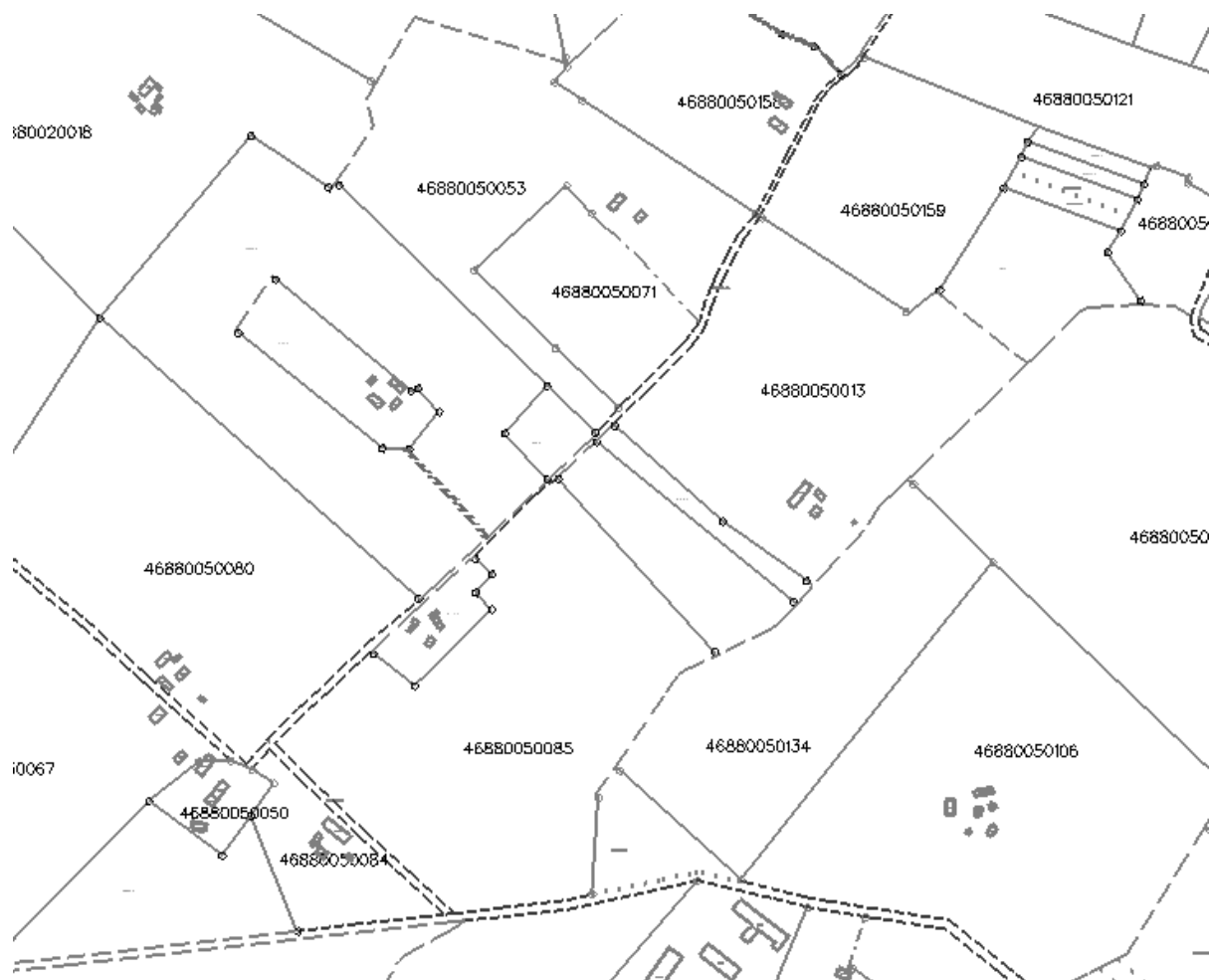


Fig.6. An example of the cadastral map

### 2.3. Registration of apartments obtained in the accelerated privatisation process

The development of the real property market demonstrated, that willingness of citizens to acquire apartments (apartments, artist studios and non-residential premises) increased very rapidly, but Privatization Commissions was unable to provide fast corroboration of dwelling-houses in the Land Book and transfer an object of the privatization into ownership.

So in 1997 the Law "On Privatisation of Dwelling Houses Owned by the State and Municipalities" was amended to define the procedures, how tenants of apartments, artist studios and non-residential premises located in state and municipality owned dwelling houses can obtain as ownership in so-called **accelerated privatisation process**, i.e. ahead of planned privatisation process. Apartments, artist studios and non-residential premises could be privatized in two ways (fig. 7):

- in one step, i.e. to arrange the dwelling house for planned privatisation, to corroborate it in the Land Book and transfer an apartments into ownership, or
- in two steps, i.e. accelerated privatisation implemented ahead of planned privatisation (re-privatisation process of planned privatisation in this case is necessary).

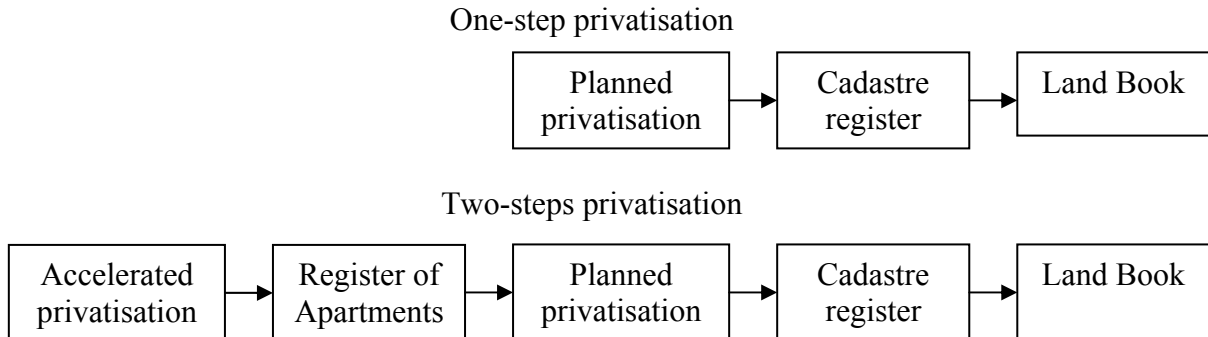


Fig. 7. Scheme of privatisation of apartments located in state and municipality owned dwelling houses

Beside cadastral registration of land, building properties and residential properties in the Cadastre Register, the State Land Service was responsible for the development and maintenance of another register, where apartments obtained in the accelerated privatisation process were registered. The Law “On Privatisation of Dwelling Houses Owned by the State and Municipalities” defined the status of this register and obligated the State Land Service to register such apartments and their owners as well as transactions with them.

From the legal point of view, such registration was equal to the Land Book registration – it was allowed to sell an apartment, donate or inherit it, to gain benefit from it or to use it at the owners discretion.

In 1996, to fulfil the provisions of the Law, the State Land Service developed a manual provisional registration system – **Register of Apartments**. For registration purposes, procedure was set concerning the following:

- assigning of cadastral numbers to the apartments;
- issuing of certificates of property rights to the apartments;
- registration of transactions and new owners;
- preparation of a document file confirming legal acquisition of the apartment.

This manual registration system functioned only for a short time, and already in the end of 1996 the State Land Service developed software for computerised registration of apartments.

The Register of apartments was not included in the Cadastre Register. This registration system operated temporarily until the apartment privatisation process was completed, and

the data in a separate database were stored. Since 2003 this database is linked to the Cadastre Register. It is very important because it is necessary to identify any apartment in both registers and to update information in the Cadastre Register.

Analysis of the information stored in the Cadastre Register shows that by 2004 the accelerated privatisation process in the country, except Riga City, was completed. This means that any further information about residential properties is maintained only in the Cadastre Register.

The State Land Service is responsible for the storage of the closed Register of Apartments and document files in the archives. These documents have great historical significance because they confirm legal acquisition of apartments.

Regulations in regard to apartments obtained in the accelerated privatisation process apply both to **condominium apartments** and **apartments privatised for shares**.

Privatisation of condominium apartments started already in 1992, when the Government obligated state building inventory authorities to create a simple preliminary registration system and to issue certificates confirming property rights to condominium apartments. Condominium apartments were registered in registration books.

Regulations did not obligate any institution to register the apartments privatised for shares; therefore there is no generalized information about the number of such apartments.

To corroborate rights to condominium apartments and apartments privatised for shares in the Land Book, first the respective dwelling house and the land should be registered in the Land Book. It is not specified in any regulations which institution is responsible for the registration of condominiums; therefore the residents themselves have to register the house in the Land Book. This explains why the registration process is so slow.

The registration scheme of apartments and residential properties is shown in fig.8.

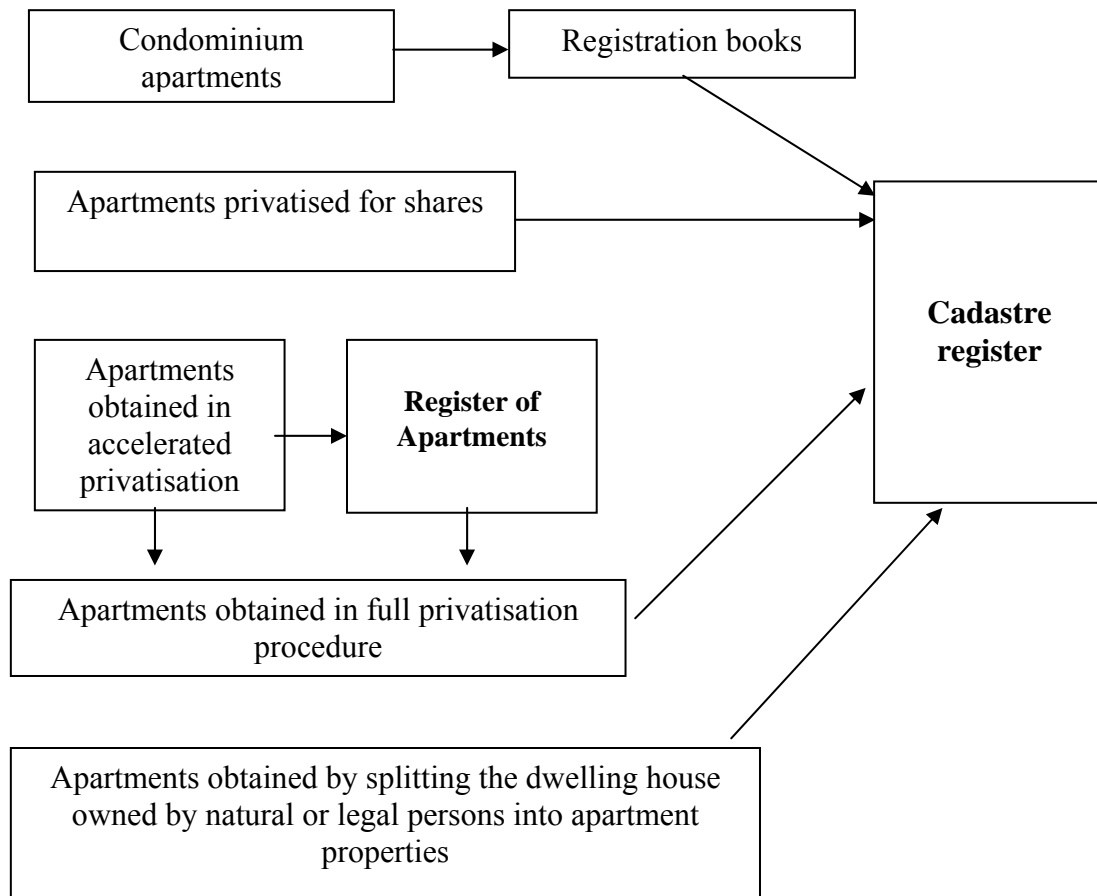


Fig. 8. Registration scheme of apartments and residential properties

### 3. Frame of Cadastre information system (since 2006)

#### 3.1. Textual part of Cadastre information system

The Cadastre information system is developed considering general requirements of the Law on State Information Systems. The main task of the Law is to determine unified procedures by which State information systems are created, registered, maintained, used, reorganised or liquidated. The main operating principles for State information systems are:

- State information systems shall be merged within an integrated State information system;
- data which are accessible in the integrated State information system must not be collected from data subjects;
- information regarding to the data subject and his/ her cognisable objects to be registered shall be registered only once in the relevant register – for the identification of objects to be registered in the integrated State information system ensuring the updating of data;

- system manager has the duty to create the publicly accessible division of the State information system for ensuring general accessibility to informative services.

The Law prescribes responsibility of the keeper of the State information system for:

- data collection, registration, input, processing, storage, utilisation, transmission, publication of data, compliance with data submitted, updating, correcting, as well as the quality of data;
- use of data and its exchange among State information systems by electronic means;
- access to information in circulation in the electronic form;
- opportunity for users of the State information system to receive informative services accessible in the electronic form, utilising information technologies.

Cadastral information system is one of the State information systems and is developed on the base of Real Property State Cadastre Law and by the Regulation “Regulations for the Registration of a Cadastral Object and Updating of Cadastral Data” (No.636 adopted on 1<sup>st</sup> of August, 2006 and No.193 adopted on 23<sup>rd</sup> of February, 2010 by Cabinet). The purpose of the Law is to ensure society with updated cadastral information regarding all real properties in the territory of Latvia, all real property objects, their owners, lawful possessors, users, renters, as well as objects of real property tax and taxpayers.

The State Cadastre of Real Property (hereinafter – the Cadastre) is a single registration system which by effecting administrative, organisational and technological processes ensures the obtaining of cadastral data, as well as maintaining and use of the referred to data. In order to ensure operation of the Cadastre, the information system of the State Cadastre of Real Property (hereinafter – Cadastre information system) is maintained and improved.

The Cadastre information system is the State information system. The manager and holder thereof is the State Land Service. The State Land Service operates in this field in accordance with the State Information System Law, Electronic Documents Law, Personal Data Protection Law and the Law on Archives. In the Cadastre information system are registered and maintained cadastral text and spatial data keeping the historical data at the same time. Data regarding the cadastral subjects, objects of real property tax and taxpayers are entered into the Cadastre information system. Until 2011 State Land Service prepared the information regarding objects and payers of real property tax from the Cadastre information system and submit it to local governments, but since 2011 data regarding objects of real property tax and taxpayers are not maintained in Cadastre information system.

To ensure the functions and tasks of the State Land Service, there is a range of information systems depending on the functions and technological solutions are interconnected, integrated, and closely related to each other, which are maintained by the State Land Service:

- Cadastre information system;
- software of graphic data of Cadastre information system;
- Real property market information system;
- the forecasting system of cadastral values;
- software for preparation of standardized data blocks of Cadastre information system;
- State address register information system;
- information system of processing of orders.

Regulation of Cabinet prescribes registration of a cadastre object and updating of cadastre data in Cadastre information system, as well as content of cadastre data and the procedures for correction and maintaining thereof.

The cadastral registration may be initiated by the owner, lawful possessor or user of real property. In specific cases an initiator of registration may be local government.

A cadastre object is registered in the Cadastre information system by assigning an identifier, entering the information from the specification documents and other State information systems. Registration in the Cadastre information system includes:

- pre-registration;
- registration of the data provided in the documents;
- recording of the data from other State information systems, also in a digital format.

Pre-registration is performed in the Cadastre information system before the cadastral survey of a new real property object. As a result of pre-registration a cadastral designation is assigned real property object; initial data regarding real property object are entered, and information for the cadastral survey is prepared.

Registration of real property includes:

- assigning of the cadastre number;
- registration of the additional data provided in the specification documents;
- inclusion of the real property object in the real property.

Cadastral value of real property object is calculated and registered in the Cadastre information system.

For administration of real property tax in Cadastre information system such objects are registered:

- leased real property object or part of land parcel owned by the State or local municipality, indicating the renter;
- real property object owned by the State or local municipality and given for use, indicating the user.

To maintain Cadastre information system, the cadastre subjects, local governments, State authorities and cadastral surveyors provide necessary data to the State Land Service. Cadastral surveyor is obligated to submit the surveying documents in a written and digital form.

Real property owners involved in the transactions, local governments and state authorities, as well as the Land Book are obligated to submit information to Cadastre information system regarding the transactions with real property or real property object and amount of the transaction.

Textual part of Cadastre information system consists of several logical sections, which are closely linked, and ensure non-duplication of data. Main logical sections are: Real properties; Cadastral surveying of buildings; Apartments obtained in accelerated privatisation; Cadastral valuation; Archives; Real property tax (historical); System of data maintenance; Auditing; Technical data; Historical data.

To describe textual part of Cadastre information system at the technical level, it has to be remarked that it contains approximately 150 tables of data, 80 tables of the classificators and 100 tables, which store historical information from tables of the actual data.

