



# "Impact of EU Legislation on Cadastral Surveying"

**Bucharest, 6<sup>th</sup> May 2010**

Rob Mahoney, Daniel Steudler

# Structure of presentation



- Aim
- Working group details
- EU Legislation affecting liberal professions
- Cadastral surveying profession
- Situation in 10 countries participating in WG
- Conclusions, Recommendations

# Aim of working group



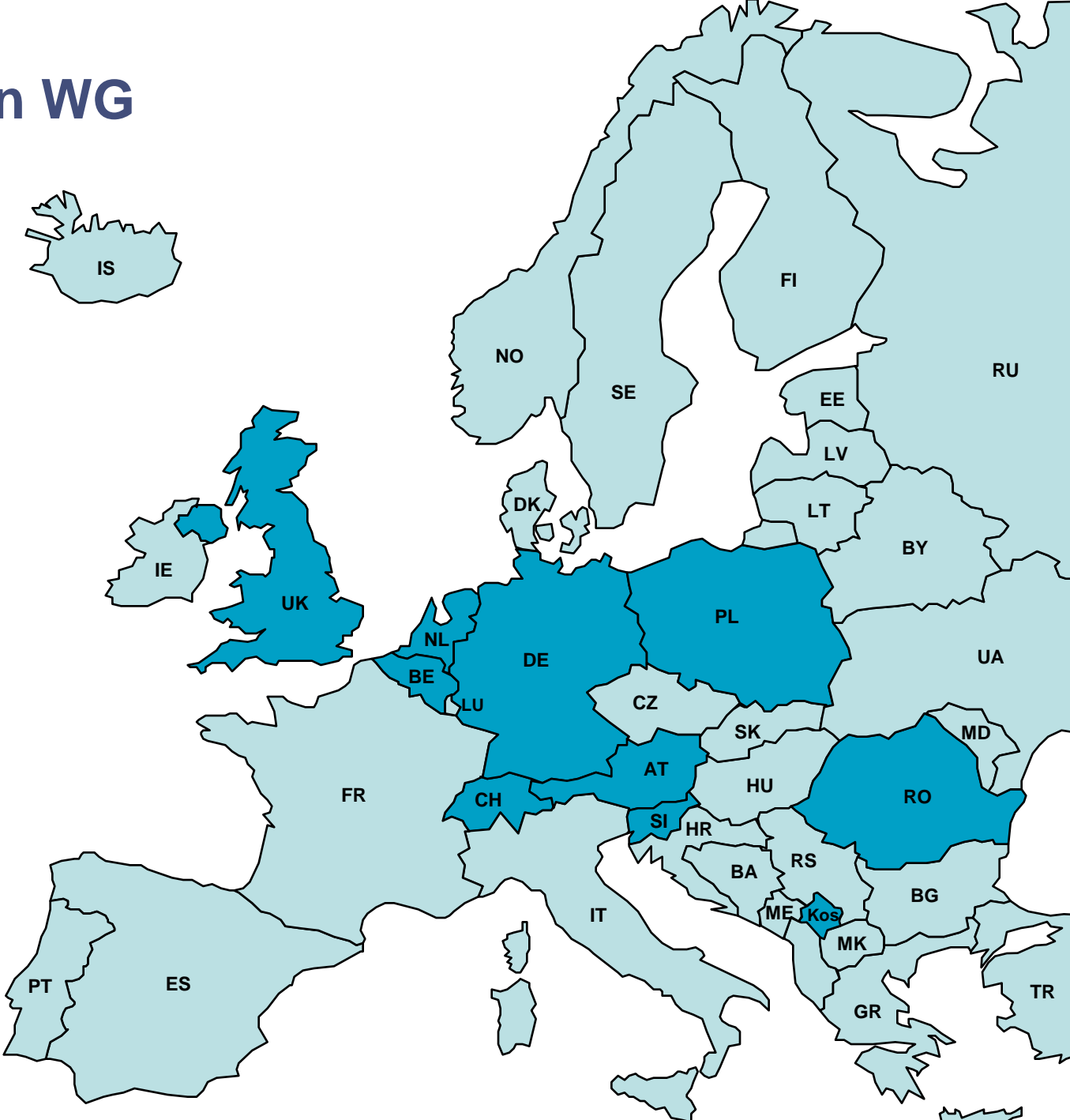
- to establish an inventory of European regulations affecting cadastral surveying in general;
- to recognize changes that are to be expected, and in what areas;
- to identify actions that need to be taken;
- to make recommendations how the profession and the single countries can react.

# Working group details



- 12 members: Hamit Basholli (KOS), Victor Grigorescu (RO), Aart Jan Klijnjan (NL), Rob Mahoney (UK), Edward Mecha (PL), Rob Neleman (NL), Tomaž Petek (SI), Jean-Yves Pirlot (BE), Gerda Schennach (AT), Volkmar Teetzmann (DE), Wilhelm Zeddies (DE), Berny Kersten (Head Office-EuroGeographics), and Daniel Steudler (CH, Chair)
- 3 full meetings held in 2009
- Editing team meeting in 2010
- report published in April 2010

# Participation in WG



# Working group report



## Table of Content

1. Executive Summary
2. Introduction
3. General Description of European Legislative Framework
4. Other Influences and Developments
5. Surveyors' Activities and Its Categorisation
6. Conclusions and Recommendations

## References

Annex 1: Relevant Articles of the «Treaty Establishing the European Community»

