



## CLGE Taskforce Report

A Task Force called in by the Moldovan National Liaison Group of CLGE has visited the Moldovan Republic from 29 March to 1 April 2011.

Hereafter we give a short report describing the benefits and needs related to the introduction of Private Cadastral Surveyors. A first section covers the theoretical analysis and is completed by the practical evaluation of the Moldovan situation, based on the talks and visits carried out by the Task Force members and relevant National delegates.

### **Organisational Background – The impact of the land registry / cadastre**

#### *Rationale*

An efficient land registry / cadastre (LR/C) is the essential for a well functioning economy.

The reason therefore is twofold:

The LR/C is an indispensable foundation for an effective (N)SDI

For a modern state, it's highly recommendable to have a National Spatial Data Infrastructure in order to:

- improve the development of welfare services to the Citizens;
- save money in the public sector due to better exploitation of the data;
- improve the use of GI in the digital services society, leading towards Inspire like regulations.

The most efficient way of organizing such an SDI is in building it on a well functioning cadastral foundation.

The LR/C is the only possible guarantee for a sound real estate economy

Without a LR/C, property cannot be bought nor sold and mortgages cannot be lent on. Therefore, there can be no added value generated by credits, loans or dealings in real estate.

Real estate property can only be guaranteed if there is a LR/C, which is efficient enough to endure external risks such as natural disasters, political transformations or the like.

Access to all public data related to property must not only be granted to the publicly appointed surveyors but its use has also to be mandatory for them.

#### *Organizational implications*

In our opinion, these two essential needs imply that the state has to organize and guarantee the existence of an efficient LR/C. Such tasks cannot be performed by private companies on their own, even if they are big and powerful.

The model of a LR/C guaranteed by the state prevails in many central European countries. However, it does not mean that everything has to be run by the state.



## *The Council of European Geodetic Surveyors*

---

### *Comité de Liaison des Géomètres Européens*

Most of those central European countries have transferred the operative activities of the cadastre to private professionals. Therefore a close cooperation between the Cadastral Agency and the Surveying organisation has been established and maintained.

If, in a given country, above mentioned function has so far only been assumed by the state, it may gradually be transferred to the private sector without losing the state's authority. The time frame may vary and it can be adapted to a country's conditions.

For the purpose of transferring public functions nearly all the federal states (Länder) of Germany, as well as Austria, Switzerland, France, Luxemburg, Denmark and Belgium rely on publicly appointed or licensed entrepreneurs. These people act as liberal professionals, but they are strongly committed to the state. They work in the field of cadastral surveying as publicly appointed surveyors, carry out cadastral continuation surveys and fieldwork in support of the state. They submit their results to the state administration serving as the institution in charge of the LR/C.

The strong commitment of the publicly appointed surveyors towards the state is regulated by laws and administrative provisions. They stipulate among other things the procedure of surveys in the fieldwork, the involvement of property owners, in some cases fee regulations for cadastral surveys, licence requirements as well as state supervision of authorised persons.

This series of laws, regulations and the corresponding supervision guarantee that the state is able to uphold a high quality of the cadastral surveying. It ensures that every person, every customer is treated equally and that in the whole country the conditions to perform cadastral services are consistent.

#### *Educational component*

In the countries relying on publicly appointed cadastral surveyors, high requirements in the field of professional education – for them as well as for the civil servants working for the state agencies – also guarantee that the quality of the LR/C does not decline and that the fundamental (constitutional) right of real estate property is not endangered.

For example in Germany, as stated in the "Accord Multilateral<sup>1</sup>" – already signed by 14 different countries member of CLGE – a training period of two years in the field of public administration is mandatory for candidates, after they've fulfilled their university studies (Master Level). This traineeship of two years is crowned by a state examination.

On top of this, there should be a – if possible mandatory – high quality programme for the Continued Professional Development (CPD). This must ensure that, even years after his studies and traineeship, the publicly appointed or licensed surveyor lives up to the high professional standards. Similar CPD should be ensured for civil servants.

---

<sup>1</sup> Accord Multilateral → Cadastral surveying studies = Master studies (5 years) + Traineeship (2 years) + State Examination.