Textual part of Cadastre information system consists of several groups of cadastre data (fig.9)

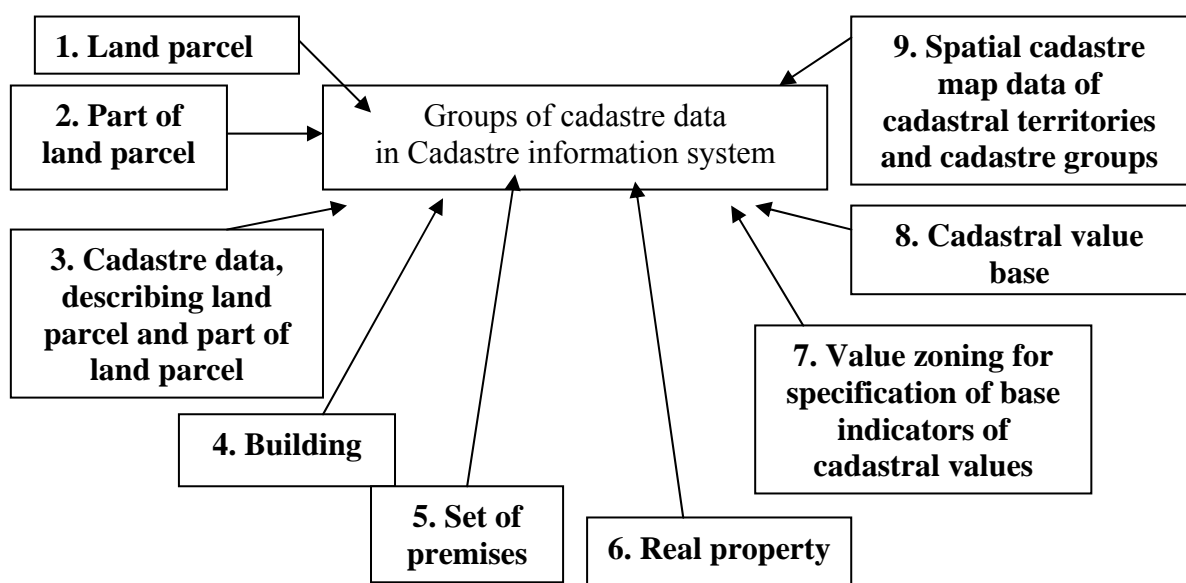


Fig.9. Groups of cadastre data in Cadastre information system

Legislative acts prescribe to register and maintain data (Table 8).

Table 8

Data to be registered and maintained in Cadastre information system

<b>1. Land parcel</b>		
1.1.	Data on land parcel	cadastral designation
		address and its code
		code of classification of administrative territorial unit
		code and description of land parcel ownership status
		code and description of land parcel acquisition type
		mark "not to be imposed by a tax"
		cadastral value
		value of forest stand
		reference to the real property, which includes land parcel
		reference to the cadastral territory and cadastral group
		mark "special economic zone or free port"
reference to the cadastral map		
1.2.	Data on pre-registration of planned land parcel	number
		cadastral designation
		planned area
		reference to the land parcel
1.3.	Cadastral map data	cadastral designation
		boundary
		boundary points
		reference to the spatial data file of land cadastral survey
1.4.	Spatial data file of land cadastral survey	
<b>2. Part of land parcel</b>		
2.1.	Data on part of land parcel	cadastral designation
		cadastral value
		mark "not to be imposed by a tax"
		reference to the land parcel
		reference to the cadastral map
2.2.	Cadastral map data	cadastral designation
		boundary
		boundary points
		reference to the spatial data file of land cadastral survey
2.3.	Spatial data file of land cadastral survey	
<b>3. Cadastre data, describing land parcel and part of land parcel</b>		
3.1.	Breakdown of the total area according to the types of land use (explication)	total area
		agriculture land, incl. arable land, orchards, pastures and meadows
		forests, bushes, swamps, land under water, fish ponds, buildings and yards, other non-agriculture land
		drained agriculture land
		reference to the land parcel, part of land parcel or intended use of real property



3.2.	Data on purpose of real property use (intended use)	classification code and name
		related area
		mark "not to be imposed by a tax"
		breakdown of the total area according types of land use (explication)
3.3.	Data on encumbrances of real property object	number
		date of determination
		classification code and description
		description on land boundary plan
		related area of encumbrance
		reference to the document
3.4.	Cadastral survey data	surveyed area
		method of surveying
		date of cadastral survey
		number of certificate and name of cadastral surveyer
3.5.	Data on cadastral valuation	cadastral value base
		correction coefficient of encumbrances and pollution
		impact of dwelling house
		factor of land fragmentation, land parcel location, woodland location,
		forest land average rating scores in local municipality
		quality assessment score of agriculture and forest land, incl. young forest stands
		area of taxable forest land
		cadastral valuation date
<b>4. Building</b>		
4.1.	Data on building	cadastral designation
		address and its code
		building ownership status
		historical name and litera
		cadastral value of the building
		value of engineering construction
		mark "not to be imposed by a tax"
		reference to the land parcel, on which building is located
		reference to the real property, which includes building
		reference to the person related to the building
4.2.	Cadastral survey data	reference to encumbrance
		reference to the document
		name
		type of building and its code
		classification code of the main use of the building and its description
		classification code of the use of the engineering construction and its description
4.2.	Cadastral survey data	total area and building area
		number of overground and underground floors

4.2.	Cadastral survey data	exterior wall material and its code
		number of sets of premises in the building
		physical conditions of the building
		date of building cadastral survey
		code and title of classification type of the building
		name and material of constructional element
		number, name, material and volume of element of engineering construction
		breakdown of the total area of the building according types of premises
4.3.	Data on cadastral valuation	cadastral value base of the buildings and engineering constructions
		coefficient of encumbrances
		cadastral valuation date
4.4.	Cadastral map data	cadastral designation
		external contours of buildings
		reference to the spatial data file of building cadastral survey
4.5.	Spatial data file of building cadastral survey	
<b>5. Set of premises</b>		
5.1.	Data on set of premises	cadastral designation
		address and its code
		reference to the building, in which set of premises is located
		reference to residential property, object of is which set of premises is located
		mark "not to be imposed by a tax"
		cadastral value
5.2.	Cadastral survey data	name
		classification code of the use and its description
		floor, in which set of premises is located
		number of rooms in set of premises, their total area
		average height of set of premises
		date of cadastral survey
5.3.	Rooms of which consists set of premises	serial number of the room in set of premises and reference to the floor
		name, type, area and height of the room
5.4.	Cadastral map data	cadastral designation
		reference to the building
		reference to the spatial data file of cadastral survey
5.5.	Spatial data file of cadastral survey	
<b>6. Real property</b>		
6.1.	Data on real property	cadastral number and name
		Land Book data on corroboration of the real property into Land Book
		composition of real property
		type of real property
		undivided share in building and land
		cadastral value
		reference to the person related to real property
reference to the document		

6.2.	Data on person related to real property	personal identification number or company registration number
		share in joint ownership owned by the person
		status of the person (owner, legal possessor, user)
		reference to the person – real property taxpayer
		mark "politically repressed person" or "insolvent company"
6.3.	Data on document	date, number, publisher and description of the document
6.4.	Data on leased objects	reference to the objects to be leased
		personal identification number or company registration number of lessee
		date of beginning and end of the lease
		reference to the document
6.5.	Data on real property transactions	date and amount of the transaction
		reference to the real property object which is object of transaction
6.6.	Data on archive file	reference to the real property or real property object
		reference to the type of archive file and archival storage
		number of archive file
		date of handing over for storage
		number of pages in the file
		date and justification of cancellation of the file

### 3.2. Graphical part (cadastral map) of Cadastre information system

The Real Property State Cadastre Law prescribes to display spatially the cadastre objects (land parcels, buildings and sets of premises) on a cadastral map, and land parcels boundary data may be aligned in the cadastral map within the permissible non-binding limits.

Cartographic material reduced and generalized some parts of the earth's surface images in digital or analogue form, where the mutual location of natural or artificial terrain objects is displayed. The cadastral map is a visual image, which is obtained from graphical part of Cadastre information system as result of data selection.

Procedures for creating a cadastral map, content of data to be displayed on it, determination of the scale, procedures for displaying and maintaining permissible non-binding limits, aligning the boundary data of land parcels are regulated by the Regulation "Regulations for the Registration of a Cadastre Object and Updating of Cadastre Data" (No. 193 adopted on February 23, 2010 by the Cabinet).

Registration of **land parcel** in graphical part of the Cadastre information system includes:

- pre-registration of planned land parcel, which includes assignation of cadastral designation; display of planned boundary of land parcel on a cadastral map in

accordance with the detailed plan or land survey project; preparation of the information from the Cadastre information system for cadastral survey of the land parcel;

- entering of the spatial vector data file of the cadastral survey of land parcel in the Cadastre information system; and
- representation of the land parcel in the cadastral map.

The cadastral survey data are displayed on a cadastral map from cadastral survey documents and land parcel files.

If **part of land parcel** is registered in graphical part of the Cadastre information system the following activities are performed:

- granting of a cadastral designation to the part of land parcel;
- entering of the data from initiator's submission and graphical Annex;
- displaying of part of land parcel on the cadastral map.

Registration of **building** in graphical part of the Cadastre information system includes:

- pre-registration of the building, which includes assignation of cadastral designation;
- entering of the spatial vector data file of cadastral survey of the building in the Cadastre information system;
- displaying of the building on the cadastral map.

The State Land Service determines cadastral territories that are divided into cadastre groups for ensuring the identifier for cadastre objects. Cadastral territory is a relative territory registered in the Cadastre information system and displayed on the cadastral map in accordance with the administratively territorial allotment of the Republic of Latvia as of May 1, 1996. Cadastre group is part of cadastral territory.

A cadastral map is made as a digital overview map regarding the mutual location of the land parcels, buildings, encumbrances of the real property objects in the territory and location of the groups of premises in the structure. The digital cadastral survey data in form of vector data are used for the creation of cadastral maps. The network of right angle co-ordinates of the map complies with the Latvian Geodesic Coordinate System LKS-92.

All cadastre objects are displayed on the cadastral map in accordance with cadastral survey accuracy. Certainty of the cadastral map scale in cities and villages is 1:2000 and in rural areas – 1:10000.

Cadastral designations of the cadastre object and following spatial data are indicated in the cadastral map:

- boundaries and boundary points of land parcels;
- outline of the buildings and their location on the land parcels;
- outline of the sets of premises and their location in the building;

- boundaries and boundary points of parts of land parcels;
- boundaries of the territories covered by encumbrances and their identifiers.

Cadastral territories and their boundaries, names, codes and numbers of the cadastre groups are displayed on cadastral maps, too.

Up to the cadastral survey of all land parcels, in displaying them on a cadastral map, the boundaries of land parcels are updated taking into account the high precision data of the cadastral survey and observing the following priorities:

- land parcel is surveyed;
- land parcel is determined;
- land parcel is designed.

Sets of premises are displayed in cadastral maps since July 1, 2008.

Official graphical data, obtained by cadastral surveying, are stored in the graphical part of the Cadastre information system. Graphical materials may be stored in digital form as lists of coordinates, raster images or vector images.

Cadastral maps are created using such software:

- MicroStation;
- MicroStation GeoGraphics;
- KZIS, which is operating in MicroStation Geographics environment, provides the link between cadastre map and textual data.

All objects are stored in MicroStation (\*. dgn) vector files, working units of which are defined: master units – m; sub-units – cm; resolution – 100 cm per m; number of units in 1 cm (10 Pos U) – units per centimetre.

The advantage of MicroStation Geographic software to display each graphic element as an object (feature) is used for development of a cadastral map. Each group of objects on the cadastral map is represented by different parameters that allow distinguishing objects – level, colour, style, thickness, font, type, height of text, etc.

Graphical data are divided into vector files which are grouped into interconnected data repositories.

It is possible to obtain a cadastral map and a variety of thematic maps containing cadastre information from the Cadastre information system. It is possible to incorporate textual data into thematic maps using links between textual and graphical part.

### **3.3. Issuing and use of cadastral data**

As of January 1, 2012 the Cadastre information system contained approximately 5.5 million cadastral objects, hereof 1.3 million real properties, 1 million land parcels, 1.4 million buildings, 1.8 million sets of premises.

The State Land Service prepares the cadastre information necessary for performance of the functions of State direct administration authorities and local governments and issues it in the amount and type of standardised information (also in digital) free of charge.

Data of Cadastre information system may be used by state and municipal authorities, as well as by natural and legal persons. Current cadastral information is used for new real property formation, real property object formation, cadastral valuation, corroboration of rights in real property into the Land Book, planning of real property development and management, administration of real property tax, economic development, spatial planning and environmental protection, implementation of land use planning activities, performance of official statistical information, and maintenance of other information systems.

Data exchange system is developed for maintenance of the Cadastre information system as important information technology infrastructure component. Data exchange is realised both as data transfer from Cadastre information system to other information systems and registers, and data reception from other information systems and registers (fig.10).

Besides the above mentioned authorities, information systems and registers, data exchange takes place between the Cadastre information system and Integrated national information system (e-services: "persons declared in ownership", "My data in cadastre", " declaration place of residence ", "Electronic application for studies"); Register of Farms and Register of Buildings of Central Statistical Bureau; National Service of Plant Protection; Board of Nature Protection; State Revenue Service; Corruption Prevention and Combating Bureau; Electronic Communications office; Information Centre of Ministry of Interior; State Environmental Service; Emergency Service; Ministry of Transport; State Regional Development Agency; State Inspection for Heritage Protection; Culture information system; State Education Development Agency; Agriculture data centre; Information system of court administration, etc.

The owner of real property or in the absence thereof – a lawful possessor or in the absence thereof – a user is entitled to request once in a calendar year and receive the actual cadastre data regarding his or her cadastre object free of charge.

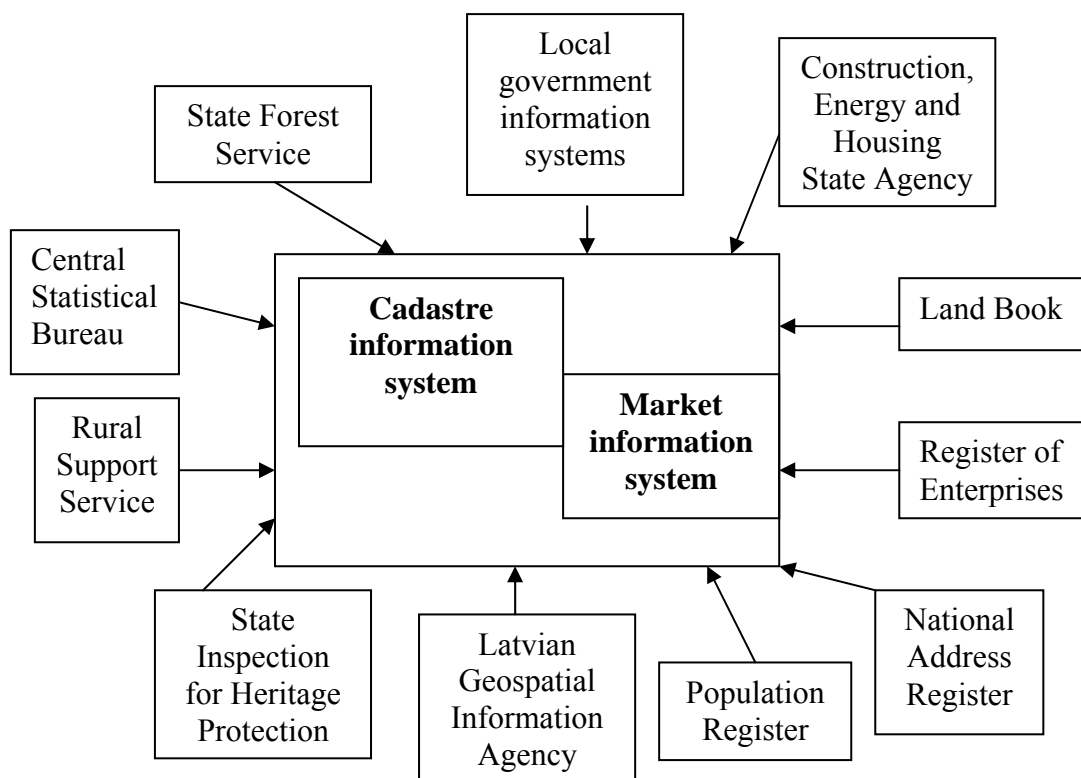


Fig.10. Electronic Data receiving from other State IS

Data distribution website of the State Land Service (<https://www.kadastrs.lv>) is a very important part of publishing of cadastral data where different data maintained in the Cadastre information system in different amounts are available both for professional users (cadastral surveyors, law enforcement officers, notaries, etc.) and every member of society. The fee for data preparation and issue is paid in accordance with the Regulations of Cabinet. In specific cases external laws and regulations provide that a person is entitled to receive the information service free of charge.