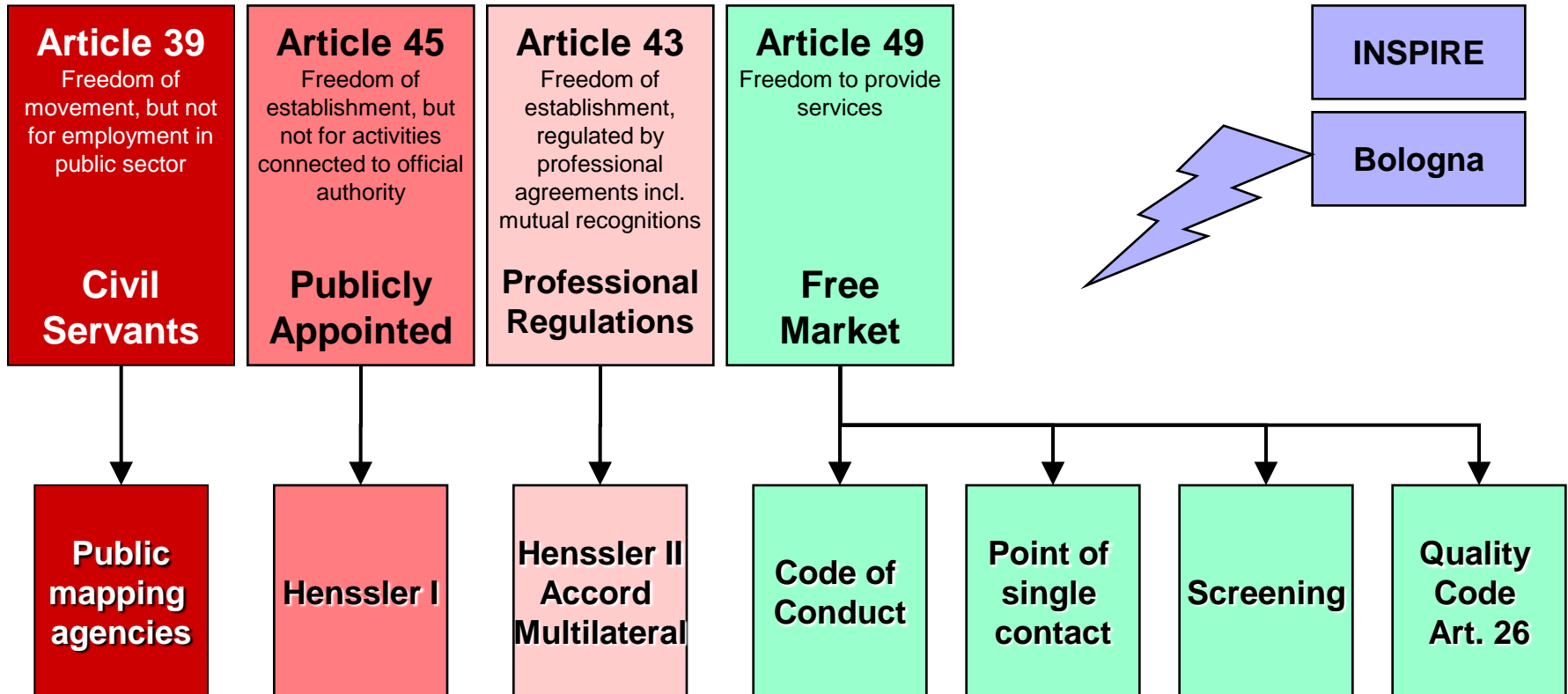


# 4 articles relating to cadastral surveying professionals



- Art. 39: Freedom of movement, but not for employment in public sector, i.e. activity is in state monopoly  
**→ activity mainly carried out by civil servants**
- Art. 45: Freedom of establishment, but not for activities connected to official authority,  
**→ activity is carried out by publicly appointed professionals**
- Art. 43: Freedom of establishment, regulated by professional agreements incl. mutual recognitions  
**→ activity can be exercised by private sector professionals acting on behalf of state authorities**
- Art. 49: Freedom to provide services  
**→ activity is not regulated, employment regulated by free market**

# 4 articles relating to cadastral surveying professionals



# Activities of cadastral surveying professionals



**Typical activities** (from "European requirements for cadastral surveyor activities", June 2008):

1. Cadastral (technical) field measurements
2. Marking of parcel corners
3. Advise/consultancy for the landowner
4. Validation, getting approval on cadastral plans from relevant authorities
5. Land price valuation
6. Registration of updated cadastral data to Cadastral database
7. Defining restrictions on land use
8. Preparation (correction) of territorial planning documents