### **Situation in the Republic of Moldova**

During their stay Henning Elmstroem and Dieter Seitz have had discussions with Ms. As. Prof. Dr. Livia Nistor-Lopatenco from the Technical University of Moldova, the General Director of the Agency of Land Relation and Cadastre Dr. Vasile Grama and representatives from its three subdivisions, Mr. Serghei Nagorneac from the Institute of Geodesy, Engineering Research and Cadastre "INGEOCAD", Ms. Angela Matcov from the State Enterprise "CADASTRU", Mr. Alexandru Caminschi from the State Enterprise Institute of Land Management and Design "IPOT", as well as with the vice prime minister Mihai Moldoveanu. A short but heartily contact with the successor of Mr. Vasile Grama, Mr. Anatolie Ghilas was also arranged.

The president of the Moldavian Union of Surveyors Dr. Vasile Chiriac accompanied our delegation during all these discussions and acted as a part of the Task Force.

In all the discussions our delegates have observed that the above mentioned institutions are very well led and established.

The Technical University of Moldova trains students in geodesy leading to the master degree. This offers a good basis for implementing the above mentioned Accord Multilateral.

INGEOCAD is a typical mapping agency. It deals with horizontal and height networks, gravimetry, mapping and photogrammetry. IPOT carries out land re-allotments while CADASTRE keeps the LR/C. In Moldova the Land Registry and Cadastre are in the same hands.

The privatisation of cadastral functions is not developed. INGENCAD, CADASTRE and IPOT assume all the activities, even those which, under the current legislation, could be assumed by licensed private professionals.

According to the experiences from a lot of European countries, the use of private surveyors as partners in the cadastral system would lead to several advantages:

- An insurance of quality and integrity of the work (controlled by the competent state authority),
- A high technical and professional level of the practitioners, induced by their permanent development (CPD),
- A strong credibility and non-corruption scheme stimulated by high ethical standards.

Currently a clear statement regarding the future of those private professionals is needed. It should address the question to which extent private professionals will be involved on the long run as well as which functions will partly, progressively or completely be transferred to them.

So far, the licensing has not been carried out according to consistent standards.



## *The Council of European Geodetic Surveyors*

---

### *Comité de Liaison des Géomètres Européens*

What would be required to improve the situation? A clear licensing of all professionals who want to work as private surveyors in the field of cadastre and land survey including unambiguous legal provisions or guidelines about:

- The high quality of the initial of education publicly appointed surveyors (master degree),
- A mandatory traineeship in the field of cadastre and land survey (lasting at least one, ideally two years),
- A professional code of conduct which stipulates rights and duties of liberal surveyors (i.e. a transposition of the CLGE Code of Conduct)
- The existence of an independent penalty board enforcing the respect of above mentioned ethics,
- The introduction of obligatory insurances in order to protect the customer,
- The structure and operation of the surveying companies (CEO must be a publicly appointed or licensed surveyor himself),
- The delivery and submission of surveying documents,
- Mandatory quality standards and / or an adequate scale of fees,
- A clear commitment of the state to impose a long-term outsourcing of operative activities in the field of cadastre and land survey in connection with a time frame which takes into consideration both interests of government officials and liberal but publicly appointed professionals.

The above mentioned approach has the following advantages for the state:

- Some public functions are assumed by private professionals who are strongly committed to the state,
- Less employees are needed within the public administrations for operative tasks,
- The efforts of high ranking civil servants can be devoted to high level tasks of planning, management and quality control, guaranteeing the overall quality of the final result,
- A increased public revenue is generated by taxes paid by liberal professionals,
- There's a greater independence from economic fluctuations.

The disadvantage of state-owned enterprises losing revenues is compensated by savings in public staff and the orientation of the remaining state tasks towards more value added activities.



*The Council of European Geodetic Surveyors*  
*Comité de Liaison des Géomètres Européens*

---

The establishment of a private surveying sector in Moldova according to the criteria mentioned above will benefit to both the public and private sector. The economy will be reinforced and real estate property would be guaranteed.

A handwritten signature in black ink, appearing to read 'Dieter Spitz', written in a cursive style.

Dieter Spitz  
Task Force member

A handwritten signature in blue ink, appearing to read 'Henning Elmstroem', written in a cursive style.

Henning Elmstroem  
Task Force Member

A handwritten signature in blue ink, appearing to read 'Jean-Yves Piriot', written in a cursive style.

Jean-Yves Piriot  
CLGE President

Brussels, 1<sup>st</sup> July 2011