Besides, it is possible to receive cadastral data in the form of printouts, where data are grouped in specific blocks.

Due to the fact that a cadastral map is obtained by boundary adjustment method, its information may be used for observation of land parcels, buildings, encumbrances and objects of leasehold and their mutual location in the territory.

Official information of a cadastral map is issued on:

- boundaries of land parcels and parts of land parcels, and their cadastral designations;
- external contours of building and their cadastral designations;
- territories of encumbrances and their designations.

Cadastral map information can be used for the following purposes:

- detection of location of a specific real property object;
- overview on mutual location of cadastral objects in the determined territory;
- spatial planning needs;
- planning of administrative-territorial changes;
- other purposes, where a cadastral map obtained by boundary adjustment method may be used.

Cadastral map information can be issued:

- in digital form; issuing format has to be agreed with a client;
- as a printout in analogue form.

According to clients' demand, cadastral map information can be merged with other graphical information and issued in the form of various thematic maps.

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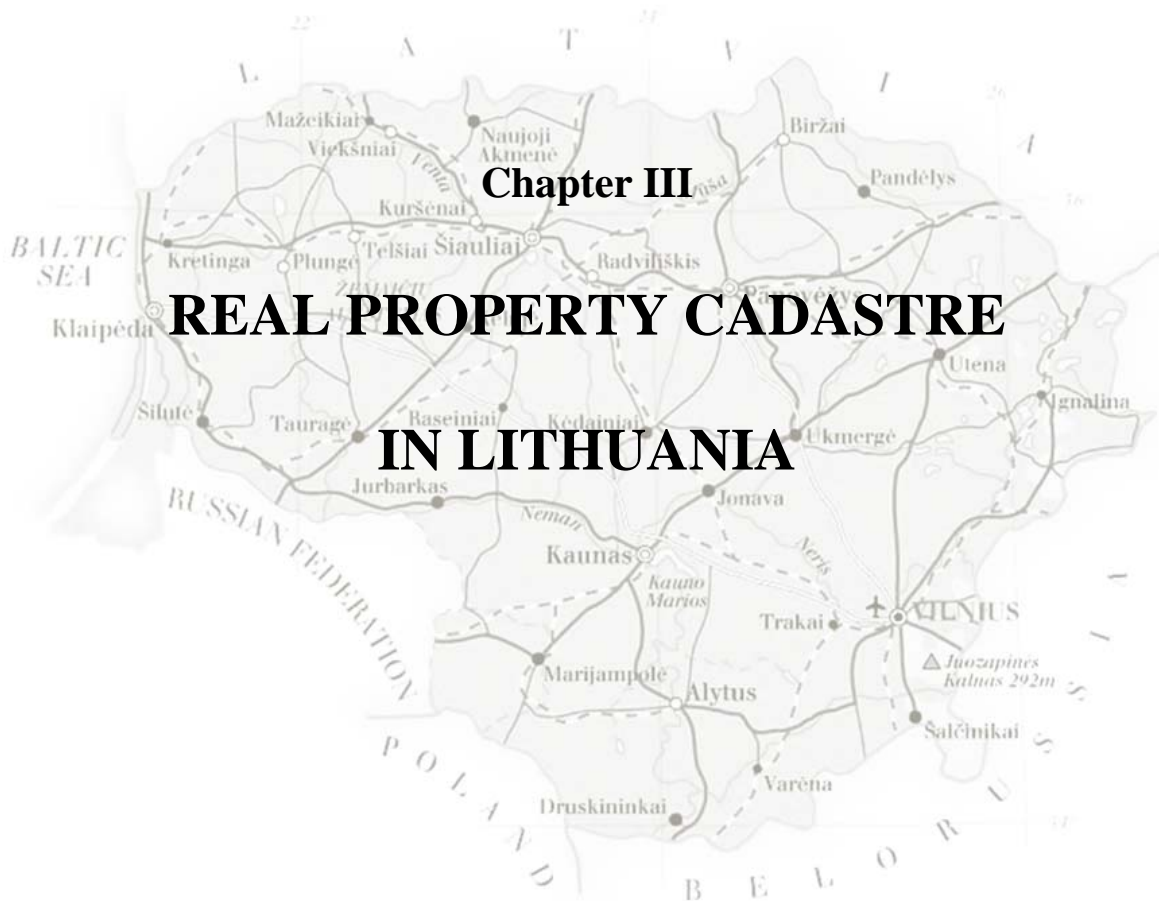
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## Some facts about Lithuania

**The name Lithuania “Lietuva”** comes from affluent of Neris river – rivulet Lietava. Name of Lithuania first time was mentioned in 1009 at Annals of Quedlinburg (in Germany).

**Division into regions:** Aukštaitija (*Aukštaitija* – middle, eastern and northern part of Lithuania), Dzūkija (*Dzūkija* – southern part), Suvalkija (southern and western part), Samogitia (*Žemaitija* – northern and western part).

**Administrative Division:** the territory is divided into 10 counties: Alytus (centre – Alytus town); Kaunas (centre – Kaunas city); Klaipėda (centre – Klaipėda city); Marijampolė (centre – Marijampolė town); Panevėžys (centre – Panevėžys city); Šiauliai (centre – Šiauliai city); Tauragė (centre – Tauragė town); Telšiai (centre – Telšiai town); Utena (centre – Utena town); Vilnius (centre – Vilnius city). Counties are subdivided into 60 municipalities. Municipalities consist of 546 elderships.

**Official name:** Lietuvos Respublika (The Republic of Lithuania)

**Government:** Lithuania is an independent democratic republic with a multi-party parliament. Our state's legislative power is vested in the Seimas (as we call our Parliament), which has 141 deputies, the executive – in the Government. The President and the Government carry out Lithuania's foreign policy. The President's term of office in our country is 5 years. Parliamentary elections are held every 4 years. The Government is composed of Prime Minister, acting as its head, and a cabinet of 14 ministers – the country's executive body.

**Memberships:** European Union, NATO, United Nations Organisation, Council of Europe, World Trade Organisation, Organisation for Security and Co-operation in Europe, Council of the Baltic Sea States, etc.

**Official language:** Lithuanian is a Baltic language that belongs to the Indo-European language family. The Lithuanian language is an official language of the State, is one of the 23 official languages of the EU. Just four million people use it across the world, including our closest neighbours.

**Capital:** Vilnius (542,932)<sup>01-01-2011</sup>

**Largest Towns and Cities**<sup>01-01-2011</sup>: Kaunas (336,912), Klaipėda (177,812), Šiauliai (120,969), Panevėžys (109,028), Alytus (63,642), Marijampolė (44,885), Mažeikiai (38,819), Utena (31,139), Telšiai (29,107), Tauragė (26,429). Of the 103 towns and cities in Lithuania, 35 cities have a population of over 10,000.

**Largest Religious Confessions:** Most Lithuanians belong to Roman Catholic Church. There are also Eastern Orthodox, Evangelical Lutheran, Reformed Church, Eastern Orthodox, Judaism, Islam and other religions.

**National currency:** Litas (3.45 LTL are 1€), 1 litas consists of 100 cents

**Time:** GMT +2 (GMT +3 in summer)

**Population:** in 01-01-2011: 3,244,601, urban – 67%, rural – 33%

**Ethnic composition:** 83.9% Lithuanians, 6.6% Poles, 5.4% Russians, 1.3% Belorussians, 0,6% Ukrainians, 0.1% Latvians, 0.1% Jews, 0.1% Tatars, 0.1% Germans, 0.1% Romanies and 0.2% other nationalities (1.5% not indicated). The total number of nationalities living in Lithuania is 115.

**Independence Day:** 16th of February, the date of the proclamation of Lithuania's independence in 1918; 11th of March, the date of the restoration of independence in 1990.

**History:** For centuries, the southeast shore of the Baltic Sea was inhabited by various Baltic tribes. In the 1230s the Lithuanian lands were united by Mindaugas, who was crowned as King of the Grand Duchy of Lithuania, the first Lithuanian state, on July 6, 1253. During the 14th century, Grand Duchy of Lithuania was the largest country in Europe: present-day Belarus, Ukraine, and parts of Poland and Russia were territories of the Grand Duchy of Lithuania. With the Lublin Union of 1569, Lithuania and Poland formed a voluntary two-state union, the Polish–Lithuanian Commonwealth. The Commonwealth lasted more than two centuries, until neighbouring countries systematically dismantled it from 1772 to 1795, with the Russian Empire annexing most of Lithuania's territory. The Republic of Lithuania was founded on February 16, 1918. It has been continuously recognised as a sovereign state since 1920 despite occupations and rule by the Soviet Union (1940-1941, 1945-1991) and Nazi Germany (1941-1945). On March 11, 1990, Lithuania declared the restoration of its de facto independence. Lithuania joined the WTO in 1998 and in 2004 became a member of the European Union and NATO.

**Area:** 65,300 sq.km or 25,212 sq.miles. Total length of the state border with the territorial sea is 1,763 km.

**Geography:** Lithuania is a Middle European state at the shore of the Baltic Sea. Lithuania's territory extends 373 km from East to West and 276 km from North to South. There are 6129 km from the geographical centre of Lithuania to the equator and 3873 km to the North Pole. The Geographic Centre of Europe (54°54'N 25°19'E/54.9°N 25.317°E) is located in Lithuania, specifically 26 km (16 mi) north of its capital city, Vilnius. Lithuania's is a flat land with plains covering approximately 75 % of the country. Our

highest hill is Aukštojas rising 293.8 m above the sea level. There are no mountains in Lithuania. More than a half of Lithuania's land is suitable for agriculture. About one third of our land area is occupied by forests. Lithuania is commonly called the land of rivers and lakes with inland waters making up 4% of its territory. The total number of rivers and rivulets is 22,200 (the longest river – Nemunas – 359 km in Lithuanian territory), and the number of lakes is well over 2,830. The deepest of them is Tauragnas (62.5 m deep).

**Location:** Lithuania shares borders with five neighbouring states: in the North - 588 km with Latvia, in the East and South – 679 km with Belarus, in the South West - 104 km with Poland and 273 km - the Russian Federation. More than three fourths of Lithuania's borders stretch along rivers and lakes. Lithuania's economic zone in the Baltic Sea (with an area around 6,400 km<sup>2</sup>) reaches the waters of Sweden. We are proud of our beautiful coastline, which stretches for over 100 kilometres.

**Climate:** Lithuania's climate, which ranges between maritime and continental, is relatively mild. In recent decades the climate of Lithuania has become warmer – the average annual temperature in the whole territory is 6.5-7.9° C. The warmest month of the year is July (with an average temperature – about 19.7° C, and a maximum – over 30° C), and the coldest is January (with an average temperature – about -2.9° C, its lowest temperature during severe frosts may occasionally drop below -30° C). The most rainfall is recorded from April to October (60-65% of annual rainfall). The average annual precipitation is 800 mm on the coast, 900 mm in the Samogitia highlands and 600 mm in the eastern part of the country.

**Nature:** Flora of Lithuania is made from forest, field, swamp, sands and water mines and their communities of coast flora. The total number of plant species recorded in Lithuania is near 2,000. The number of vertebrate animals found in Lithuania is over 500. Among them 70 are mammals, 369 – birds, 100 – fish. The total number of Lithuania's invertebrate species is estimated at over 200,000. Among them 150,000 are insects, about 1,200 – arachnids and about 170 – molluscs. Lithuania is in the mixed forest zone. The most part of forests is growing on southeast and eastside parts of the country. In the forests are mostly growing these trees: pines (38%), spruces (24%), birches (20%), alders, ashes, and oaks. In the forests are living many animals, such as hedgehogs, hinds, elks, boars, foxes, martens, also there are some lynxes and wolves. In the rivers are living many beavers. Also there are plenty of forest birds, like tits, jays, thrushes, woodpeckers, cuckoos, orioles, nightingales and many others. In the water mines is big possibility to find many ducks, geese, and swans. In the fields are breeding hares, pewees, larks, storks.

**Trade:** The EU is the biggest trade partner of Lithuania with a 58% of total imports and 64% of total exports during the first ten months of the year 2009. The Commonwealth of Independent States is the second economic union that Lithuania trades the most with, with a share of imports of 34% and a share of exports of 23% during the same period. The vast majority of commodities, including oil, gas and metals have to be imported, mainly from Russia. For this reason, Russia is the biggest import partner of Lithuania. Some sectors are directed mainly at export markets. Transport and logistics export 2/3 of their products and/or services; the biotechnology industry exports 80%; plastics export 52%; laser technologies export 86%; metal processing, machinery and electric equipment export 64%; furniture and wood processing export 55%; textile and clothing export 76%; and the food industry exports 36%.

## **Introduction**

A balanced development of all areas is and always has been one of the most important factors for the development of human welfare. Ensuring the desirable development requires reliable information about all sectors of society and real property, data about which is collected, stored and provided by a functioning Real Property Cadastre and Register System.

In Lithuania, the concept of cadastre is derived from the medieval times, when the land was considered a symbol of wealth. At that time, the land-based relationships were fixed by a customary law; a little later, they were governed by the regulation of privileges of the great dukes and, finally, by the Statute of Lithuania of the sixteenth century. In the sixteenth century, Lithuania carried out a major land reform, which included the partition of land in accordance with its ownership (into land governed by the nobles, peasants and the Grand Duke of Lithuania). Update of these cadastral data was carried out in the nineteenth century, when after the serfdom, the peasants were granted the right to own the land. This new allotment of land allowed the improvement of the use of land, setting the limits and updating the mapping material. In the early twentieth century, all parcels were formed by means of the new cadastral measurement methods. In 1940, when Lithuania was declared the Soviet Republic, all land was declared state property. Only buildings and apartments were owned on the basis of private property rights. In Soviet times, technical inventory and service offices administered and registered buildings and flats.

Following the restoration of independence of the Republic of Lithuania in 1991, the laws legalizing private ownership of land and other real property as well as regulating the process of the land reform were adopted. Restoration of ownership rights to real property started in 1992. In 1992, computerized land parcel registration system was launched and land cadastre was legalized. Buildings, flats and premises were registered in another institution. The year 1997 is considered the beginning of a modern real property management system, when after the establishment of the Real Property Register, data on parcels, buildings and premises began to be collected, stored and managed in a single database. The development of the system employed the latest technologies based on cost effectiveness, simplicity and durability, and experience of foreign countries.

These latter decades are of the highest importance to the development of the Real Property Cadastre.

Thus, the most important stage of the development of this system began with the incorporation of information about the land and other real property in a single system, creation of a common database and computerization of the processes. According to R. Kasperavičius, Lithuania has developed a legal basis for the implementation of the real property administration reform by 2004. To manage the Real Property Cadastre and Register System and to ensure its proper functioning, the most advanced methods are applied. The Real Property Cadastre System is still undergoing consolidation.

The aim of the study is to review the Lithuanian Real Property Cadastre System, the basic requirements of the collection, management of data of the Real Property Cadastre objects, the conditions for the provision of such data. Since the Real Property Cadastre and Register are managed by the state enterprise Center of Registers, the enterprise activities related to the management of the cadastre are briefly discussed.

In Lithuania, the Real Property Cadastre System has not been widely analyzed. It was described in most detail by the state enterprise Center of Registers deputy director R. Kasperavičius (2006, 2012); besides, it was analyzed by other authors: P. Aleknavičius (1989, 2007), A. Gogelis, J. Jasinskas ir kt. (1989), A. Gasilionis (2006), V. Atkocevičienė (2008), V. Gurskienė (2008) and others.

The study made use of the laws of the Republic of Lithuania governing the Real Property Cadastre and Register, other normative documents, information of the Center of Registers, publications by other authors on the subject, statistical information provided by the National Land Service, other institutions and other sources.



## **Main terms**

**Cadastral area** – general territorial units of Real property cadastre, with have of established boundaries, area, name and digital unique code, intended for accounting and marking of the objects of real property. Cadastral area is decomposed to cadastral blocks, which have boundaries and unique digital codes. Cadastral areas are determinable and changing by the set order of Government of the Republic of Lithuania.

**Surveyor** – natural person holding a qualification certificate, dispensed by commissioned institution of Government, whereby is concentrated right to set cadastral data of the objects of real property.

**Cadastral surveying (measuring) of the object of real property** – actions, by which are adjusting sameness of estate objects, coordinates of turn points boundaries of parcel and physical constructional limits, geometrical measurements and technical parameters of estate objects, computable area of plat and in therein presented landed property and other data, which are illustrating that object.

**Cadastral data of the object of real property** – data, which illustrate location of estate object, natural and household features of land, parameters of geometrical buildings and using conditions of estate objects.

**The file of cadastral data of the object of real property** – selection of estate object cadastral data plans, which are setted in one term and filled format of cadastral and other documents about estate objects.