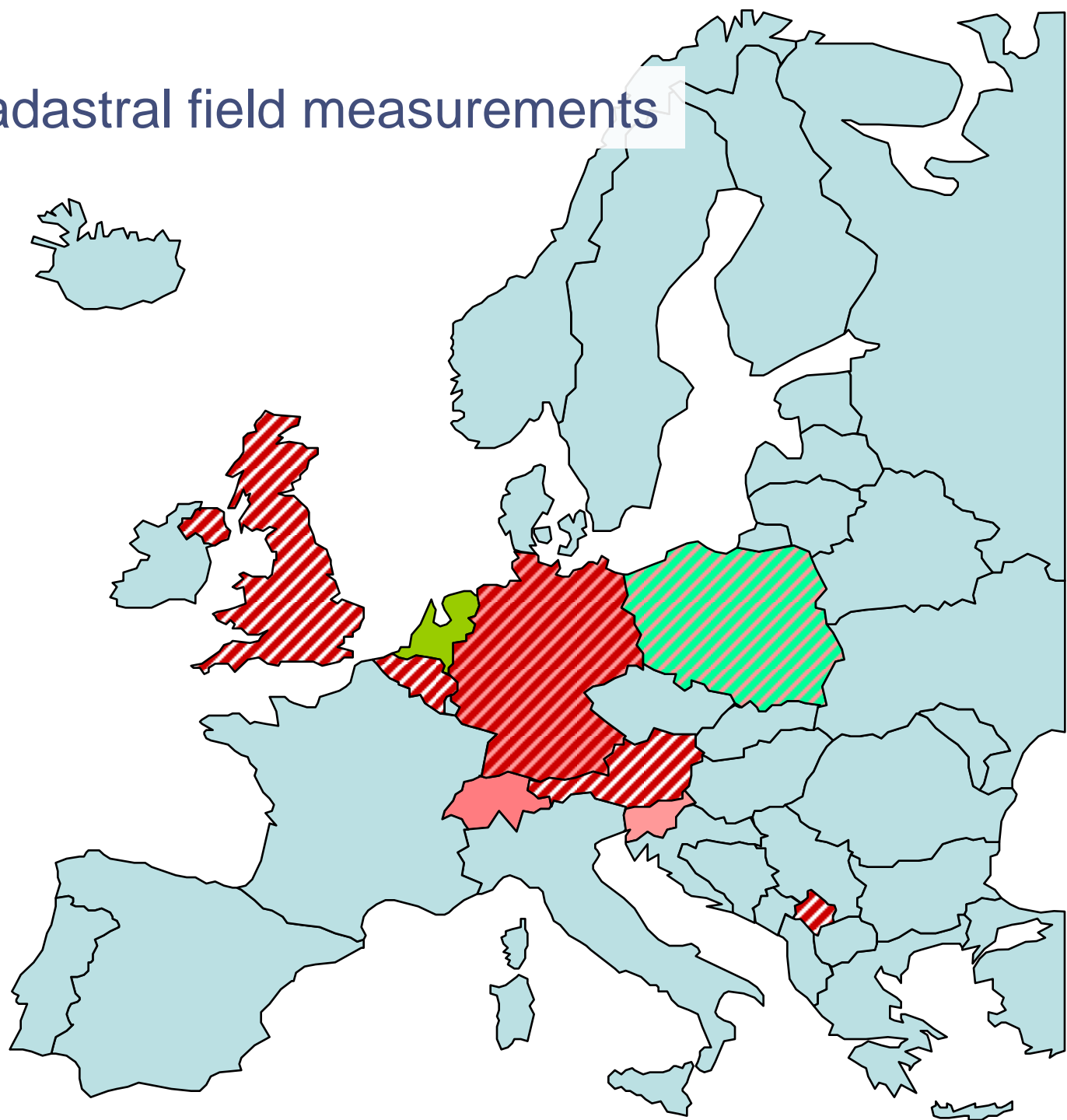


# Example



	<b>Art. 39</b>	<b>Art. 45</b>	<b>Art. 43</b>	<b>Art. 49</b>
1. Cadastral (technical) field measurements	X		X	
2. Marking of parcel corners			X	
3. Advice / consultancy for the landowner			X	
4. Validation, getting approval on cadastral plans from relevant authorities	X		X	
5. Land price valuation	X		X	
6. Registration of updated cadastral data to cadastral database	X		X	
7. Defining restrictions on land use	X			
8. Preparation (correction) of territorial planning documents	X			

