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## Analytical overview of European states on the legal treatment of the registration system of real estate -Land

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### **Abstract**

*The registration of land and better management of the offices or agencies that deal with them, it is of international importance, regardless of economic situation, social, legal regulation that different countries have or family law belonging to these countries (civil law or common law). This paper it aims to bring a general comparative overview on European countries' legislation governing real estate and relevant offices to manage these assets. This, because more and more, the management of real estate (land), requires comparative international experience, which brings as result ongoing legal reforms for the improvement and development of this institution. In all western economy of market on real estate (land), there are special institutions that deal with real estate management (land). But, in the ex socialist countries, as is the case of Albania, after the year 1975 it did not exist entities as such, because the land and buildings on it cannot be obtained by individuals. Those were possessed only by the state and it give in use. Meanwhile, after '90 these countries began to borrow and align their legislation with that of European countries. In western market economies have long existed special institutions, which dealt with the identification of "real owners" who have existed for hundreds of years. But the way of management of real estate through relevant institutions, change from a country to another. This paper with comparative and analytic nature presents an overview of the general institutions that manage real estate in some of the developed European countries. In this paper is treated and analyzed in a summary way the management way, the preservation of real estate documents, as well as the relevant elements of the institution of registration and processing of the data on real estate. The purpose of this paper with analytic nature is to highlight and identified by comparing the characteristics that have every European country (which is taken in the analysis) in relation with real estate management. In this paper are included the problems, advantages and their disadvantages, as specifying the essential elements that must be part of legal reforms and for other countries that are emerging and need to be part of the European Union.*

Keywords: real estate, institution, land, registration system, reform, comparative analysis

### **I. Introduction**

Real estate constitute today the most important asset in the economy of a country but also in the prosperity of a society. Good management of information on real estate, presents legal security for the creation of a safe market for the absorption of domestic and foreign investments which

develop the economy through promotion of private free market. Every country has its special legislation governing the management of real estate, defines relevant institutions that processes the data upon those property. The establishment of the institution, as well as their administration are affected by the respective countries history.

The property rights is constitutional guarantees, set out in the relevant legislation of each country which is taken for analysis.<sup>1</sup> The state takes specific legal mechanisms through the establishment of relevant institutions for the management, maintenance, monitoring and providing data on real estate, such as: registration of real estate, mortgage or other restrictions on the property, restrictive agreements, updating of data in the event of transactions and accurate legal information and mapping that contains real estate, data on the owner, the history of property registration, etc. These data are managed by specialized employees and supervised by the respective ministries, but require their constant updating in order to improve the information that they carry. Unlike other countries of south East Europe, Western Europe, which were obtained in the analysis in this paper, they have recognized a consolidated legislation regarding registration and processing of data on real estate. The institution of the registry office or the cadastral in each country (despite the change of name, defining the legal term) is the competent body that carries primary responsibility for maintaining and updating the continuous registration of land and buildings linked inextricably with it. This institution work in a way that is open and transparent with the public.

## **II. Establishment of Institutions of Real Estate in European Countries**

In Europe, the registration of real estate, the precise identification and definition of borders and identification of owners or possessors resulted as a necessity to collect the tax and land tax. The precise identification of the property, borders, compliance of legal data with the mapping, and the identification of owners of real estate, help the state to determine precisely estimate the value of the relevant tax burden on the owner or possessor of property. Countries that are analyzed, are characterized by the fact, that belonging to the civil law system. Particular poses United Kingdom (England & Wales, Northern Ireland and Scotland). The 'English' system of land registration is part of the common law system of the United Kingdom and so is distinguishable from many systems of continental Europe. However, although an integral part of the United Kingdom, Scotland has always with fanaticism saved its legal system, especially in terms of real estate. The assessment of land (land tax collection in Scotland) has started in the 12<sup>th</sup> century, in Ireland since 1945. Before 1862, when the first Land Registry Act became law, there were no systems of land registration in England and Wales apart from deeds registries in two counties - Yorkshire and Middlesex. The Registers of Scotland (ROS), Land registration in Scotland dates back as far as the 13<sup>th</sup> century. In 2012 the Registry celebrated its 150<sup>th</sup> anniversary in England & Wells.