**Establishment of the cadastral data of object of real property** – estate object cadastral measurements and other actions, which are setted by certificates of law, documents, which are must to inscribe cadastral data of estate object or change data, which are already inscribed, and also preparation or addition of cadastral data case of estate object.

**The Real Property Cadastre** is described as systemized and methodically fixed objects of the real property graphical and attributive data collection (in the national system of geodetic coordinates), it is kept in a computer media. You can use it individually in a paperless or other way.

**Map of Real property cadastre** – graphical part of real property cadastre, in which are showed location of estate objects, which are inscribed estate object cadastre, and limits on system of axes. Numbers or graphical elements present this information.

**The Real Property Register** established for objects of the real property, property and other real rights to these objects, for the restriction of rights, for the law established legal facts recording, to provide the official information provided in the register.

**Building** – means a construction works with the roof, which contains one or more rooms or other premises.

**Premise** – part of setted purpose building (flat, cantor and etc.), which is isolated by constructions from accommodation of common using, other flats or uninhabited accommodation.

**Boundary mark** – mark of land parcel, which is marking limits in locality and he consists of definite standard of accredited institution of government and is saving by the set order of laws.

**Construction work** – building or engineering construction, which has retentive constructions, which all of them (or just a part) are mounted in building place performing jobs of building, and which is object of real property.

**Plan of parcel** – drawing, which is prepared by the set order of accredited institution of government of the measurements in locality and in which are noted limits of land parcel and cadastral data.

# **1. The system of real property cadastre**

## **1.1. Legal structure**

The Real Property Cadastre and Register System are related to a number of public areas, therefore the area of its legal regulation is also quite broad.

The Constitution of the Republic of Lithuania firms main freedoms and rights of individuals, also the property law's protection to the real property. The Constitution identifies who can qualify the right to purchase a real property.

Civil Code shall govern all civil law relations, among them the relations involved with real property. It has set that the proprietary right to a land parcel also involves the right to buildings and other construction works in that parcel. This Civil Code has cancelled the compulsory registration of the real property and the rights to it; however unregistered transactions cannot be used against the third persons. The owner fully disposes his property, only when this property is registered in the declared register.

The Law on Land of the Republic of Lithuania from 1994 is the primary grand law, which regulates the property, its management and use.

The Law on State Registers of the Republic of Lithuania sets the order of the establishment, management, use and cancellation of the state registers. It also sets the order of their updates, the rights of the responsible institutions, and the duties to their users.

The Law on the Real Property Cadastre of the Republic of Lithuania shall govern the data collection, renewal, order of the registration into the database of the real property data of parcels, buildings and other real property, defines their legal status.

The Law on Real Property Register of the Republic of Lithuania shall govern the registration of land, buildings, other objects of the real property and the right to it. It defines the Real Property Register status, its' establishment and management, the presentation of data and information.

Since 1998 real property mortgage registration was incorporated in the Mortgage Register. The establishment Law of the Mortgage Register defines mortgage objects, mortgage kinds, and the order of check in and check out, debt recovery.

There are a few valid laws in the country related to the valuation and taxation of land and property. The Law on Appraisal of Property and Business of the Republic of Lithuania shall govern the principles and methods of evaluation, estimator rights, duties and

responsibilities. The property tax law regulates the taxes to the inherited property considering the taxpayer's residential status.

The basis of the Lithuanian cadastral system is a measured parcel. In this system graphic and attributive data, which are connected with objects of real property, are being fixated. The main dimensional and recordable real property cadastre and register unit is the real property id est. parcels, buildings, flats, premises, engineering constructions.

The main document, which describes real property data, which is needed for the accounting of this property, is Law on the Real Property Cadastre of the Republic of Lithuania (hereinafter – Law on the Real Property Cadastre). This law shall govern real objects, which are registered in the Real Property Cadastre, cadastre data establishment, their recording into Real Property Cadastre, Real Property Cadastre status, the institution of this cadastre, its' management, reorganization and liquidation, land surveyors' proceeding conditions, their rights, duties and responsibilities.

## **1.2. Real property administration system**

Following the restoration of independence of Lithuania, the real property management system has been developed and improved each year. Currently, this process involves a large group of institutions (Fig.1).

The Ministry of Agriculture carries out the state administration functions related to land, food industry, fisheries and rural development, implements state policies and strategies in these areas. The National Land Service implements the state policy in the areas of public land management and administration, land reform, cadastre, geodesy and cartography. Private and public enterprises prepare maps, land reform projects and parcels formation as well as rearrangement projects, conclude topographic maps.

Cadastral surveying of parcels, buildings and premises are carried out by public and private land surveyor companies, which operate under the surveyor certificates issued by the National Land Service.

The Ministry of Environment forms the country's policy in the areas of environmental protection, forestry, utilization of natural resources, geology and hydrometeorology, territorial planning, construction, housing and utilities, as well as coordinates the implementation of this policy. The Territorial Planning and Construction Inspectorate carries out the state supervision of territorial planning and construction, and prepares documentation relating to the state supervision and enforcement of the provisions.

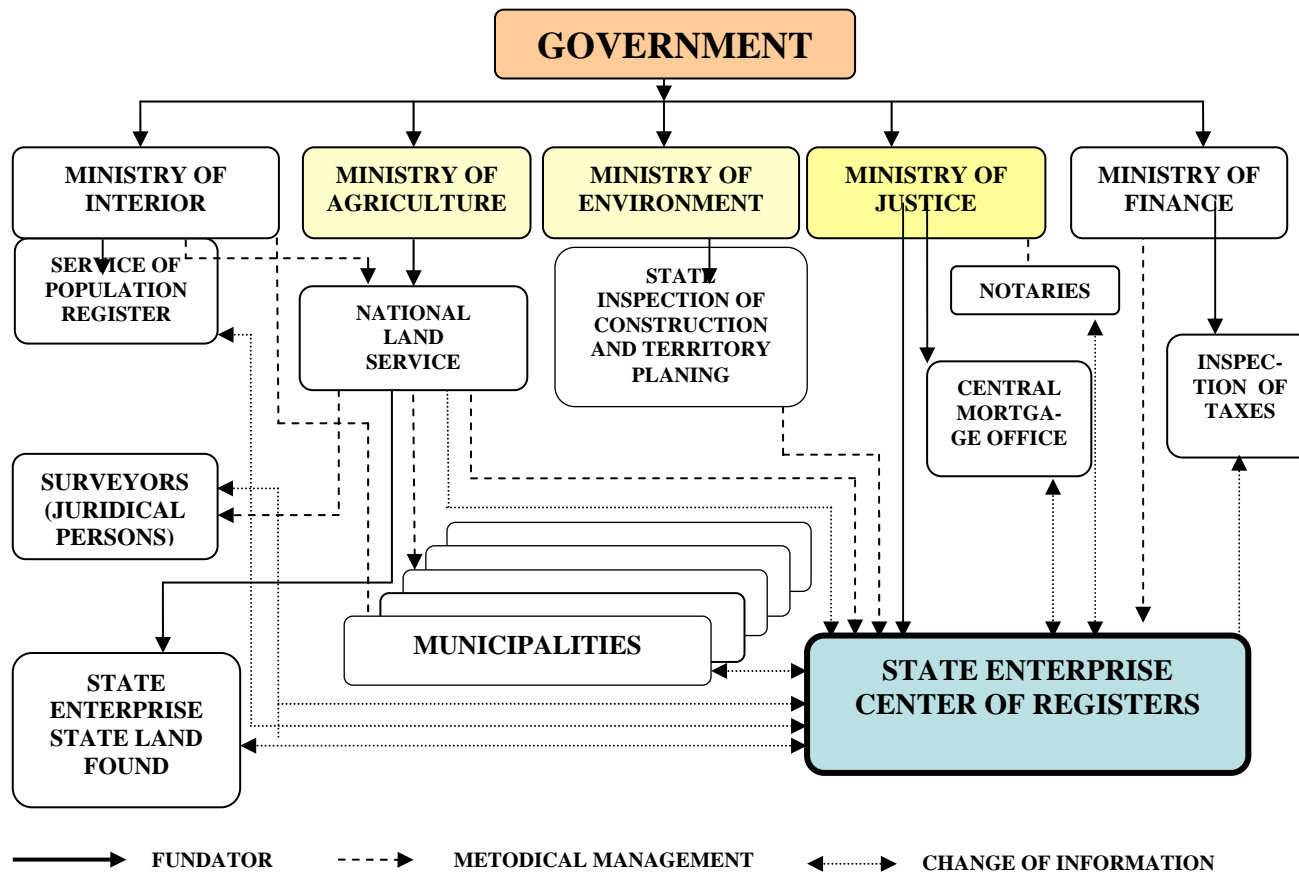


Fig. 1. Organizational structure of the State real property administration system

Source: State Enterprise Centre of Registers

The Ministry of Justice drafts projects of laws and the Government resolutions, organizes the implementation of legal reforms, supervises activities of other institutions such as the state enterprise Centre of Registers, the Central Mortgage Office and notaries.

The Central Mortgage Office manages the Mortgage Register, the Register of Property Seizure Acts, and the Register of Marriage Agreements, collects data on the lease, hire purchase agreements, manages the Register of Wills and provides information from these registers. Mortgage divisions under the district courts register mortgages and property seizure acts.

Notaries prepare the documents, approve transactions and mortgages, document copies and extracts as well as signatures, issue succession certificates, and approve information submitted to the Register of Legal Entities.

State enterprise Centre of Registers carries out the following functions: manages the Real Property Cadastre and Real Property Register, Registers of Legal Entities and Addresses, performs an assessment of real property for the purposes of tax calculation (mass rating), cadastral surveying, issues to natural and legal persons the official information stored in the registers, updates the cadastral map.

The Ministry of the Interior ensures public security, border protection, civil protection, migration control, public administration and state reforms, municipal and regional development, as well as supervises activities of the Population Register Office.

The Ministry of Finance prepares the state budget and municipal budgets, supervises the policy of country's investments, tax collection, national coordination of the EU financial assistance, fiscal policy and its administration, as well as other issues.

The State Tax Inspectorate is the central tax administrator.

Municipalities issue permits for construction, perform the functions of territorial planning, assignment and alteration of addresses.

Harmonious activities of these institutions, adequate legal regulation of the processes, timely problem solving ensure efficient functioning of the real property administration system.

The reliability of the data of real property objects, the safety of property rights to this property and the availability of information needed for the management of the country ensures the effectively functioning system of this data management. The system consists of four closely related and mutually supportive parts:

- Real Property Formation;

- Real Property Cadastre;
- Real Property Valuation
- Real Property Register.

Real Property Formation – a legislative framework based on the rules, measures and actions that enables the emergence or creation of real property, as the property law object.

**Real Property Cadastre system** describes objects of the real property – parcels, construction works and premises. It should help to clarify – *where* the object of the real property is and *what quantitative* of its characteristics.

**Real Property Valuation system** should ensure the quality of objects of the real property document in collection and evaluation and explain *why* such qualitative characteristics of the objects of the real property are and *what their value is*.

**Real Property Register system** ensures the legal status of objects of the real property and rights to them and presents data about, *who* manages these objects and *how*.

**The Real Property Cadastre** is described as systemized and methodically fixed objects of the real property graphical and attributive data collection (in the national system of geodetic coordinates), it is kept in a computer media. You can use it individually in a paperless way or in other way. It is relevant when collecting cadastral data that have to be correct, reliable; that the security of these data should be secured and also that interested institutions could use it.

According to the Civil code *objects of real property* are land and other objects, which are related to land and which you cannot move from one place to another without changing its purpose and essentially minimizing its value (buildings, devices, gardens and other objects, which are immovable according to their purpose and nature).

*Commodities of buildings* are considered to be separate secondary objects that are used to serve the main object. According to their characteristics they are constantly bound with the main object. The connection of two or more objects does not make any of them pertinent, only if there isn't any evidence indicated to the object of real property.

In Lithuania an integrated multi-purpose Real Property Cadastre and Register system is created, where the cadastre and register data are stored in one Central Databank. This system was started up in 1992 after the implementation of a computerized land registration. Since 1997 this system functions in one unit – the state enterprise the Centre of Registers (hereinafter – the Centre of Registers). In this company data about parcels, construction works, premises and flats are integrated into a single real property information system. The system guarantees the protection of the rights to the objects of real property, supports the

legitimate transfer of the real property; it can also contribute to the national real property development policy establishment and to promote real property and credit market development in the country.

The Centre of Registers is responsible for the registration of objects of the real property and rights to them; it manages the Real Property Cadastre and the Real Property Register. Also, the company successfully operates the Address Register and Register of Legal entities.

### **1.3. Formation of the real property objects**

Objects of the real property shall be formed in the ways provided for the Law on Real Property Cadastre.

The formation of objects of the real property – a legislative framework based on the rules, measures and actions that enables the emergence or creation of real property, as the property law object. As mentioned above, the most important objects of the real property are parcels, construction works and premises. Formation of parcels is mostly carried out by the state and public institutions – the National Land Service under the Ministry of Agriculture (hereinafter – National Land Service), its divisions, municipalities and only slightly affected by private entities – natural and legal persons. When forming construction works and equipment that meet the needs of society, and state authorities have approved construction documents, building permits and allows them to recognize them as suitable for use.

Construction works, especially the constructions of buildings, are usually carried out by private sector initiative, and therefore most of the responsibility lies with individuals and legal entities – the builders. The state and local authorities approve construction projects, provide the building permit and recognize them as suitable for use, id est. perform control functions.

#### **Objects of the real property formation methods:**

- forming a new object of the real property;
- dividing in the Real Property Register registered object into individual items of objects of the real property;
- separating in the Real Property Register registered common property ownership owned by objects share and forming them as separate items of objects of the real property;
- combining several objects registered in the real property register into a single object of the real property;



- the amalgamation of the objects of the real property.

Construction works are formed in accordance with the Law on Construction of Republic of Lithuania.

#### **1.4. Persons, who established cadastral data of objects**

Cadastral data of objects of the real property are determined by individuals, specified in the Law on Real Property Cadastre of the Republic of Lithuania. Surveying objects of the real property detection works in the territory of the Republic of Lithuania have to be performed by the citizens of the Republic of Lithuania, citizens of other member states, other private persons, using the European Union law that gives them rights of movement in the member state, or in the Republic of Lithuania or in another Member State, a legal person or other organization, or their units (hereinafter – the Executors). These individuals can perform objects of real property cadastral data determination works if they have issued certificates or other documents of competency, which confirm the right to make determination works of objects of the real property.

Cadastral data of parcels and construction works are determined, and land surveyors who have qualification certificates necessary to carry out these works prepare files of these objects. A natural person wishing to obtain a land surveyor qualification certificate must meet the following requirements:

- have university or further education received after the completion of study programs (objects) which include Geodesy, Real Property Cadastre, Land Management, Territorial Planning, Topography, Cartography, Geoinformation Systems, Building Construction, Engineering Networks, Communications Subjects, the number of credits of which are established by the Government;
- have at least two years of work experience in the field of determining the cadastral data of objects of real property;
- having completed a qualification course of no less than thirty hours agreeably to programs approved by the authority authorized by the Government and having passed the qualifying examination at least three years prior to issuing the land surveyor qualification certificate.

A natural person wishing to obtain a land surveyor qualification certificate shall submit to the authority authorized by the Government an application and documents evidencing the

qualification compliance. The land surveyor qualification certificate shall be issued or written reasoned refusal to issue the qualification certificate shall be delivered to the applicant not later than 30 days after the date of receipt of documents necessary to issue the qualification certificate. The land surveyor qualification certificate shall be issued in accordance with the procedure established by the authority authorized by the Government. If no reply to the correctly submitted application to issue the qualification certificate together with all the documents necessary to issue the qualification certificate is received within the period specified in this paragraph, it shall be considered that such certificate has been issued.

The fee for the issue of the land surveyor qualification certificates or their duplicates as well as for adjustment of qualification certificates shall be charged in accordance with the procedure established by the Law on Fees.

In accordance with the law land surveyors have the right to:

- form associations freely;
- access an object of real property owned or managed by a person wishing to determine cadastral data in order to determine such cadastral data;
- upon the consent of the owners of adjacent parcels, to carry out determination of cadastral data in adjacent parcels as well, if it is necessary to determine the cadastral data. In this case, the owners of the parcels shall be notified about the works to be carried out in accordance with the procedure established in the Regulations of Real Property Cadastre;
- to obtain the Real Property Cadastre data and documents necessary for determination of the Real Property Cadastre data;
- to obtain territorial planning documents and data necessary for determination of the Real Property cadastral data;
- to obtain other information, data or documents necessary for determination of the Real Property cadastral data in accordance with the procedure established by the law.