# Activity 1 – Cadastral field measurements



# Activity 2 – Marking of parcel corners

Article 39

Article 45

Article 43

Article 49

Art. 39, 45

Art. 39, 43

Art. 39, 49

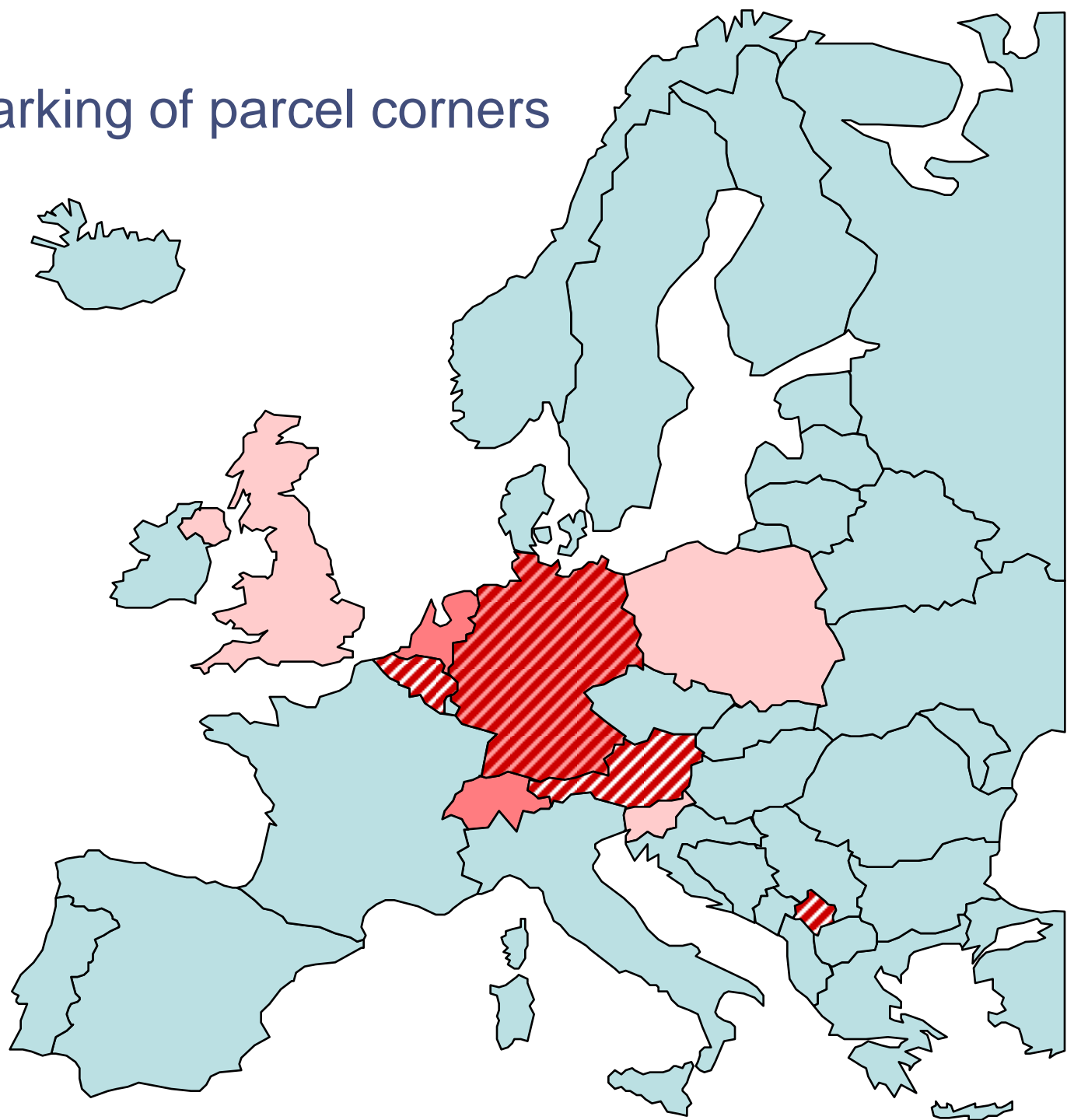
Art. 45, 43

Art. 45, 49

Art. 43, 49

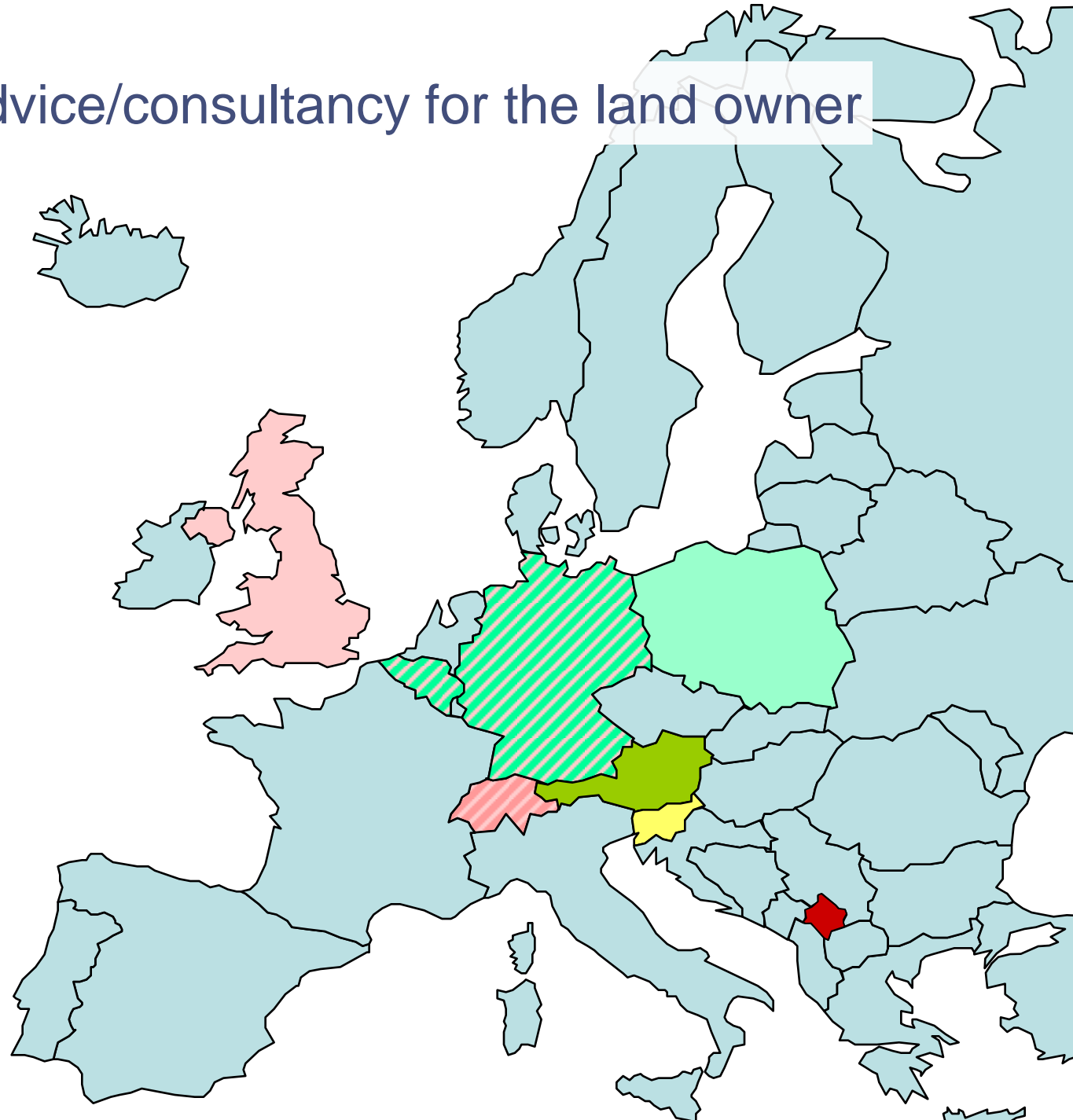