In Italy currently operate two different systems of advertising of the real estate: a national one based on "transcription" and an operative one existing in the territories of ex Habsburg Empire until the end of First World War until the year 1918 known as the "Land Register System", based on the Austrian Law, no. 95, date 25.07.1871. In the national territory operates the system based on "transcription" inspired by French law from 23.03.1855. (Margonari, 2012, 2).

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<sup>1</sup> Countries that have been analyzed in this paper are: United Kingdom, France, Greece, Italy, Germany, Spain, Switzerland and Netherlands.

Since 1853, the French-originated system of registrations and mortgages has been operating in Greece. The main law that regulates real estate is the law of real property (rights in rem), which constitute a special chapter in the Greek Civil Code (articles 947 until 1345). In addition, the law of real estate is included in different statutes, one of them is: Land Registry/Cadastral Provisions, Legislative Decree 19/23.07.1941, Laws 1647/1986, 2308/1995, 2664/1998, and 4164/2013. (Global Legal Group, 2015, Section Greece). The French cadastre has its start since at the time of Napoleonic and in it are register all real estate located in urban and rural properties (builded or not). (General tax directorate, 2002, 2) Switzerland also has a long-established tradition in cadastres. After the introduction of the federal constitution in 1848, all cantons (states) began to implement local land registries. The Spanish territory is divided into mortgage districts which are each assigned to a Land Registry. All mortgage districts are governed by the same rules and are subject to the same requirements.

Germany's tradition in cadastre is more than 150 years old. (Hawerk, 2014, 1) The Land registration system in Germany is a duplex system. The legal situation of each parcel is described in the land register called "Grundbuch". Since 1900 land book in Germany is part of the voluntary jurisdiction. Land Registry is operated by the land registry offices in the local courts under federal law (Civil Code, Land Registry Act, "Grundbuchordnung"). The real estate cadastre is mentioned in the Land Registry Act: §2 Art. 2: The properties are named in the land register according to the official register (real estate cadastre). In Germany, Real estate cadastre is operated under state law by cadastral offices, depending on the organisational structure in the state cadastral offices belong to state or administrative district level. The real estate cadastre in Germany is defined as the official register of all parcels and buildings in a state, in which all parcels are described with graphical and textual data. In addition it contains additional information, like the results of the official soil taxation. Buildings are integral part of the parcel. Freehold flats are registered, but no information about the size etc. of the flat. With some parts of its contents the cadastre enjoys the "public faith" of the land book, like parcel-identifier in maps and records.

The Land Registry in the Netherlands is an independent administrative body that carries out its tasks under the approval of the Ministry of Housing. Land administration systems are evolving from a focus on core functions of regulating land and property development, land use controls, land taxation and disputes (Dale & McLaughlin, 1999) to a focus on an integrated land management system designed to support sustainable development (Enemark et al. 2005). In the Netherlands, a fiscal cadastre was introduced after annexation of the Kingdom of the Netherlands by France (Wakker et al. 2003). In 1992, a major revision of the Civil Code (originally from 1838) and the Cadastre Act changed the legal base of the cadastral and land registration (Zevenbergen 2002; Wakker et al. 2003). In 1810 the introduction of a fiscal cadastre came to exist after the earlier mentioned annexation of the Kingdom of the Netherlands by France.

### **III. Functioning of The Real Estate Registration System in European Countries**

The United Kingdom comprises three separate jurisdictions each with their own law making powers Land Registration Agencies: a) England and Wales (Her Majesty's Land Registry) b) Scotland (Registry of Scotland) c) Northern Ireland (Land Registry of Northern). The term 'cadastre' is not used in the United Kingdom but the functions usually comprised in Cadastral activities in mainland Europe are carried out by particular Agencies in each of the three

jurisdictions.<sup>2</sup> Each has its own Land Valuation and Land Registration systems. National Mapping is undertaken by one organisation for England, Wales and Scotland and a separate organisation for Northern Ireland. These systems share many similarities but also some differences with system elsewhere. Nevertheless the objectives of good land administration are those of cadastral organisations in Europe and world wide. (Manthorpe, 2004, 3)

The Land Registry in London is organized in this way: has a Head Office in London and 24 regional offices throughout England and Wales. Each of these regional offices serves a defined geographical area comprising a number of municipalities. Its Computer Centre is in Plymouth.