Having prepared the Real Property Cadastre documents provided for by the law and other legislative acts, the land surveyor shall sign them and thus certify that the documents prepared meet the requirements of the laws and other legislative acts governing the cadastral measurements of real property.

The land surveyor must:

- follow the laws and other legislative acts of the Republic of Lithuania;
- be impartial;

- improve qualification;
- to provide information to interested persons concerning the Real Property Cadastre documents prepared by him (her) in accordance with the procedure established by the Government;
- to perform other duties provided for in legislative acts.

The parcel will be completed to form to the manager of the National Land Service or his authorized territorial division supervisor after the decree to approve the cadastral data (to form a parcel).

### **1.5. Cadastral data of the of real property objects**

The basis of the establishment of the data of an object of real property shall be a contract between the Customer and the Executor, unless otherwise provided in laws and other legal acts.

The Cadastre shall contain cadastral data of an object of real property referred to in the Law on Real Property Cadastre of the Republic of Lithuania. Two or more methods and sub-methods for using land may be established for one parcel, if it is provided for in the detailed plan.

**Cadastral data of the parcel** shall be entered in the Real Property Cadastre:

- code and name of the cadastral locality, number of the cadastral block, number of the parcel (cadastral number of the parcel);
- unique number of the parcel granted by the Manager of the Cadastre and which does not change the whole time of the existence of the parcel;
- main purpose of the parcel;
- method and sub-method of use of land of the parcel;
- area of the parcel;
- the composition of the parcel area under the land use types: farming areas consisting of arable soil, gardens, fields and natural pastures; forests, roads, built up territories; waters; other land, composed of: plantations of trees, bushes, swamps, damaged soil and other unused soil;
- land area with drainage facilities: drained soil, irrigable soil;
- quality assessment of farming areas, estimated of productivity of score;
- special conditions for land use and regulations of protection of protected areas;

- data of the protected area, where is a monument of culture and cultural heritage;
- values of the parcel shall be established by the Government; dates of valuations;
- price and date of the purchase;
- coordinates of the turning points of the boundaries of parcels in the national system of geodetic coordinates;
- date of the establishment of the cadastral data of parcel;
- other data.

The **cadastral data of construction works** shall be entered in the Real Property Cadastre:

- object: building, premise, engineering constructions;
- unique number of the construction works (also unfinished), provided by the Manager of the Cadastre in accordance with Regulations of the Real Property Cadastre, without changing the whole construction works' length of the stay;
- unique number of the premises which are formed as separate objects of real property;
- main purpose and name of the construction works;
- parameters of the construction works: total area, size, length, width, diameter, cross section, height, depth, perimeter, or other construction characteristic geometrical parameters;
- construction material of the building;
- characteristics of the equipment inside the building;
- values of construction works shall be established by the Government; dates of valuations;
- percentage of physical reduction and finish of the construction works;
- price and date of purchase;
- year of beginning and end of construction (reconstruction) of the construction works;
- information on the status of construction;
- location of the construction works within the parcel (unique number of the parcel where the construction works is situated);
- location of the premise which is formed as a separate object of real property, in the building (unique number of the construction works in which the premises are);
- number of floors of the construction work;
- number of premises which are formed as separate objects of real property;
- number of the residential premises which are formed as separate objects of real property;
- number of rooms of the residential premises which are formed as separate objects of real property;

- floor where is a premise which is formed as a separate object of real property;
- data of a monument of culture and cultural heritage;
- digital graphical information of contours of the construction work and digital graphic data of internal layout of the construction work;
- date of establishment of the cadastral data of construction work;
- other statutory information.

While including the cadastral data of the object of real property in the Real Property Cadastre, an address shall be entered for a real object in accordance with the government requirement (names of the residential locality, of the street and number of the building).

### **1.6. Establishment of the cadastral data**

For one parcel may be determined one or more land uses and characteristic it provides planning document.

Cadastral surveying of parcels in the determination of the coordinates of the turning points and boundary marks of the parcels in the national system of geodetic coordinates or local system of coordinates related to this system shall be carried out:

- during the division, separation, joining, and amalgamation of the parcels registered in the Register of Real Property;
- during the change of main purpose, method and sub method of the use of land of the parcels registered in the Register of Real Property, the coordinates of the turning points and boundary marks of which are not established within the national system of geodetic coordinates or local system of coordinates related to this system;
- during the formation of parcels of state-owned land;
- transferring ownership to other persons in urban areas of private parcels (their parts) which outside the turning points and boundary coordinates undetermined in the national system of geodetic coordinates or local system of coordinates;
- if the parcel was constructed, reconstructed, with capital repair works or dug ponds, built roads or installed other engineering constructions. In this case, the cadastral data of parcels must be replaced no later than until the static registration or cadastral data structure modification in the Real Property Register;
- following the request of an owner of the parcel or user of land.

Cadastral surveying of construction works shall be performed following the execution of the works of construction, reconstruction, major repair or other rearrangement, in case the Law on Construction of the Republic of Lithuania provides a requirement to have a construction permit and/or recognition as being fit for use, or in case the owner or the user of the construction works requests so.

Object of the real property is considered to be completed to form when its cadastral data is set and, according to the laws, adopted by the administration of public entity's decision to form the objects of the real property.

The parcel containing construction works may be divided or separated in case the Law on Protected Areas of the Republic of Lithuania does not prohibit it or other legal acts, only in such way that after the division or separation the land necessary for the exploitation of the construction works would be formed as separate parcel. The parcel may not be formed in such way that the boundary of the parcel crosses the construction work which is formed as one separate object of real property, except engineering constructions (engineering networks, communications, etc.).

Boundaries of parcel between the turning points, including those, which border with the natural contours, must form one closed contour, under the coordinates of turning points of boundaries thereof the area of the parcel must be calculated. Area of parcel calculated after the cadastral surveying may differ from the Real Property Register registered area of parcel or territorial planning document designed (not registered in the registry) area of parcel not exceeding the maximum permissible (trigger) area of uncertainty. When the space difference is bigger than the fixed and (or) boundaries of parcel (configuration) does not fit designed boundaries of parcel (configuration), the Executor shall notify in writing the Customer and the Land Management Division of the National Land Service (hereinafter – the Land Management Division) under the parcel location.

When the cadastral surveying of the parcel was performed, from the national Geodetic base Global Positioning System (hereinafter – the GPS) 1, 2 and 3 classes network points or the global positioning system network of the Republic of Lithuania permanent stations (hereinafter – LitPOS) or from the national geodetic base linking other global positioning system network permanent stations, area of parcel cannot be different from previous geodetic instruments in conditional and local coordinate systems fixed area of parcel more than the permitted area of cadastral surveying of relative tolerance 1/1000.

Parcels, separated by main roads, domestic, region, public and local roads, streets, railway and non-privatized hydrographical objects, as well areas occupied by roads, not calculated within the total area of the parcel to be privatized, shall be formed as separate parcels.

Separate objects of real property (flats, offices, etc.) constituting the construction works shall be formed only following the establishment of cadastral data of the whole construction works, the formation of file of cadastral data of the object of real property and entering of cadastral data into the Cadastre under the Regulations.

The Executor having concluded a contract with the Customer on the establishment of the cadastral data of the object of real property shall be entitled to receive the primary cadastral data of the object of real property from the Manager of the Cadastre necessary for the execution of work.

### **1.6.1. Surveying of parcels**

During the establishment of **the cadastral data of the parcel**, the following different actions should be performed.

The boundaries of the parcel or renewed boundary marks of the previously marked boundaries of the parcel which later were destroyed shall be established and marked by boundary marks (if it was not performed before). The boundaries of the parcel in the locality shall be marked in presence of the owner of the parcel (current or future) or persons authorised by him, as well the interested persons – owners of the neighbouring parcels or persons authorised by them (hereinafter referred to as “the external persons”):

- in case the parcel borders with the parcel previously measured with the geodetic devices, the coordinates of the turning points and boundary marks thereof are established within the system of state coordinates, and when the common boundary is consistent, the external person shall be invited only in case it is necessary to renew the destroyed boundary marks;
- summons to the external persons shall be delivered personally or not later than 10 calendar days before the marking of boundaries shall be sent by registered letter. The Contract between the Customer and Executor shall specify who shall be held responsible for the delivery (dispatch) of this summons. The summons shall contain address, under which the external person must send notification in case he is unable to participate during the marking of the boundaries of the parcel not later than 2 days before the beginning of

the works, and as well shall state that in case of failure to arrive or to inform of absence, the works shall be continued. In case the external persons cannot be found neither under the addresses of the neighbouring parcels, nor under the addresses referred to in the Population Register of the Republic of Lithuania, the Executor may publish information on the planned cadastral surveying of the parcel in local newspaper and notice board of the ward of the territory where the works are planned, indicating the address of the parcel, cadastral numbers of the neighbouring parcels.

- in case the external persons specify in writing the reason of absence, it shall be recorded in the act of the marking-showing of the boundaries of a parcel. In case the external persons do not inform in writing of the reason of their absence within the time limit specified in the summons or in case the summons was not delivered under the addresses of the neighbouring parcels, therefore these persons are not participating in the process of marking of the boundaries of the parcel, the works are being carried out without the external persons.
- having marked the boundaries of the parcels, an act of the marking-showing of the boundaries of a parcel shall be drawn up. The act shall be signed by the external persons, the Executor and the Customer or a person authorised by him, who were participating during the marking of the boundaries of the parcel. The cadastral data of the parcel registered in the Register of Real Property, i.e. the changes within the parcel (the changes of the use of land or changes due to the newly built or reconstructed construction works, etc.) shall be adjusted;
- upon the reception of remarks from the external persons either orally or in writing, the Executor shall under the documents of the formation of the parcels registered in the Register of Real Property (the ones that are bordering, and the measured parcel) (the plans of the parcel, abstracts of the outdoor surveying, acts of the marking-showing of the boundaries of a parcel, etc.) examine the remarks and within 5 working days shall adopt a decision on the necessity to adjust the location of the turning points and boundary marks of the parcels. The cadastral works shall not be stayed due to the submission of remarks.
- in case the boundaries of the parcel shall not be adjusted (shall not be re-established), the act of the marking-showing of the boundaries of a parcel shall not be drawn up, and the external persons shall not be invited. In such case only cadastral data shall be adjusted;



- if the labelled parcel boundary is determined hydrographical object (stream, drainage ditch or similar) middle, with the overall limit (s) of other the parcel (s) to participate in the labelling of the owners of land are not invited;
- parcel boundary turning points, labelled boundary markers or overlapping with stable areas objects, are photographed in cases of the National Land Service.

By cadastral surveying the coordinates of turning points and boundary marks of the boundaries of the parcel, as well, not less than two coordinates of corners of every construction works situated within the parcel (except the temporary construction works) shall be established within the national system of coordinates or within the local coordination systems related to this system, ensuring that the construction's surveying shall be possible to determine its outer contour. At least two boundary marks of the parcel must be linked to the state geodetic basis or to the local systems of coordinates related to this system. If cadastral surveying is made by LitPOS, the surveying session, joining LitPOS, time is stated.

Surveying must be performed using the devices of the Global Positioning Systems (hereinafter referred to as “the GPS”), planimetric movements, linear angular intersections, microtriangulation and other surveying, if their precision complies with these requirements:

- performing linking with the geodetic base using the GPS devices, the average square error must not exceed 0.1 metre, in the case of linking parcels of agricultural and forestry purpose and parcels in villages and small towns, and 0.05 metre in case of linking of parcels in towns. The GPS points shall be used as primary points. The same precision requirements shall be applied as well performing linking by angular or linear intersections, microtriangulation, combined nets;
- in case the parcels bordering the parcels measured previously using geodetic devices are being measured, the difference between the coordinates of common boundary marks (in respect of points of geodetic basis) must not exceed 0.1 metres in towns and 0.3 metres – in other areas. The common boundary marks are linked to the coordinates established both during the previous, and during the later measurements;
- coordinates of the coordinated points shall be calculated with the precision of 0.01 metres.

During the cadastral surveying actual farming land areas shall be cartographed within the locality:

- boundaries of the built-up territory (land occupied with buildings, yards, squares, other land used for direct exploitation of construction works);

- construction works for transport engineering (communications), other roads (not formed as construction works);
- boundaries of water bodies and hydrographical net;
- contours of forest, arable soil, gardens, fields and natural pastures, other land containing plantations of trees and bushes, contours of swamps;
- damaged soil – areas of quarries of mineral resources, peat bogs and landfill sites under exploitation and already exploited.

Objects subject to special terms of land and forest use and other restrictions upon use of land shall be cartographed, and areas of these territories shall be calculated. Engineering networks shall be cartographed in case they are not marked in the topographic plans of large scale. The formation of plan of parcel must involve an entry on what material was used marking the engineering networks.

Total area of the parcel and area of farming land shall be calculated. Value of the parcel shall be calculated:

- under the Methodology for the Evaluation of Land approved by Resolution No 205 of the Government of the Republic of Lithuania of February 24, 1999 (*Valstybės žinios* (Official Gazette) No 21-597, 1999); No 102-4574, 2002)
- average market price according to the maps of the land value.

According to the data, received from the Manager of the State Forestry Cadastre of the Republic of Lithuania, calculated the average market value of forest stands, located in the parcel.

The plan of the parcel is prepared which must be consistent with the Land Management Division.

The form of the cadastral data of the parcel shall be formed using the classifications prepared and approved by the Manager of the Cadastre following the arrangement thereof with the National Land Service.

File of the cadastral data of the object or real property shall be prepared (in two copies) or already formed file shall be supplemented.

### **1.6.2. Surveying of construction works**

There are two main types of construction works: buildings and engineering constructions.

**Buildings.** The building is allocated to one or the other purpose group (subgroup), if its total area, most part or at least half of the gross floor area is used for this purpose. In cases where a building consists of various-purpose premises, formed as separate property objects (catering, sports, science, etc.) The purpose of the building is determined by the most common area of the premises as a separate real property.

The building may consist of: above-ground floors, basement (ground floor), basement, attic space (attic, mezzanine), atrium, mezzanine, gallery, extensions, glazed (enclosed) porch, unglazed (open) porch, terrace, bay window, loggia, balcony, platform and portico.

For its intended purpose buildings are divided into two main groups:

- residential buildings;
- non-residential buildings.

**Engineering constructions.** Engineering constructions for its intended purpose are divided into groups:

- transport communications;
- engineering networks;
- other constructions.

For the establishment of the cadastral data of construction works performed cadastral surveying of buildings, data are written to forms, prepared file of cadastral data.

In cases when cadastral surveying of the parcel was not carried out, all the construction works situated within the parcel shall be linked together and the plan of arrangement of construction works shall be prepared.

In cases when the cadastral surveying of the parcel were carried out the plan for the arrangement of construction works shall be prepared under the data of the cadastral surveying of the parcel, indicating the origin of the data used. In cases when the coordinates of the corners of buildings are not established, the plan for the arrangement of construction works shall be prepared under data of the cadastral surveying of the parcel, the measured construction works shall be drawn within it.

The coordinates of the central point of the building formed as a separate object of real property shall be established graphically or by cadastral measurements in the national system of coordinates.

Physical boundaries of the construction works shall be measured, construction products of the main constructions of the construction works, engineering systems of the construction works (water supply, draining, heating, hot water, electricity, gas, ventilation and

conditioning) and other technical data necessary for the entering of data of the object of real property into the Real Property Cadastre shall be established:

- the coordinates of the contours and (or) axis of engineering constructions within the national system of coordinates shall be established graphically or by cadastral surveying. The cadastral data of engineering constructions shall be established under the topographic or cartographic material collected by the Customer or the Executor and the material used for the formation thereof under the bilateral agreements;
- the unfinished construction works shall be measured when it is possible to establish their area, size or other parameters. The file of the cadastral data of the separate objects of real property (flats, offices, etc) within the unfinished construction works may be prepared when the construction works is constructed to the extent that it is possible to calculate the total area and value of the separate objects of the construction works, to describe them in the manner prescribed by the Regulations and in case the cadastral data of the whole construction works have been established, the file of cadastral data of this construction works have been prepared, the cadastral data have been entered into the Cadastre.

The construction works shall be photographed. The aim of the photography is to show the construction works of part thereof in detail and visually. The National Land Service shall establish the technical requirements for photography of the construction works.

The main functional purpose of use and the name of the construction works shall be established, as well the address (number of the construction works, name of street and name of locality) shall be established under the submitted documentation, the year of the beginning and the end of construction (reconstruction) of the construction works shall be determined.

**The classification of the main functional purpose of use of the buildings, premises and engineering constructions.** Area, size and other parameters necessary for the entering of cadastral data of the object of real property into the Cadastre shall be calculated. Plans of the storeys of the buildings shall be prepared.

Forms of cadastral data of construction works shall be filed in under the classifications prepared (following the arrangement with the National Land Service) and approved by the Manager of the Cadastre.

