



The central role of the Publicly Appointed Surveyor in the German Cadastral System

To introduce myself:

Born 1943, Graduation from Hannover University 1967,
Diplom-Ingenieur

Internship /Referendar, 2. State's examen 1969

State's Survey Departement / Landesvermessungsamt until end
1971

Since 1972 Publicly Appointed Surveyor / Öffentl. best.
Vermessungsingenieur, running a private survey company

In best times 50 employees, turnover about 2,5 Mill.€



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European aspects – progress:

During the last 15 years the CLGE and other European Surveyor organisations have made big efforts to develop an approach to a profile of a European surveyor.

Just to remember some keywords I will mention the ,Accord Multilatéral‘, the ,Market Report‘, the importance of the Art. 39, 43, 49, the new directives on mutual recognition and freedom of services.

Last years‘ discussion ended with the adoption of a Code of Conduct for European Surveyors.

One of the fundamental discussions was the infringement process of the EC against Germany – Art. 45, Prof. Henssler expertises, a central point in this development.



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Parallel with CLGE Eurogeographics edited two papers – one by Saulius Urbanas on „the role of the Cadastral Surveyor in Europe“ and one edited by Daniel Steudler about the „Impact of EU–Legislation on Cadastral Surveys“.

The papers show a great variety in our professional, legal, technical, qualification/educational profile. For me is the question, where do we have our professional message in Europe? Are we just technicians serving other engineering disciplines, or where is our profile?

The European Organisations try to define the survey profession as a regulated profession with at least a ‚master–degree‘ obligatory.



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The German model of a joint technical and legal competence combined with an excellent education gives the profession a very strong position – the German message!

The German Cadastral/Property System is based on Art. 14 of the Constitution giving the formal and material guarantee of a property to every citizen. So the Public registers Grundbuch and Kataster will in any moment give information not only about the proprietor but also about the local/geometric boundaries. The German Cadastral system is a system of fixed boundaries – few exceptions possible.

This property guarantee by the State is one of the cornerstones of our society, because all liberal laws concerning property are finally derived from Art. 14 and it is the root for the profession of the „Publicly Appointed Surveyor“.

By a special „appointment“ the State can give to specially qualified professionals the right to act with official authority; the ÖbVI acts in the field of cadastral surveys with the same „public power“ as the State.



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Conflict with Art. 45 EC: The provisions of this chapter (establishment) shall not apply...to services, which in that State are connected, even occasionally, with the exercise of official authority.

The German position: Cadastral Surveys are permanently connected with the exercise of official authority: A boundary survey e.g. never is just a technical procedure, but ends always in a juridically binding documentation .

Brussels: The special privileges of the ‚Public Appointment‘ are reserved to a group of nationals/professionals who fulfill the conditions following special national/German laws. But the career is open for all European citizens fulfilling the entrance demands.



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How to become a Publicly Appointed Surveyor in Germany?

Education / Qualification /

Master degree / Practical training / State's examination

System of fixed prices, no tendering because of public duties

Professional rights – by law: Surveys of property, subdivision, urban and agricultural land consolidation, land valuation, planning competences.

He is intermediate between the State's monopolies and the liberties of a freelancer/liberal professional and the market, pushed by his liberated energy, driven by professional competence, ethics, independence and individual responsibility.



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All surveys, technically or juridically motivated, can be supplied by semi or fully private surveyors (PAS!!)

Access for everybody!

The State has obliged himself by the Constitution to run a system of fixed boundaries, which can be reconstructed at any time –material/cadastral and formal/Grundbuch. For the State this solution is much cheaper; the number of boundary disputes is close to zero.



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Background idea of the ‘appointment construction’: The State’s Guarantee does not mean to be forced to do things yourself as the State; you use instruments like a legal framework, supervision, delegation, have yourself only a reduced number of staff.

The key is **delegation by law under special (e.g. educational) conditions** to a semi-private sector, to a special profession under “Public Appointment.”



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I use to define two different survey professions:

1. The **ÖbVI/‘Appointed Surveyor‘** is under this understanding more than a simple technician; he is like the notary among lawyers; fulfilling special tasks in a greater connection with another responsibility. You find this construction also in Denmark, and it is a necessary discussion, if this could be a model in the European professional development.
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2. Generally no license afforded for ,technical surveys‘, open market, Cadastral Surveys by the State and **ÖbVI only! Special license / qualification**



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The recognition, that the ‘Publicly Appointed’ professional ‘exercises official authority’ strengthens our position in Germany but also In Europe, although this might prevent a faster progress in the profession’s European development.

The political question is not the moment’s progress but the strategic improvement of the surveyor’s profession inside our societies.

The ‘Consulting’ professional surveyor is as a regulated profession completely inside the European freedoms; our target is to extend this profession by a ‘national appointment’ – from my view the central message from the German modell!.

The two components of the profession will effect a mutual acceleration towards Europe.

Let’s try!