39, 43, 49

39, 45, 43, 49



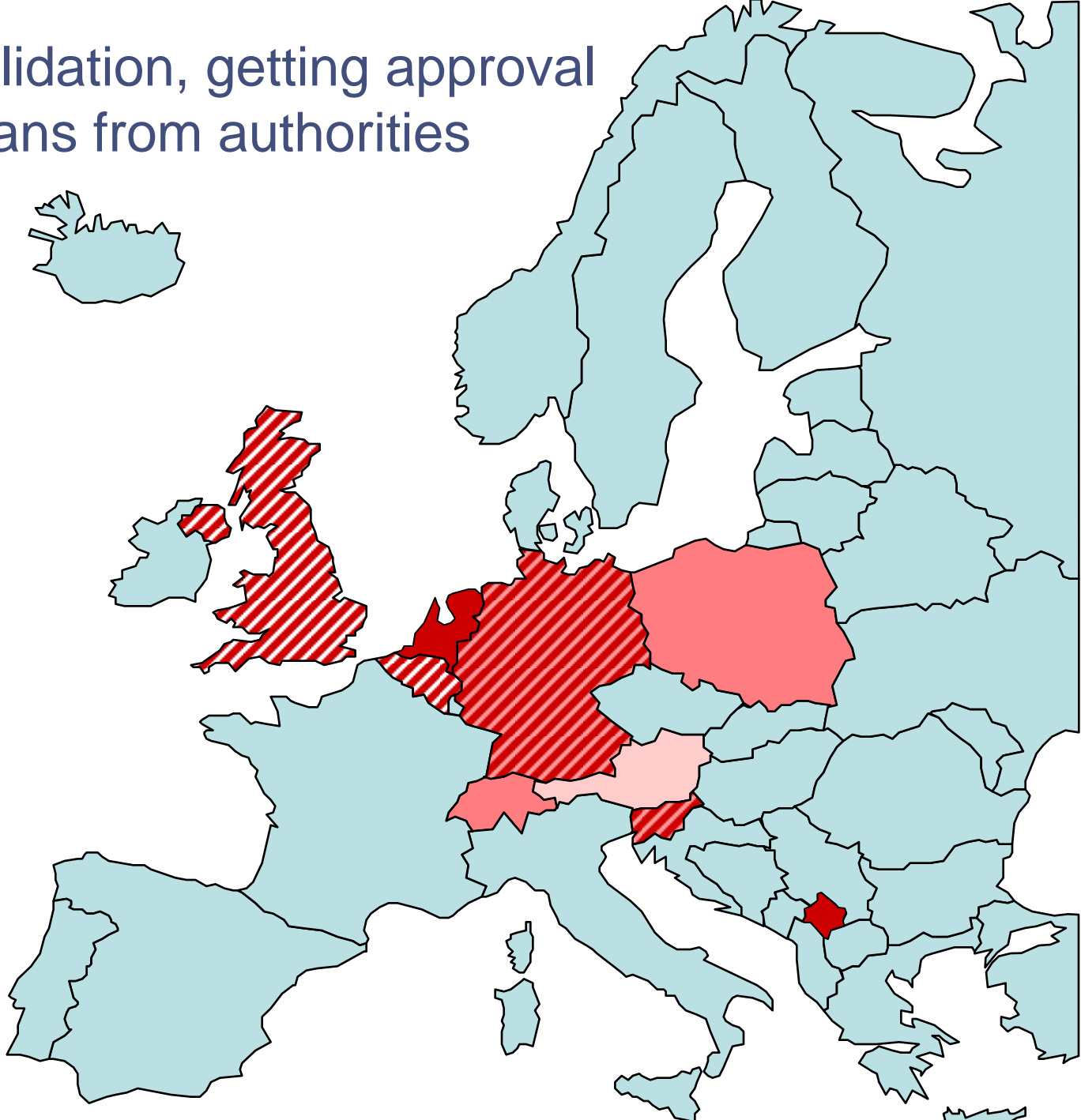
# Activity 3 – Advice/consultancy for the land owner

- Article 39
- Article 45
- Article 43
- Article 49
- Art. 39, 45
- Art. 39, 43
- Art. 39, 49
- Art. 45, 43
- Art. 45, 49
- Art. 43, 49
- 39, 43, 49
- 39, 45, 43, 49



