

Working Group "Impact of EU Legislation on Cadastral Surveying"

Progress Report, 7 September 2009

Aim of working group

The EU is moving towards the standardization and liberalization of its internal market and the creation of a sustainable framework of legal regulations in order to realize the four freedoms as defined in the EU Treaty rather than to continue with national protectionism in professional activities. The creation of an EU single market requires a system for the mutual recognition of professional qualifications and for the protection of consumers when obtaining services across borders. For any professional activity with a cadastral purpose, questions arise for example on how the professionals and the services are affected by those regulations, and how professional associations should react in order to protect the interests of their members. The joint working group of EuroGeographics, CLGE and GE is to establish an inventory of European regulations that are affecting cadastral surveying, the profession and the qualifications.

Activities of working group

The working group has met twice so far for a one-day meeting: in February in Brussels and in June in Mainz. A draft report has been established as well as a website to coordinate the work progress.

However, the working group detected some difficulties for its work. The main reasons were:

- the topic in itself turned out to be rather complex as it lies more in the legislative rather than in the technical field;
- the complexity of the topic rises exponentially, when attempting to deal with too many details;
- too ambitious ideas had to be abandoned, such as for example to provide detailed advice for each country;
- according to the subsidiarity principle within the EU, the legal regulations of the profession in the EU member states are still fragmented although being consistent with the EU Directive on Services in the Internal Market;
- the Henssler II study is considered to be crucial for the working group; unfortunately it has not been available to the working group so far.

The resulting consensus within the working group for its further work is therefore:

- not to provide a cook book;
- but to provide basic information about the legislative issues from an EU level, as well as to give existing experiences of the countries represented in the working group;
- to wait for the Henssler II study in order to get a sound basis.

The working group intends to provide a final report with information enabling concerned countries to understand the issues. Each country, however, would have to make the effort itself to understand what the demands will be on their own legislation. The final report will also attempt to make recommendations for future working groups.

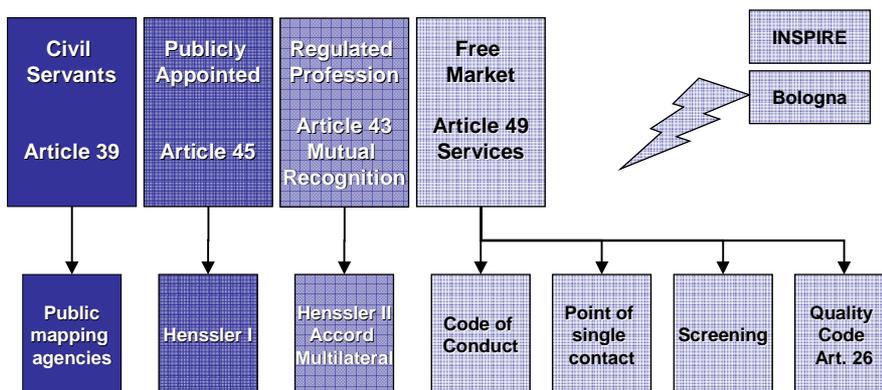
Draft report

In order to structure the investigations, the draft report makes use of the main tasks and duties of cadastral surveyors as they have been identified in the EuroGeographics report "European requirements for cadastral surveyor activities" from June 2008 (the list of activities is taken from Figure 14):

1. Cadastral (technical) field measurements
2. Marking of parcel corners
3. Advises / 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

The draft report then will make use of the following main criteria for the categorization of the professional activities within cadastral systems:

- Art. 39: state monopoly
- Art. 45: exercise of official authority / national law only
- Art. 43: regulated profession
- Art. 49: not regulated / free market



Further work plan

The working group is planning to meet for a 3rd time in Innsbruck in early November. The aim is to integrate the results of the Henssler II study and to finalize a report in the first quarter of 2010.

Daniel Steudler, Chair of working group, 7 September 2009