Values of the construction works shall be calculated:

- the expenditure of recovery (value of construction);
- recoverable value;
- average market price and date of its establishment.

File of cadastral data of the object of real property shall be prepared (in two copies) or the file already prepared shall be supplemented.

Technical requirements for the correction of technical errors of cadastral data, cadastral measurements of lots, formation of objects of real property into new cadastral objects and procedure of change of purpose of construction works shall be determined by the National Land Service.

Plans of the object of real property must be prepared in such way that using the data of national system of coordinates it would be possible to establish the location of the object of real property in the territory of Republic of Lithuania. Plans of objects of real property shall be prepared and forms of cadastral data shall be filed in using computers (in analogical and digital forms).

### **1.6.3. Plans of parcels**

**Plans of parcels** must comply with the following requirements. Plans of parcels must be prepared using the following cartographic material:

- orthophoto maps at scale 1:10000 in analogical form ORT10LT or orthophoto maps of towns or villages at scale 1:5000 in analogical form;
- orthophoto maps at scale 1:10000 in digital form ORT10LT. In such case plans at scale 1:10000, 1:5000 or 1:2000 shall be prepared;
- topographic plans of residential localities of towns and rural areas at scale 1:500–1:1000 in analogical or digital forms, as well topographic maps of towns, small towns and residential localities at scale 1:2000 in analogical or digital forms;
- the georeferential basis of the territory of Lithuania.

Plans of parcels at scale 1:10000 must be prepared using orthophoto maps only.

The plan of the parcel (except the parcels of the members of gardeners' societies) must contain not less than three intersection points of the axes of coordinate grid drawn in and not less than one value of the coordinates of intersection in coordination grid specified.

Boundaries of parcel and their turning points must be drawn in.

Lengths of boundaries of parcel between the turning points must be specified.

Using the data collected during the cadastral surveying and using the available cartographic material a plan of the parcel shall be prepared on a separate sheet. The plan shall be designed having drawn a coordinate grid at the following scale: within the built up territories in towns

– 1:500, other territories of towns and urbanized territories in rural areas – 1:500–1:2000, in other rural areas – 1:500–1:10000. The scale depends on the area of the parcel and the information available. The format of the plan must match a sheet of paper of standard A0–A3, which shall ensure the sufficient arrangement of the drawings, tables and entries.

The coordination grid shall be oriented to a direction of North-South. With a view to achieving better configuration arrangement of the parcel the orientation of the coordinate grid may be changed; in such case an arrow shall specify the direction of North-South. The plan must contain not less than three intersection points of the axes of coordinate grid and not less than one value of the coordinates of intersection point in coordination grid must be specified. The plan of the parcel shall contain the following data drawn in by arbitrary signs and symbols:

- points of state or local geodetic basis situated within the parcel or situated near it, that may be signed within the format of a sheet (names or numbers shall be specified);
- boundary marks (numbers shall be specified);
- other turning points of the boundaries (numbers shall be specified);
- linear situation elements, matching with the boundaries of the parcels;
- lines of the boundaries of the parcels between the boundary marks (their length shall be specified in metres with two decimals);
- cartographed areas of farming land and situation elements;
- object and territories subject to the special terms of use of land and forest, other restrictions on use of land;
- contours of buildings (except temporary and simple ones, not subject to obligation to have a construction permit) and of other construction works (numbers of coordinated corners and types of construction works shall be specified);
- design lines of the designed streets and other communication systems according to the approved detailed plans.

The content of the plan of parcel shall comply with the requirements established by the Regulations, and the arbitrary signs and symbols – with the requirements established by Order No 45 of the Director of the State Geodetic and Cartographic Service under the Government of the Republic of Lithuania of 19 June 2000 (*Valstybės žinios* (Official Gazette) No 52-1518, 2000) on Arbitrary Signs and Symbols of Topographic Plans at Scales 1:500, 1:1000, 1:2000 and 1:5000 and Order No 27 of 7 July 1999 (*Valstybės žinios*

(Official Gazette) No 61-2030, 1999) on Approval of Regulation of Technical Requirements for Topographic Maps Scale 1:10000.

#### **1.6.4. Plans of arrangement of construction works and plans of floor**

Data for the preparation of plans of the arrangement of construction works shall be received by the methods of horizontal images (linear, angular and combined measurements). The aim of the surveying shall be the reception of data needed for the preparation of plans of needed scale of the arrangement of objects of real property and to link these objects interdependently. For the outdoor surveying the data of geodetic measurements of the parcels (their plans) shall be used.

For the arrangement plan of construction works, for which no parcel has been formed or it cannot be formed, the arrangement plan shall contain all objects of real property, for which cadastral surveying are being performed.

Arrangement plans for construction works shall be drawn at scale 1:500–1:2000, taking account to the size, particularity and complexity of the object.

Arrangement plans for construction works shall be drawn as follows:

- abstracts and other available auxiliary cartographic material shall be used; the plans shall be drawn on sheets of paper of A4 format; the basic scale of the plan shall be M 1:500; taking account to the size, particularity and complexity of the object the scale may be 1:1000 or 1:2000;
- the plan shall be set out in the middle of the sheet and oriented to the direction of North;
- for the arrangement plan of construction works, all buildings shall be marked as symbols: the first symbol (number) shall specify the number of building within the parcel, the second symbol (capital letter) shall describe the purpose of the building, the numerator of fraction (number) shall specify the number of storeys of the building, the denominator thereof (small letter) – the products of construction of walls;
- Engineering construction works shall be drawn pursuant to the regulation of technical requirements “Arbitrary Signs and Symbols of Topographic Plans at Scales 1:500, 1:1000, 1:2000 and 1:5000” under the outdoor surveying or making copies from the cartographic material;
- In the right bottom corner of the arrangement plan of construction works the requisites of the Executor shall be referred.

Plans of storeys shall be prepared for the main buildings only. The plans of storeys of auxiliary buildings shall be prepared if the Customer requests so. In case plans of storeys of auxiliary buildings are being prepared, all the cadastral data on this building shall be collected and described in the same manner as for the main building.

During the outdoor works for the preparation of plans of storeys of buildings, all the component parts of the building must be measured and described.

Plans of storeys of buildings shall be drawn according to the abstract at scale 1:100–1:200, taking account to the size, particularity and complexity of the object and using arbitrary signs and symbols. Plans of storeys of buildings shall be drawn in the following manner:

- external contours of building;
- interior retaining walls;
- walls of extensions to buildings;
- screens, heaters, interior and exterior doors and windows;
- other elements of building.

During the preparation of drawings referred to the Regulations in the right bottom corner of the arrangement plan of construction works the requisites of the Executor shall be referred as well. The National Land Service shall establish technical requirements for the preparation of plans for objects of real property.

### **1.7. Adjustment of cadastral data of the object of real property**

Recording of changes of cadastral data of an object of real property shall be activity of establishment of changes of the cadastral data of an object of real property registered in the Real Property Cadastre and following by the established order with the National Land Service the renewal of the file of cadastral data of an object of real property. Recording of change of cadastral data shall include:

- cartography of areas of farming land, necessary for the establishment of cadastral data of land, referred to in Article 6 of the Law on the Cadastre of Real Property of the Republic of Lithuania, and recording of other changes;
- preparation of plan of the parcel;
- calculation of total area of the parcel, preparation of explication of areas of farming land;
- calculation of values of the parcel;
- preparation of form of cadastral data of the parcel;



- renewal of file of cadastral data of the object of real property.

The changed situation of areas of farming land shall be adjusted using orthophoto maps and performing cartography in the locality under the Regulations of Real Property Cadastre. Recording of change of cadastral data of construction works shall include the following works:

- buildings, separate storeys shall be checked and compared with the existing plans. Final measurements shall be performed; in case there no pictures of facades of the main buildings or the facades have been changed, photography of them shall be made;
- changes in data detected during the check and measuring shall be included into the abstract;
- in case it is detected during the check of cadastral data that the purpose of the used premises has been changed, they shall be explicated according to the actual purpose;
- cadastral data of the newly build extensions to the buildings, superstructures shall be collected and processed under the general requirements for the cadastral surveying of buildings;
- the marking of changes of a building in the plans shall be subject to general principles and arbitrary signs and symbols of collection and entering of cadastral data;
- having recorded the changes of cadastral data, all the newly established construction elements, plumbing devices and all the other elements shall be marked in the plans of the storeys of the building, as it is being recorded in respect of general cadastral data;
- new plans of storeys of buildings shall be drawn; the areas thereof shall be calculated according to the newly established surveying, irrespective of the change of the area of the premises;
- area of premises which was not calculated before (glazed loggias, glazed balconies, glazed terraces, ladders in cold enlargements, superstructures, etc.); these premises shall be measured and the area thereof shall be calculated;
- form of the cadastral data shall be prepared;
- file of the cadastral data of the object of real property shall be renewed.

Technical requirements of the procedure of the adjustment of cadastral data of the object of real property, the filling in of the prepared files of cadastral data, the renewal of the cadastral data of a building, in case of change of data of an object of real property – cadastral data of a premise, shall be established by the National Land Service.

If during formation of a parcel (in territories, in which parcels have not been formed prior to the approval of territorial planning documents) special land use conditions applicable to that particular parcel have not been indicated in the file of cadastral data of an object of real property and (or) entered in the Cadastre as well as the Real Property Register, the entering of these parcel cadastre data – special land use conditions applicable at the time of formation of the parcel – in the Cadastre and Real Property Register is organized by the Land Management Division. Documentation for supplementing the file of cadastral data of an object of real property shall be prepared by the Executor.

### **1.8. The file of cadastral data of an object of real property**

The following documentation shall be kept **in the file of cadastral data** of an object of real property:

- plan of the parcel (in digital and printed form);
- form of cadastral data of the parcel (in digital and printed form);
- act of the marking-showing of boundaries of the parcel;
- numbers of points of state or local geodetic network used, names or codes and coordinates thereof (extract from registration documents of these points), referring the origin;
- scheme of geodetic measurements – of the chosen scale, referring length of lines and angles, except the cases when the measurements have been performed using GPS devices;
- plans of construction works (in digital and printed form);
- forms of cadastral data of the construction works (in digital and printed form);
- photos of the buildings (in digital and printed form);
- sheets of establishment of value (in digital and printed form);
- documentation referred to in the Law on the Real Property Cadastre of the Republic of Lithuania, under which the cadastral data of the object of real property has been entered or changed in the Cadastre;
- invitation to participate in the marking of boundaries of the parcel;
- other documentation, under which cadastral measurements have been performed.

In cases when cadastral measurements of the parcel have been performed, the Executor shall transfer the file of cadastral data of the object of real property prepared under the

requirements of the Regulations to the Land Management Division and shall inform thereof the Customer.

The Land Management Division, having checked the file of cadastral data of the object of real property, shall draw an act on the inspection of the file, the form whereof shall be approved by the National Land Service.

Having inspected the file of cadastral data of an object of real property, the Land Management Division shall coordinate a plan of the parcel prepared or shall return the file to the Executor together with written indication of defects.

Having eliminated the defects, the Executor shall submit the file to the Land Management Division for repeated coordination. In the absence of defects, the plan of the parcel shall be coordinated. In case the cadastral measuring of the construction works has been performed, the Executor shall transfer to the Customer the file of cadastral data of the object of real property.

The Executor, having concluded a contract with the Customer on the establishment of cadastral data of the object of real property, may submit the prepared plan of the parcel or the file of cadastral data of the object of real property to the Manager of the Cadastre for the preliminary check. The plan of the parcel or the file of cadastral data of the object of real property, or the documentation prepared for the supplementation of this file shall be submitted to the Manager of the Cadastre for the preliminary check in case it is provided in the contract concluded between the Executor and the Customer, or if the Executor requests so.

If the plan of the parcel is submitted to the Manager of the Cadastre for **preliminary check**, the act of the marking-showing of boundaries of the parcel must be also submitted. Within 3 working days, the Manager of the Cadastre shall inspect the documentation submitted. If a preliminary check involves the plan of the parcel or documentation of the file of cadastral data of an object of real property signed by the Executor with electronic signature, the preliminary check shall be carried out within 2 working days and repeated check – within 1 working day.

Following the preliminary check, the Manager of the Cadastre, having determined that the plan of the parcel meets the applicable requirements, shall put a stamp and mark the map of the Real Property Cadastre.

If the check reveals that the plan of the parcel fails to meet the requirements, the documents submitted shall be returned to the Executor together with written indication of defects.

Having eliminated the defects, the Executor shall submit the plan of the parcel to the Manager of the Cadastre for repeated check. The Manager of the Cadastre shall check the plan of the parcel re-submitted within 2 working days after receiving the documentation.

The same procedure as that carried out when the file of cadastral data of an object of real property is submitted to the Manager of the Cadastre for preliminary check shall be carried out.

Together with an application to enter or change the cadastral data of an object of real property the Executor shall submit to the Manager of the Cadastre the file of cadastral data of the object of real property as well as the required documents prepared in digital form.

### **1.9.Entering and changing the cadastral data of an object of real property in the cadastre**

The owner or actual user submits applications concerning entering of objects of real property in the Cadastre to the Manager of the Cadastre. Together with the application to enter or change the cadastral data of an object of real property, documents referred to in the Law on Real Property Cadastre of the Republic of Lithuania and the file of cadastral data of the object of real property must be submitted.

Having analyzed the documents submitted and confirmed their correctness and compliance with applicable requirements, an employee of the Manager of the Cadastre shall pass a decision concerning the entering of the data in the Cadastre.

Upon submission of the application to enter or change **cadastral data of a parcel** to the Manager of the Cadastre, the following documents are to be submitted:

- decision to determine or change the cadastral data of the parcel of the Director of National Land Service or the Director of the Land Management Division authorized thereof, and (or), in some cases, decision to change the main land use purpose, manner, order of Municipal Council or Director of Municipal Administration authorized thereof must be submitted, when cadastral data of newly formed parcels or parcels reformed in accordance with territorial planning documentation are to be determined or cadastral data of formed parcel indicated in the Regulations are to be changed;
- the file of cadastral data of the object of real property.

Upon submission of the application to enter cadastral data of a building (premise) formed as a separate object of the Real Property Cadastre or change the data after restoration, major

repairs, ordinary repairs, renovation (modernization), change of purpose or any other rearrangement of the building (premise), the file of cadastral data of the building and, in specific cases, the necessary documents must be submitted to the Manager of the Cadastre:

- construction Completion Act (when required by law) or Declaration of Construction Completion;
- court judgment, decision, ruling on recognition of the right to a person submitting the request to manage the building as well as other decisions of public administrative bodies;
- certificate of suitability for use for the intended purpose of newly formed object of the Real Property Cadastre (premise or building);
- certificate of unfinished or physically damaged construction work, when unfinished or physically damaged construction work is to be registered in the Real Property Register or the percentage of completion of the building is to be changed.

A certificate of destructed construction work to remove destructed (rundown) construction work from the Register is required only if Construction Permit or Declaration of Construction Completion approved by the State Territorial Planning and Construction Inspectorate was required to construct the construction work. In such case, the file of cadastral data of the construction work is not required.

The Manager of the Cadastre, having received an application to enter the cadastral data of the object real property into the Cadastre or to change it, shall register it in the computer register of applications, specifying the date of the reception of application (year, month, day), time (hours and minutes), the documents submitted together with the application, the person who has accepted the application and shall provide it with a number.

The computer register of application as well shall contain a mark on the decision of the Manager of the Cadastre to dismiss the application or to stay the adoption of the decision.

Upon request of the person who has submitted the application, he shall be provided with a certificate on the fact, date and time of the registration of the application. The Manager of the Cadastre shall approve the form of the certificate.

Having considered the application within 5 working days, the Manager of the Cadastre may pass one of the decisions provided for in the Law on Real Property Cadastre of the Republic of Lithuania: 1) to satisfy the application, 2) to reject the application (with reasons thereof), 3) to postpone passing of the decision (with time-limit not exceeding 1 month to eliminate the defects). Decision to reject the application or postpone passing of the decision must be written and reasoned.

The documentation proving the entering of cadastral data of the objects of real property shall be delivered personally to the applicants or upon their request shall be sent by mail.

In cases when circumstances hindering from the marking of the boundaries of the object of real property in the cadastral map are detected, the Manager of the Cadastre must check the boundaries of the neighbouring objects of real property under the available data marked in the cadastral map. Having established, that the boundaries of the objects of real property marked in the cadastral map are imprecise, the Manager of the Cadastre must adjust them.

The data entered into the Cadastre shall be changed on a proposal of state institutions in cases established in the Law on the Real Property Cadastre of the Republic of Lithuania.

Cadastral data of the object of real property shall be entered to the Cadastre by the subdivision, in the territory of service provision of which is the object of real property. The data entered into the Cadastre shall be stored and saved in the Central Databank of the Register of Real Property (hereinafter referred to as “the Central Databank”).