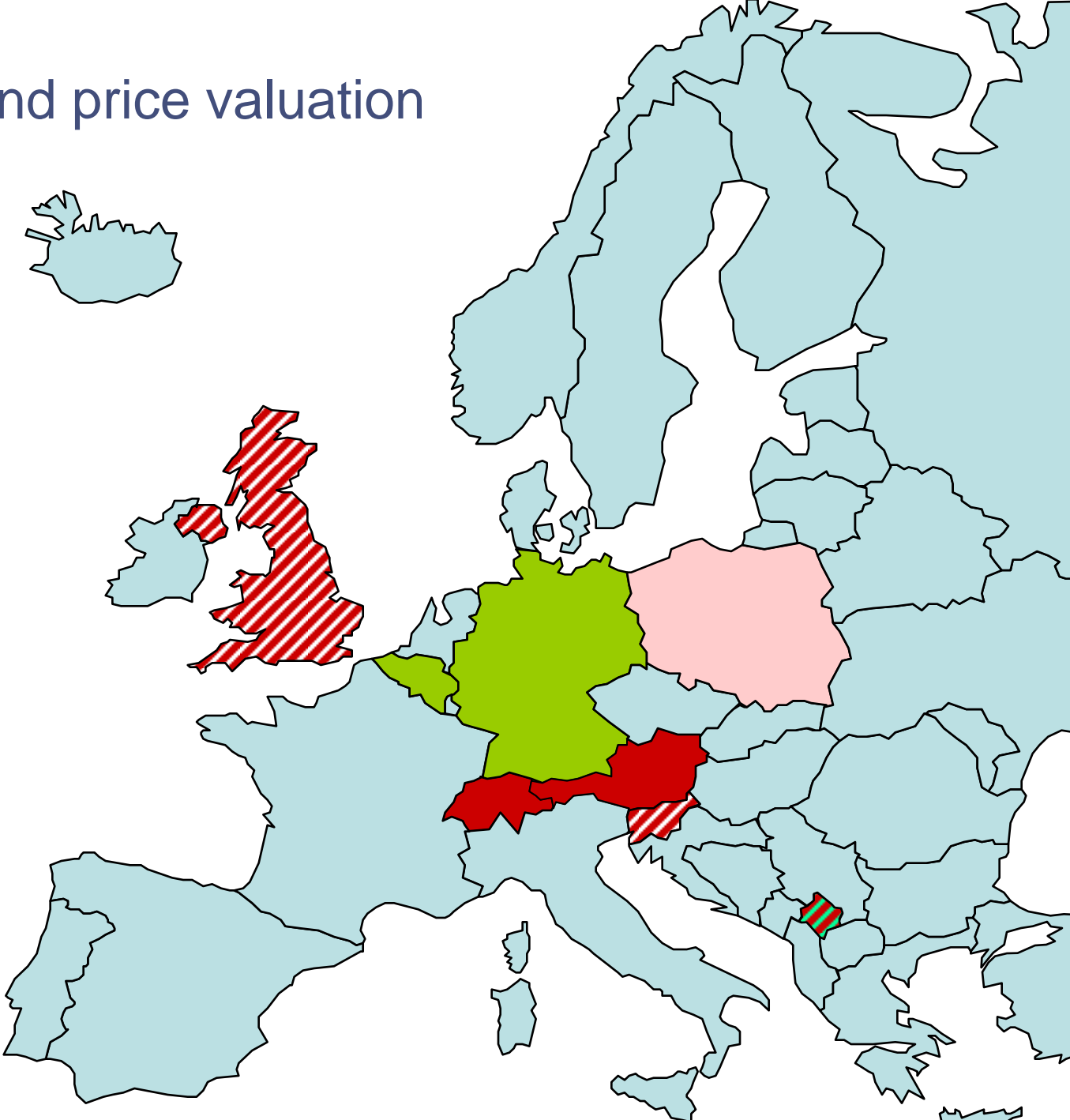
# Activity 4 – Validation, getting approval on cadastral plans from authorities

- Article 39
- Article 45
- Article 43
- Article 49
- Art. 39, 45
- Art. 39, 43
- Art. 39, 49
- Art. 45, 43
- Art. 45, 49
- Art. 43, 49
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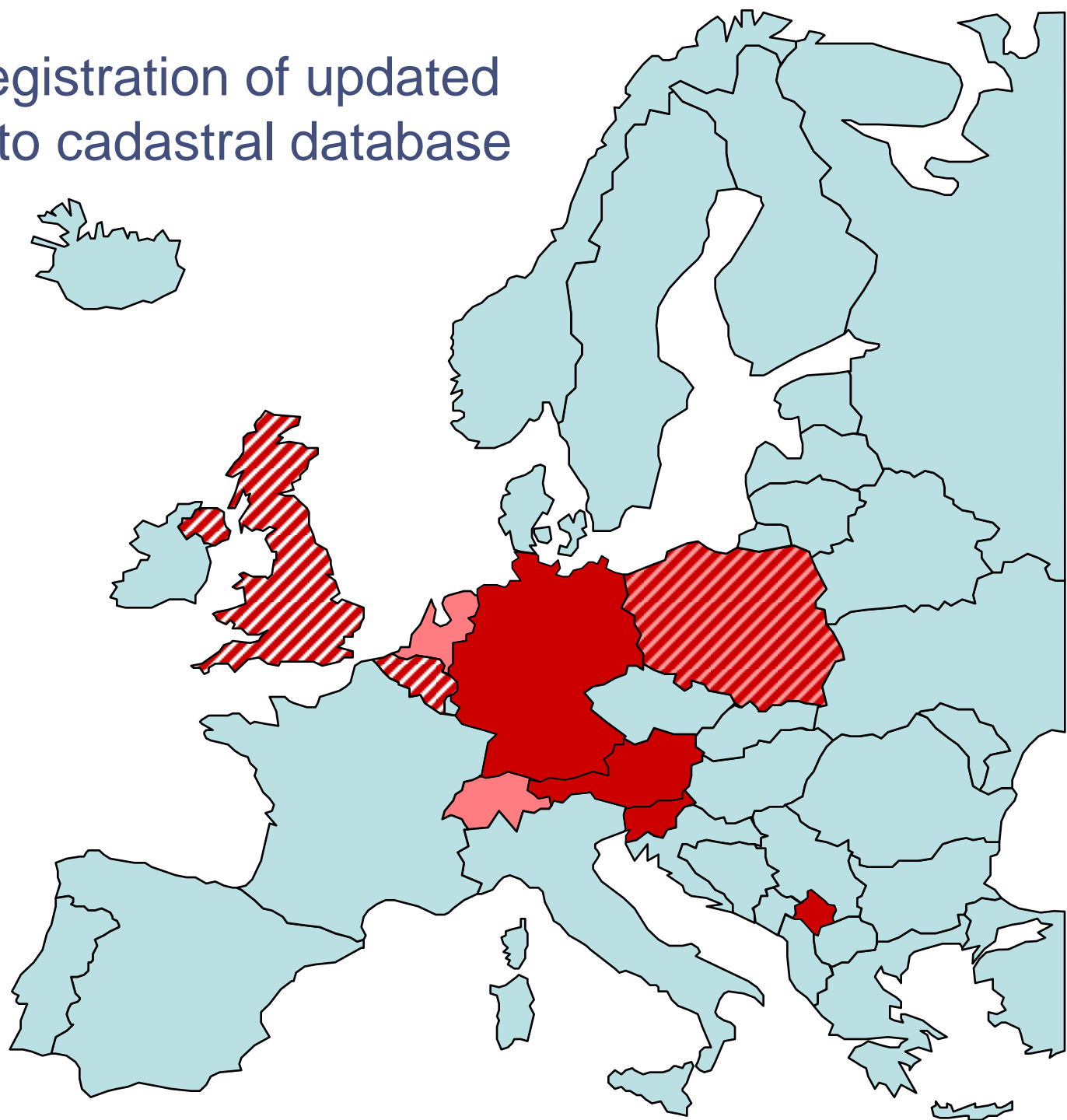