Greece and Italy operate with duplex system for real estate. But the difference between them in terms of reliability and efficiency is essential. Italy has a consolidated system than Greece. In Greece there are two systems of publicity of rights over immovable: (a) the Transcriptions and Mortgages Books in the Land Registry Offices; and (b) the National Cadastre (and/or the Cadastral Offices, which operate in the interim period before the entry into force of the National Cadastre), which is currently incomplete but aims to replace the system of Transcriptions and Mortgages Books in the future (Global Legal Group, 2015, Section Greece). The information held in the cadastral system is old and incomplete. Above all do not give accurate information on the property. Therefore creates confusion for the accuracy of the data. Land registration system, has been applied only recently.<sup>3</sup> Greece has applied to the National Land Registry (*Cadastre*) which gradually replaces the mortgage registration system. The new system is structured in such a way that the property is related to the object, which is unchanged and not the owner can changed. Important is the unchanged land information. Defining the borders become with the number of assets that surround despite that owner who disposes. In the context of land registration system each transaction or the real right that happens with to real estate occupies a special place in the National Cadastre of Greece. Pursuant to the system of Transcriptions and Mortgages Books, which currently applies in the majority of the Greek territory, rights over land are subject to registration (and not the land itself) in local Land Registries in the entries of the owners.

In Italy operate two systems of real estate registrations. One is Cadastre Office and the other one is Land Register System in every province of Italy, called the system of "transcription". The records in the Land Title Register and in the Cadastre must be held in perfect concordance in all their aspects: geometrically, in the consistency and in the right.

All changes made about the state of estates must be accomplished in acts of Land Register as well as in acts of the Cadastre. Cadastre office mapping in Italy, containing information on buildings and land not for legal purposes, but for tax purposes. While public registration of real estate and mortgage contains information and serves for the carrying on real estate and mortgage registration. Are 138 offices of registration of real estate in Italy.

Switzerland has no centralised land register. Switzerland is divided into 26 cantons (states) and each canton decides the organisation of its land register. The Swiss Federal Constitution guarantees ownership of real estate. The Law of real estate in Switzerland is based on the Swiss Civile Code. This Code contains the general terms of property rights, the proof of property, profit and loss of real estate and rights of preemption as: *servitudes, mortgages, etc.* and the registration

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<sup>2</sup> In international activity that are organized for the cadastra made in European country from special agencies in each of three jurisdictions.

<sup>3</sup> Law 2308/1995, changed with the last law 3212/2003 "For the registration of real estate".

of land. Real estate is also regulated by Art. 942 to 977 SCC: land register. Each of 26 cantons in Switzerland has its land records, usually one in every district. Cantons are responsible for maintaining land records. They are governed by the law of Federal registration system of real estate.

The Land Registry in the Netherlands records and provides information about the location of property in the Netherlands, including the rights that go with it, such as property and mortgage. The Land Registry in the Netherlands operates under the Long-term Plan and the Charter Public Accountability. The Land Registry is working with several organizations in the field of real estate in order to increase the number of services provided. The land registers and cadastral maps assumed a multi-purpose role aimed at providing legal security of tenure, facilitating the land market, and supporting many government activities like physical planning, development control, and public acquisition of land, land taxation and management of natural resources.

In Spain, main Spanish laws on real estate are codified essentially by the Spanish Constitution, Civil Code. They contain the principle of private ownership as a private right, as well as rules related to property transactions. The mortgage Law regulates the registration of land property, mortgage agreement and the real rights over them. There is also the law of the land cadastre, land law governing the rights and obligations relating to land in the territory of Spain. The Land Registry may certify the contents of the registry with respect to land titles and other rights – mortgages, liens, attachments – over a property but that does not constitute a title document. Title to real estate is evidenced by the corresponding public deed of sale and purchase (Global Legal Group, 2015, Section Spain).