It shall be prohibited to enter the cadastral data of the object of real property without having checked whether the boundaries of this object can be marked in the cadastral map.

Upon the entering of cadastral data of the object of real property, the subdivisions of the Manager of the Cadastre shall provide every object – a parcel, a construction works and the premises, formed as separate object of real property, – with identification code.

**A parcel** shall be provided with a following identification code:

- cadastral number of the parcel shall be formed of twelve digits of three parts: “XXXX/YYYY:ZZZZ” (XXXX shall mean the code of locality, YYYY shall mean the code of cadastral block, ZZZZ shall mean the number of parcel within the cadastral block);
- unique number of the parcel shall be formed of twelve digits: “XXXX-XXXX-XXXX”, which shall not change during the entire period of the existence of the parcel.

**A construction works** (buildings and engineering constructions, among them – uncompleted) shall be provided with a unique number of construction works of twelve digits “XXXX-XXXX-XXXX-XXXX”, which shall not change during the entire period of existence of the construction works.

**The premises, formed as separate object of real property**, shall be provided with a unique number of sixteen digits “XXXX-XXXX-XXXX-XXXX-XXXX” which shall not change during the entire period of existence of the premise.

Upon the division, separation, or joining of several objects or real property, the newly created objects of real property, which are to be entered into the Cadastre, shall be provided with new identification codes, and the former identification codes shall be sent to archive.

Identification codes of the amalgamated objects of real property registered in the Register of Real Property shall not be changed. In such case, only the cadastral data of the object of real property in the database of the Cadastre shall be adjusted.

Cadastral data of objects or real property shall be held entered into the Cadastre from the moment of the reception of the approval of the Central Databank within the subdivision of the Manager of Cadastre.

The subdivision of the Manager of the Cadastre, having received a confirmation, that cadastral data of the object of real property has been entered into the Central Databank, shall issue an extract of a form specified by the Manager of the Cadastre on the cadastral data of the object of real property entered into the database of the Cadastre.

#### **1.10. Marking of boundaries of the object of real property in the cadastral map**

Officers of the Manager of the Cadastre shall mark the boundaries of the object of real property within the national system of geodetic coordinates using the programme measures of Geographic Information Systems (GIS), the latest cartographic material and the basic georeferential data of the Republic of Lithuania.

The National Land Service shall submit to the National Land Service the basic cartographic material and coordinates of points of state geodetic basis and of local geodetic basis, related to the system of state coordinates, and other information describing them, necessary for the cadastral map. Subdivisions of the Manager of the Cadastre shall mark the following details in the cadastral map:

- coordinates of the turning points of boundaries of the parcel within the national system of coordinates, established during the cadastral measuring or during the vectorization of plans;
- coordinates of contours of buildings or of central points of buildings within the national system of coordinates;
- coordinates of contours of engineering constructions of axial lines, the beginning, end and turning points thereof within the national system of coordinates.

Subdivision of the Manager of the Cadastre, upon the marking of the boundaries of the object of real property in the cadastral map, shall enter identification code in respect of every object of real property.

Prior to the marking of the boundaries of the object of real property in the cadastral map, the subdivisions of the Manager of the Cadastre shall verify whether there are any circumstances which may hinder from the marking of boundaries of the object of real property, provided for in the Law on the Real Property Cadastre of the Republic of Lithuania.

The marking of boundaries of the object of real property in the cadastral map shall be certified by the stamp of the subdivision of the Manager of the Cadastre in the plan of the object of real property. The form and content of this stamp shall be established and approved by the Manager of the Cadastre.

Cadastral map shall include marking of boundaries of administrative units, residential areas of towns, cadastral areas or block.

In case the boundaries of the parcel to be marked in the cadastral map, measured during the cadastral measuring in the national system of coordinates do not match to the boundaries of the parcel already marked in the cadastral map (there is a gap or lapping over), as well with the ones measured in the national system of coordinates, the boundaries shall be marked in the cadastral map, in case they do not correspond in towns – up to 0.1 metre, other areas – up to 0.3 metre. In case of greater differences the boundaries of the parcel shall not be marked in the cadastral map, and the imprecision shall be corrected in the manner prescribed by Regulations of Real property.

If the parcel boundaries do not coincide with the boundaries in the map of the Real Property Cadastre, or there are impermissible discrepancies of boundaries, or it is impossible to determine which boundaries are incorrect, or if the error of the parcel area is impermissible, or parcel configuration has been changed, the boundaries of the parcel in the map of the Real Property Cadastre shall not be marked. Upon passing a decision to specify the cadastral data of the parcel the Land Management Division shall draw up the specification act of the cadastral data of the parcel and, on its basis, the new plan of the parcel shall be prepared. The inaccuracies shall be corrected by legal entity that has prepared the plan of the parcel.

When the Land Management Division determines that the plan of the parcel is correct and passes a decision to specify the plans of adjacent parcel(s), it shall inform in writing the owner(s) of the parcel(s) the plans of which are to be specified. Moreover, the Land Management Division must submit to the Manager of the Cadastre a written conclusion as to correctly prepared plan of the parcel. Having received the written conclusion of the Land



Management Division, the Manager of the Cadastre marks the boundaries of the parcel in the map of the Cadastre within 3 working days after receiving the conclusion.

Having determined that there are inaccuracies in the map of the Cadastre, the Manager of the Cadastre shall specify the boundaries of the parcel previously drawn in the map and shall draw the boundaries of newly formed parcel in accordance with the Regulations.

### **1.11. Making of a mark in the cadastre**

A division of the Manager of the Cadastre shall make a mark in the Cadastre upon receiving notices of authorities indicated in Article 10 of the Law on Real Property Cadastre of the Republic of Lithuania and Article 28 of the Law on Territorial Planning of the Republic of Lithuania. The authorities responsible for the forming of objects of real property, granting of special status to these objects, etc., must inform the Manager of the Cadastre within 14 calendar days, when actions related to objects of real property are carried out:

- the authority issuing the permit to construct a new building, reconstruct a building, renovate (modernize) a building or carry out maintenance construction works of a cultural heritage building;
- the State Territorial Planning and Construction Inspectorate under the Ministry of Environment (commission instituted by it), having approved a Construction Completion Act, Declaration of Construction Completion or other documents;
- the authority which has passed a decision to recognize the residential premises untenable;
- the authority which, in the events provided for in legislative acts, has passed a decision to declare an object of real property protected or, agreeably to a decision passed by the Government of the Republic of Lithuania, declares a natural or cultural object a cultural monument.

Having received a decision of the authority, which has passed the decision to restore the ownership rights to the object of real property, as well as the file of restoration of property rights, the Manager of the Cadastre shall enter the cadastral data in the Cadastre.

Having registered the documents of territorial planning, the managers of Territorial planning document register of the Republic of Lithuania shall notify the Manager of the Cadastre within 15 working days.

The form, submission and other conditions of such notices are to be established in the agreements between the Manager of the Cadastre and authorities issuing the notices.

### **1.12. Use and safety of cadastral data**

Cadastral data are rendered from the central data bank in accordance with the provisions of the Law of Real Property Register of the Republic of Lithuania and the Real Property Register.

Summary and analytical cadastral data is prepared by the Manager of the Cadastre upon the request of data recipients. Summarized and systematized cadastral data, various statistics and analysis are rendered in accordance with agreements between the Manager of the Cadastre and data recipients.

To the order of the National Land Service, the Manager of the Cadastre shall prepare and annually, by 1 March, submit to it data on statistics of the Land Cadastre on the condition by 1 January.

To the order of the National Land Service, the Manager of the Cadastre shall annually by 15 February submit to it cumulative data of buildings situated within territories of municipalities and counties on the condition by 1 January, grouped under the purpose of use, year of construction, construction products of walls and other indicators of cadastral measurements.

The Manager of the Cadastre: carries out mass evaluation of parcels, prepares maps of land values, carries out mass evaluation of construction works, specifies priced catalogues of Real property restoration (construction value) and standards of medium duration of use and approves area correction coefficients.

The Manager of the Cadastre, acting pursuant to the requirements of the General Requirements for the Safety of Data and the Standard Regulations for the Safety of Data, shall establish and ensure administrative, technical, organizational, programme and other measures for the protection of data of the Cadastre from the illegal destruction, change or use.

The Manager of the Cadastre shall be held liable for the safety of the data of the Cadastre. The Manager of the Cadastre and the data recipients shall be liable for the infringements of the safety requirements of data in the manner prescribed by legal acts of the Republic of Lithuania.

## 2. The Real Property Register

The State Register creation, management, reorganization and liquidation shall govern the Law on State registers of the Republic of Lithuania [18] and subordinate legislation. This law was passed in 1996 in order to establish a unifying and efficient all country's objects registration system, restructuring existing records and establishing of new.

**State Register (Cadastre)** is considered to be the entirety of the legal, the organizational and the technical mean, designated to the registration of statutory register of objects, to collect, to store, to process, to organize, to save and to provide for physical and legal persons registered objects' quantitative, qualitative, geographical and other data and documents.

**The main registers and register** interaction principles. In the main registers the country's most important objects and data are recorded. The main State registers are:

- Register of Legal Entities;
- Population Register;
- Real property and rights to it recording register;
- objects, whose geographical position does not change, Address registering Register;
- Registers of Legal Acts;
- objects and property rights in mortgage register.

The base of the registry system constitutes main registers, whose data is used in associated registers. **Associated registers** – are registers that use both their own and other registers data to describe an object.

The base of the registry system is the interaction of registers. Registers are to be suitable for use throughout the information infrastructure of the Republic of Lithuania and international registers. Related registry data is prohibited to re-elect from their original sources or to correct it in any other way. Registers must use according to the laws recognized international and national classifiers. If there aren't any classifiers for the register to work, a register of specific classifications is being created.

Registers' data and computer software used for registers to manage is owned by the state.

Departmental registers establish the state or municipal institution or agency.

**State registers Integral system development.** That with the help of information technology means is possible to show the real condition, interactions and dynamics of the main objects of the state, all major object classes register is being developed and in accordance with the

existing object connections they are connected into the integral system. Like this the country's national wealth recording and accounting system is being developed, which is designed to register, record, to provide recording data set in the legal acts and it will become one of the sources of the official information about the country's major objects.

Integral system of state registers is the main source of information to public authorities and the judicial information systems, to business and public information systems, and is Lithuania's image-building basis. Through a common object identification and classification effectively integrate information systems must be capacitated, providing opportunities for everyone to get all the information stored in various sources about that particular object.

One of the main national registers is being more detailed examined – items of real property and rights to them recording, real property register.

## **2.1. Functioning of the Real Property Register**

**The purpose of the Real Property Register and the manager of this Register.** Real property register established for objects of the real property, property and other real rights to these objects, for the restriction of rights, for the law established legal facts recording, to provide the official information provided in the register. Real property objects, rights to them, the restriction of these rights, legal facts are regarded as registered when the relevant data is recorded in the real property register. The managing register management institution – Ministry of Justice and register management institution – State Enterprise Centre of Registers, shall maintain real property. The primary function of the Centre of Registers is the administration of three main state registers, such as Real Property Register and Cadastre, the Register of Legal Entities, and the Address Register. Real property Register manager consist of:

- central Unit – Central Office;
- territorial units – Branch offices and Local Divisions.

Central Office administers the Real Property Cadastre and Register, real property valuation, registration of legal entities, designs, installs and uses the information system of the Real Property Register, supervises and monitors the work of the Branch Offices and to perform other functions.

Territorial units – 10 Branch Offices, located in county centres and one district centre, collect cadastre and register data, carry out cadastral surveys, property research, register immovable

objects, collect cadastral GIS data, keep the archive of property formation. The Branch Offices guide the operation of Local Divisions. 40 Local Divisions located in district centres and towns accept the documents for registration of real property, register immovable objects and rights of ownership or possession of immovable objects, provide information services to owners or users of real property.

**Objects of real property recorded in the register.** Objects of real property are recorded in the register if Law on the Real Property Cadastre forms them as separate items of property and they have a unique number:

- parcels,
- construction works,
- flats,
- premises.

Registration of immovable object in the Real Property Register is considered to be recording of Real Property Cadastre by the order of the Law on Real Property Cadastre of the Republic of Lithuania. Data recording moment is considered to be the approval about the data registration by the Central recorder into the Central Databank.

All data that is in the Real Property Register from the recording is considered to be right and comprehensive as long as the laws contest them.

Register data suppliers are naturals and legal persons or legal persons or subjects without a legal personal status, established in the European Union Member States, their subsidiaries or branch offices (hereinafter – legal persons), for them the data provision is provided in the legal acts.

**The registration of property rights and legal facts.** These objective rights into an immovable object are registered in the real property register:

- ownerships' right;
- property trust law;
- management as an independent property right;
- easement;
- usufruct;
- mortgage law (superficies);
- long-term lease (emphyteusis).

When a building is divided into premises or suites that are registered as separate immovable objects, property register rights are recorded only in the suites and premises, but not in the

construction works. These legal facts that are related to immovable properties, property rights to them and restraints of these rights, are being registered in the Real Property Register:

- transactions and decisions that change the recording of the real property legal status or substantially change its management, use and disposal options;
- recording of the real property contracts for the overall co-object;
- inheritance of the registered real property;
- the arrest of the registered real property;
- the changes of the registered real property (in size, purpose, and so on.), also changes of individuals' names, surnames, legal persons' names to that property;
- the raising of legal status of civil proceedings related to recording of real property;
- court decisions and court orders, affecting the recording of real property legal form;
- property administration;
- the formation of a new real property or the collapse of the former real property.

In the Real Property Register the objective rights to real property, the restriction of these rights, legal facts can be recorded only in the case when the immovable property it self is registered in the real property register. Only after the registration of the ownership right to that real property, objective rights to that object, the restriction of rights and legal facts can be registered. This provision does not apply when registering a management as an independent objective right and real property, property rights to it, or separate components of this right – the possession, use or disposition arrest as a legal fact.

Objective rights to an immovable object are registered with real property register entry where contains details of objective right holder, and any evidence of registration right there.

In the Real Property Register registered immovable property is deregistered when the statutory documents are provided, that prove, that the property law has expired or the objective right holder has changed.

**Provision of information to the Real Property Register.** Notary, after verifying ownership to the real property transfer transaction, not later than within 24 hours after transaction approval must transfer all the main data of the transaction to the real property register manager.

The real property court shall notify the Registrar of the nomination of civil proceedings related to registration of real property of legal status. Of the legal fact the court informs the real property register manager about the trial no later than the next working day.

**The registration of common ownership right to a real property.** When registering **collective right into a real property object**, in the register of real property as owners must be reported both spouses.

When **common partial ownership** to a real property is registered, real property register shall include all co-owners and their property right shares. The document, whose basis in the register of real property is registered of common shared ownership of real property, must specify what are the object parts belonging to each of the co-owners. If the document, under which the application to register is required, each of the co-owners common partial property right of a specific size is not specified, equal co-owners property right shares are registered in the real property register.

**The legal bases of the registration.** The emergence of the objective rights to immovable object, legal documents confirming the facts, under which these rights and their limitations, and legal facts recorded in the real property register, are:

- public authority's decision;
- court decision, ruling, resolution, verdict;
- decision established by laws institutions or their official decision to seize the property, and after the inure of the Register of Property Seizure Law – property register arrest acts documents;
- real property object owners marriage divorce, name, name change and death certificate;
- certificate of inheritance;
- judicial notice of a civil action for the real property immovable object's nomination of the legal status;
- written contracts;
- real property objects for sale in biddings, at auctions agreement (the Act);
- other state cadastres and registers documents;
- other statutory documents.

Application for registration of ownership right to immovable object is filed by a person who has acquired it, and when the other objective rights are recorded, as well as the rights to immovable objects restrictions, – the rights holder or a person with an interest in their registration. Application for registration of legal facts is filed by an authorized authority or a person interested in the registration. The request is filed by a person himself or through his representative with a mandate issued by the laws.

The claim must be accompanied by the documentary evidence requested by the registration of property rights, the rights of the constraints, the occurring of legal facts.

In cases where an objective right into an immovable object, restrictions of these rights, legal facts appear from the notary form approved by the transaction or when certificate of inheritance and (or) a certificate of ownership is issued, written request to the territorial registrar of the person's request may be transferred from the notary's office with distant communication means (hereinafter referred to as – through notary office), or by mail.

All documents must be submitted in Lithuanian language. If the transaction is concluded or any other documents listed not in Lithuanian language, translation must be added. The translation shall be certified by a signature from an interpreter who carried it out.

Application for registration of ownership of real property must be examined, decision on it shall be accepted and data should be recorded in the Real Property Register Databank no later than within 10 working days after the date of the request. A request for registration of other objective right, restrictions of this right, legal facts must be examined, decision on it shall be accepted and data should be recorded in the real property register database no later than within 5 working days after the date of the request.