# Activity 5 – Land price valuation

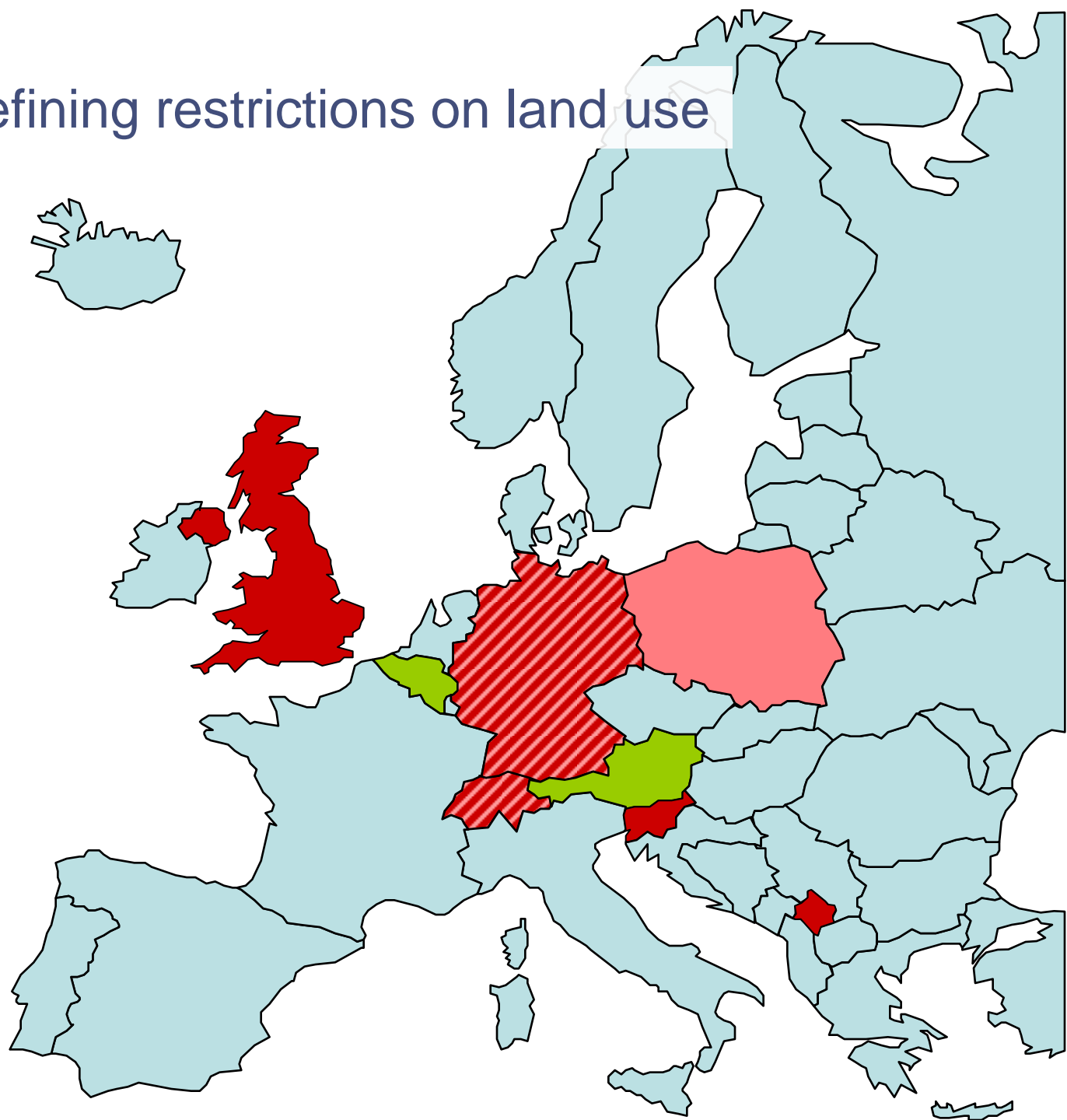
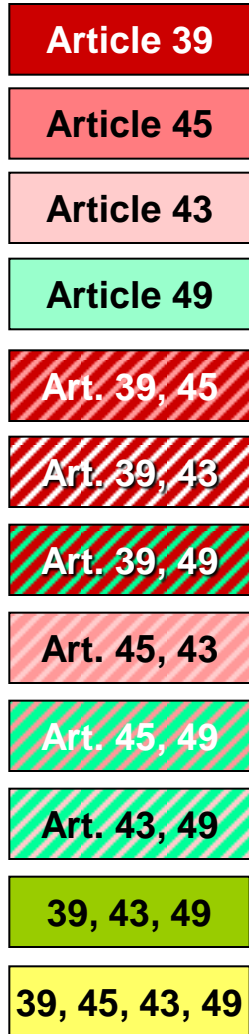
- Article 39
- Article 45
- Article 43
- Article 49
- Art. 39, 45
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- Art. 45, 49
- Art. 43, 49
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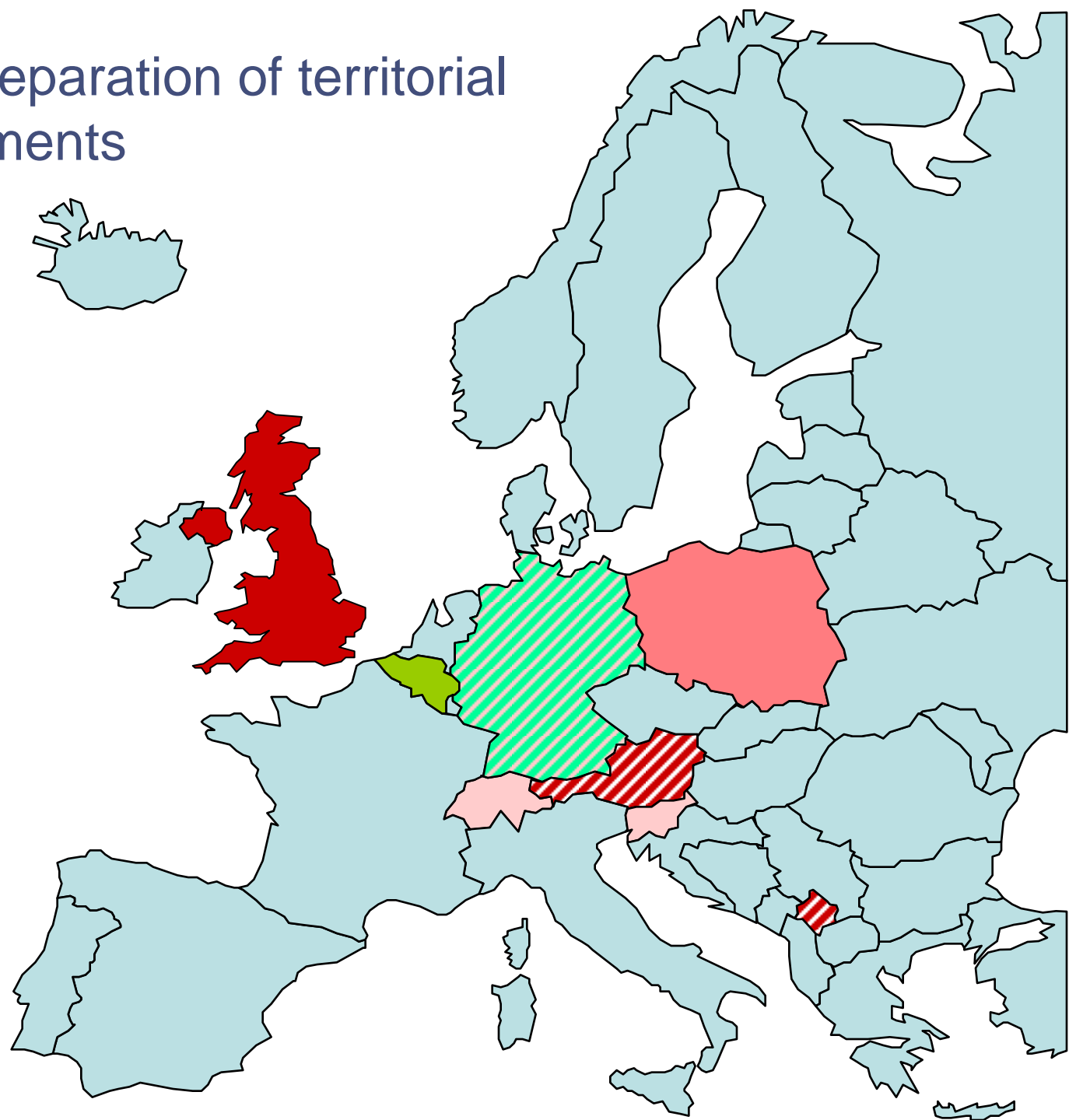
# Activity 6 – Registration of updated cadastral data to cadastral database



# Activity 7 – Defining restrictions on land use



# Activity 8 – Preparation of territorial planning documents



# Conclusions



The working group was challenged by some issues, namely:

- the topic of EU legislation is of a broad scope; the working group had to limit its work to what was feasible;
- the topic is very much focussed on legislative issues, which is hard to grasp for surveyors;
- for a more comprehensive overview, the topic might have to be approached with a commissioned mandate, as CLGE has done with the Henssler I and II studies;
- both Henssler studies provide a valuable basis for the understanding of the issues; however, it has to be recognized that they have a German background and that studies for other countries might have to be initiated accordingly.

# Recommendations



- It is recommended that each country examines for itself the relevant EU treaty articles from their own national perspective.
- The included country reports give a first insight into how some countries have already, or intend to deal with those issues.
- The working group proposes to extend the collection of country reports with the aim of providing a broader knowledge base. Such a collection could be published and maybe managed in a web-based context.
- There are a few professional colleagues who have already made the step across borders and are working in a different EU country. Their experiences and challenges is a valuable information source for others, but would need to be made accessible.