The examination of applications and decisions are taken by authorized personnel of the Territorial Registrar. After examining the application, territorial registrar authorized employee may take one of the following decisions:

- to satisfy the request – objective rights in the real property, restrictions on these rights, legal facts to register in the real property register;
- to refuse the application – to refuse of the objective rights into an immovable object, restrictions on these rights, legal facts to register in the real property register;
- decision to postpone because of circumstances, which prevent to register the real rights of real property in the Real Property Register, restrictions on these rights, legal facts. In this Decision, the territorial registrar authorized employee determines no longer than in one month's time to eliminate the circumstances, which hinder to register real rights, restrictions on these rights, legal facts.

When a decision is taken to satisfy the request, no later than within 24 hours after the decision, authorized staff of the territorial registrar in the property register central data bank records data of the registered real rights to the real property, restrictions on these rights, legal facts.



Real property object is registered under the location of the object. In one entry in the Register shall contain data about the following items of objects of real property:

- parcel (if it does not contain any construction works);
- parcel and the buildings in it;
- construction works (in the case of if there is no formed parcel by them);
- premises (flats);
- engineering construction works, whose functions are not directly related to the parcel.

Real Property Register entries is assigned a unique state-wide registry number, the structure of it determines the Central Registrar.

Real property Registrar, after registering real rights to the real property, restrictions on these rights, legal facts, submits or sends (in the request given address) an extract of the real property register to a person who has filed an application for registration.

## **2.2. Interaction of the register with other state registers and cadastres**

For the register to function this information about the state registers and cadastres is used:

- Real Property Cadastre – real property cadastral data, to define in the Republic of Lithuania Law on Real Property Cadastre;
- Territorial Planning Documents Register – data on the approved planning documents;
- Population Register – personal identification number, name(s), surname (surnames) of a natural person, date of birth, nationality (citizenship), marital status and the change in date, death date, place of residence and its development history, personal type of document, its date of issue or date of which the identity document is not valid. These data, other than an individual number, birth date, name, is not to be put to the register of the data recipients and are used in the register management office to identify the property right holder's legal status and its changes in its history during the time of the property right registration (revision or removal);
- Register of Legal Entities – legal code, name, office address, and persons who may enter into transactions on behalf of a legal person;
- Foreigners Register – in the register provided foreigner's identification code, name (s) of the person, surname (surnames), date of birth, nationality (citizenship), marital status and the change in date, death date, place of residence and its development history, personal

type of document, if it was issued and the personal identification number granted by the foreign country if foreigner has it and it is a proof of the identity;

- Forestry Cadastre –cadastral address of forestry land parcel;
- Entrails Cadastre – restrictions of real property use, related to underground resources;
- Cadastre of Protected Areas – restrictions on the use of real property, related to protected areas or the protection of contracts, as well as digital maps of protected areas;
- Register of Cultural Heritage – restrictions on use of real property, related to the objects of cultural heritage, as well as the graphical data of real property cultural objects;
- Address Register – municipal code and name, ward code and name, residential area code and the name, street number and name, number in the street or residential area, the hull number, flat or non-residential premises in the building number, on the addresses of the objects of real property;
- Arrest Acts of the Property Register – data registration on property arrest acts;
- Mortgage Register – data about real property mortgages.

Order of data exchange between the Cadastre and other state registers (cadastres, classifications) shall be established by Contracts concluded between the Managers of Registers. Registers are changing needed data one between the other (Fig. 2).

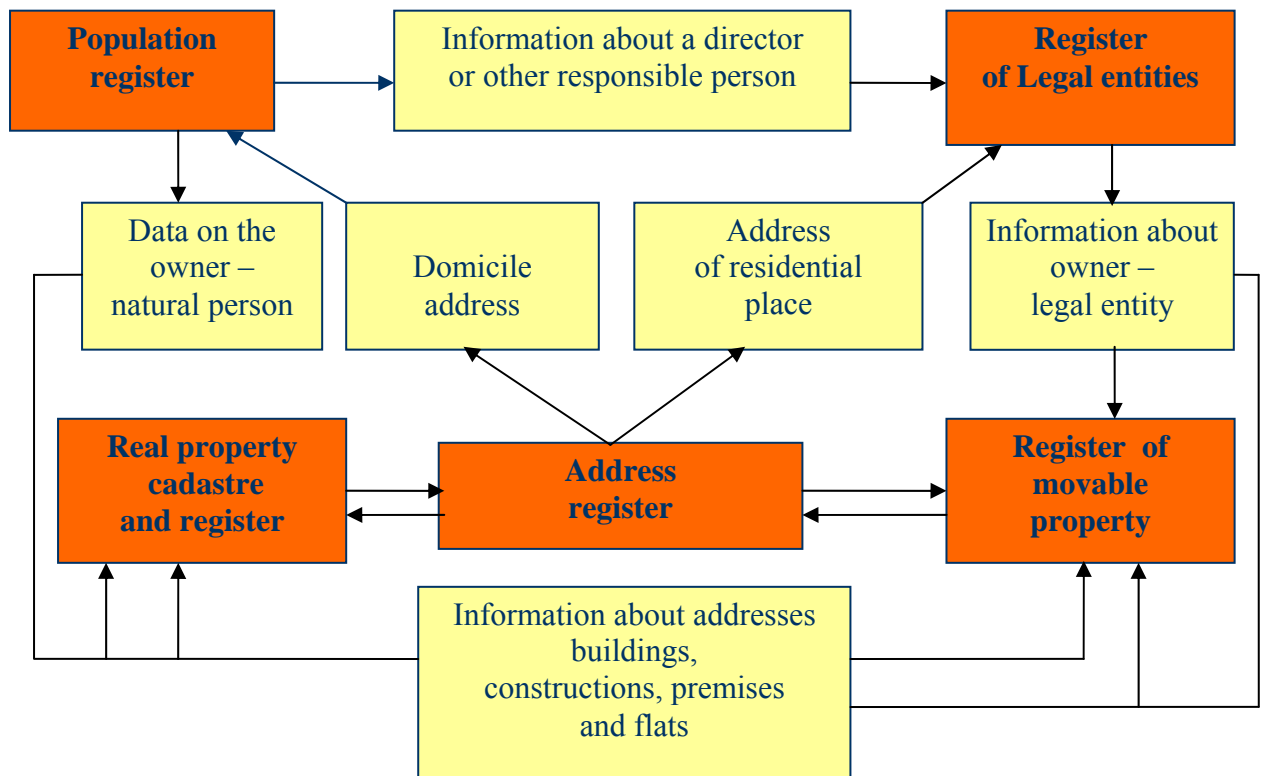


Fig. 2. Responsibility of State Enterprise Centre of Registers in the system of State registers

Source: State Enterprise Centre of Registers

**Content of Real Property Register data.** In the **first paragraph** of the Real Property Register shall be added textual real property cadastre data. In the **second paragraph** of Real Property Register shall be inserted graphic Real Property Cadastre data about the real property situation in the state coordinate system – Real Property Cadastre map. In the **third paragraph** of the Real Property Register legal rights to real object and data about holders of these rights shall be entered. In the **fourth paragraph** of the Real Property Register provided marks are made and other additional data is added.

Central registry of Real Property Databank statements or other documents, developed on the basis of this Databank data, is the only official information, proving the fact of the immovable object, property rights to it, restrictions on these rights and the facts and legal registration of the Real Property Register.

**Formation of the file of cadastral data Real Property Registers.** After registering a real property, a Real Property Register data file shall be formed. In the files of the Real Property Register shall be kept:

- applications for registration or deregistration of real rights to real property, the restriction of these rights, legal facts;
- requests to withdraw an application for registration or deregistration of real rights to real property, restrictions of these rights, legal facts;
- decisions to refuse registration of real rights to real property, restrictions of these rights, legal facts or to postpone the decision-making;
- documents or by the laws to be certified copies thereof, under which registered and deregistered real rights in immovable objects, the restriction of rights, legal facts.
- other documents as determined by the Central Registrar in relation to real rights to real property, restrictions of these rights, legal facts.

Real Property Register files are stored in the territorial registrar archive, in which a real object was registered in the in the Real Property Register.

The data in the Central Register Databank of the real property is public, except for statutory restrictions.

Copies of documents, with reference to real property register were registered immovable object real rights in them, the restriction of rights, legal facts, are declared only if:

- rights-holders – those referred to in these documents;
- tax administration bodies;
- courts and law enforcement authorities;

- persons entitled to inherit the deceased person's real rights in this object.

Central registry Databank based on prepared data may be provided to recipients, who are entitled to receive this information in person, by mail or by means of distance communication. Public administration bodies (other than the courts) registry central bank data, the data based on prepared data and information required by law for carrying out functions are provided only by the remote means of communication.

European Union Member States', other European Economic Area States and third countries' natural or legal persons, legal persons without the status of entities, their branches and representations of register data are reported in the same manner as the Republic of Lithuania natural persons, legal entities, unless it contradicts the laws of the Republic of Lithuania, international agreements and other legal acts.

### **2.3. Development of Real Property Cadastre and Register**

Multi-purpose real property register data information system is recognized as one of the most advanced in Eastern and Central Europe. The Lithuanian Land Information System even before the accession to the European Union have been included in the most advanced European countries common project EULIS (European Union Land Information System), which was supported by the EU. The centre of Registers participated in the project in 2002-2004 together with institutions from Sweden, Finland, Norway, Great Britain, the Netherlands and Austria. Currently, the company has signed a real estate cadastre and registry information contracts in accordance with EULIS program with Ireland, England and Wales, the Netherlands, Norway and Sweden, agencies and organizations. For consumers, including Lithuania, which use national real property registers provided direct (on-line) services, have access to other real property cadastre and registry information about the property and its legal status.

Real Property Cadastre and Register Information System is the oldest and most developed, public institution's the Centre of Registers managed area. Real property cadastre and Register has the highest cumulative amount of data.

### 3. Analysis of the real property data

The analysis of statistical data of real property objects has been carried out. More than 6082800 real property objects have been registered in the Real Property Register of Lithuania (Table 1). Most part of objects – more than 1 million – are registered in Vilnius and Kaunas counties.

Table 1  
The number of registered property objects in counties (on 01.01.2012)

Objects \ Counties	Parcels	Buildings (without auxiliary buildings)	Auxiliary buildings	Premises	Engineering constructions	Total
Alytus	150847	49231	126897	46638	37456	411069
Kaunas	322869	139724	247821	216656	106946	1034016
Klaipėda	199179	64078	112680	136786	46902	559625
Marijampolė	153469	46070	124861	41025	39884	405309
Panevėžys	235451	72944	196263	76094	56441	637193
Šiauliai	253786	84158	219211	91671	64969	713795
Tauragė	124087	33685	96459	24247	25379	303857
Telšiai	126112	39224	115763	43513	31224	355836
Utena	166028	55363	169420	46510	43862	481183
Vilnius	344770	146312	274637	333753	81441	1180913
Total in Lithuania	2076598	730789	1684012	1056893	534504	6082796

Source: State Enterprise Centre of Registers, 2012

Parcels, auxiliary buildings and premises make up the largest share in the Real property records (Fig. 3).

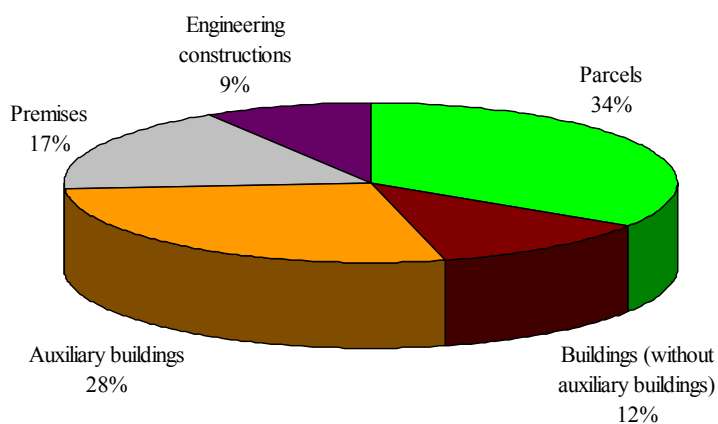


Fig. 3. Structure of real property objects registered in the Real Property Register in the Republic of Lithuania in percents, January 1, 2012

The amount of real property objects registered in different counties during the past 8 years was overviewed (Table 2).

Table 2

The number of registered property objects in counties as of January 1, 2004-2012

Counties	Date					Change from 2004-01-01 to 2012-01- 01
	01-01-2004	01-01-2006	01-01-2008	01-01-2010	01-01-2012	
Alytus	346,660	377,797	381,798	399,620	411,069	+64,409
Kaunas	852,622	934,683	951,619	1,001,520	1,034,016	+181,394
Klaipėda	445,869	498,214	506,152	538,246	559,625	+113,756
Marijampolė	364,976	398,309	382,739	396,285	405,309	+40,333
Panevėžys	533,213	590,507	598,338	620,605	637,193	+103,980
Šiauliai	590,171	657,135	674,305	696,518	713,795	+123,624
Tauragė	243,114	271,215	282,459	294,790	303,857	+60,743
Telšiai	308,253	333,023	336,937	347,287	355,836	+47,583
Utena	378,370	420,158	436,380	463,764	481,183	+102,813
Vilnius	964,777	1,068,318	1,067,374	1,143,363	1,180,913	+216,136
Total in Lithuania	5,028,025	5,549,359	5618101	5901998	6,082,796	+1,054,771

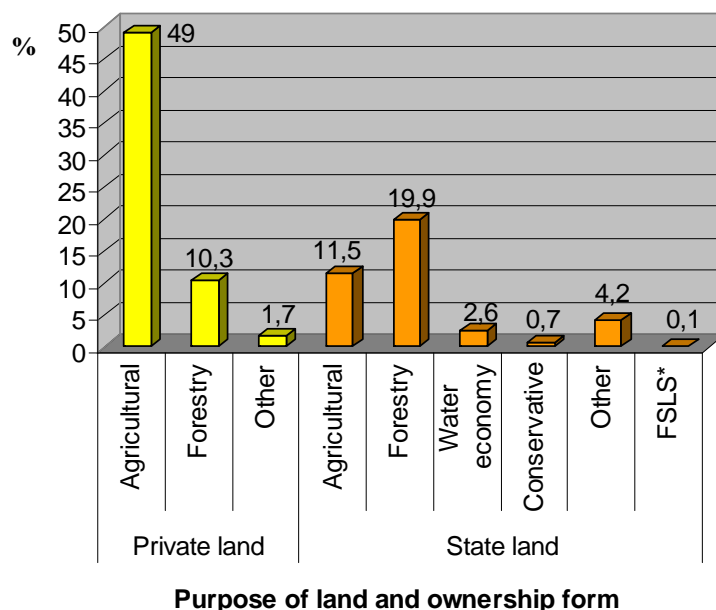
Source: State Enterprise Centre of Registers, 2012

From January 1, 2004 to January 1, 2012, the number of registered objects increased by more than one million. During this period, the highest number of objects was registered in Vilnius, Kaunas and Šiauliai counties.

The land covering the entire territory of the Republic of Lithuania constitutes the Land Fund and amounts to 6,530 thousand ha. The use of the Land Fund of the Republic of Lithuania is based on the laws, the special conditions of land and forest use established by the Government. Thus, the requirements of land use purposes, operational restrictions, land easements and territorial management, which are established by the planning projects, other documents, regulations of territorial planning, etc. are complied with.

The Land Fund of the Republic of Lithuania is divided in accordance with the main land use purpose, landed property, forms of ownership, etc. The main land use purpose is the most appropriate direction of economic or other activities established for particular territories, which is indicated in legal documents of land acquisition. It consists of land of agricultural, forestry, conservative, water economy, and other purposes. Territories, the main land purpose of which has not been established, are attributed to the fund of vacant state land.

The division of the Lithuanian Land Fund in accordance with the land use purpose and forms of ownership is presented (Fig. 4).



**Fig. 4.** Structure of the Land Fund of the Republic of Lithuania in percents, January 1, 2012

\* - Free state-owned land stock

Source: National Land Service and Centre of Registers, 2012

More than 60 percent of the territory of the Republic of Lithuania is the land of agricultural purpose and as much as 5/6 of this land is owned on the basis of private ownership. One third of Lithuania's territory consists of the land of forestry purpose (2/3 of this land is owned by the state) and about 6 percent involves the land of other purpose.

The land reform, privatization process, new constructions and the need to certify the legal status of the possessed real property result in the constantly growing number of the Register records and increasing flows of the Register data.

The system analyzed combines methodically arranged state database and is adequately legally regulated. One of the major goals for the future in the management of the Real Property Cadastre and Register is to implement the principle of a "single window". This can be achieved only by ensuring the necessary interaction between the main state registers and other institutions involved in this process.

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