In Germany has some sort of registration offices on real estate on the land which change from each other and have their own importance. None of the has a unified central office. These offices are: Land Registration Office, office of cadastral registration of real estate (Cadastra), registration office containing the list of contaminated places: i.e countries which are contaminated and indicates if the property can be subject of the pollution or a risk of a potential pollution in the future and performance of construction registration (Global Legal Group, 2015, Section Germany).

#### **IV. Warranty of legal and mapping title of real estate registration in europe**

In all european countries that are taken in analysis, the state pays special attention to information that is reflected in the institutions of property registration. But, the state does not take responsible for inaccuracies that may arise from the content of the acquisition of the ownership, issued by the public body, except the United Kingdom. Under the provisions of the Land Registration Act, the UK securities are guaranteed by the State. A distinctive feature of the title to the property protection is that the correction and/or compensation may be exercised even if the mistake or inaction was not born as a result as an error from the Land Registry. While in other countries the compensation it may only be made if it is determined that the error has come as a result of the negligence of employees. In all other cases, the responsibility borne by the person that requested to register legal title.

In each Regional Office the Land Registrar in United Kingdom is responsible for maintaining the land register for the region. Under the provisions of the Land Registrations Act the Land Registrar must be a lawyer. He or she has extensive quasi judicial powers under the law to grant title and to resolve disputes. Scotland's law of property is fairly complex in its origin. It derives

from a mixture of statutes: Registers of Scotland is responsible for 16 public registers in Scotland. Standards and customer service levels are very high. Once recorded data on land, they are administered electronically and is not necessary equipping with document confirming ownership.

One distinguishing characteristic of land administration systems in the United Kingdom is the institutional framework and structure within government. Historically the four main elements of land administration; the registration of real rights in land, the creation and maintenance of national mapping, the process of land valuation, and the recording of land use were, and still are, the responsibilities of separate government ministries. What distinguishes the arrangements in the United Kingdom from many other countries is that whilst the Ordnance Survey does record the physical features on the ground it is not itself the holder or recorder of specialist data on, for instance, ownership rights, land valuation or land use (Global Legal Group, 2015, Section England & Wales).

The land registry in Italy, will offer a certificate on the property regarding the real owner and if there is any other parties that have rights on that property. Information about a property you may find at the local Cadastre that has a specific database (Global Legal Group, 2015, Section Italy). The main principles governing the transcription Italian system are completely opposed with German system of ownership registration (“Grundbuch” in Austria and Germany). Transcription system is faster and more functional than the property registration “title registration”. Transcription no probative value. Registrar responsibility lies not in the control of validity and effects substantial ownership title. Transcription publicity has only declarative value. Registration of property is made in electronic format.

The Switzerland Federal Constitution guarantees ownership of real estate. The property law in Switzerland is based on Swiss Civil Code. This code contains the general terms of property rights, proof of property, profit and loss of real estate and rights of preemption as: *servitudes*, *mortgages*, *etc.* as well as registration land. Cantons are responsible for saving the land records. Land registry extract contains information on property rights related to real estate recorded. Although most property records maintained in electronic form, only information on ownership can be partially accessed online in internet and only in some cantons. The cantons are responsible for the errors in registration and administrative responsibility. Switzerland has a tract index system for the registration of ownership, leasehold and security interests in real estate. In general, there is no unregistered land. Lease agreements are usually not registered. However, it is possible to annotate such agreements in the land register. The owners of real estate may ask for an extract of the land register where ownership is mentioned but there is no "physical title". (Global Legal Group, 2015, Section Switzerland). The cantons are responsible for any damage resulting from the bad upkeep of the land registry or resulting from false information. Only some information is available to the public, (such as ownership, description of the real estate, form of property, date of acquisition, servitude, mentions, restrictions to sale, etc.). Extended information is available only to people justifying a specific interest or necessity.

Art. 942 in Swiss Civil Law require all rights on real estate to be registered in the land registry; thus, the Swiss cadastre has a legal and not fiscal base. The land registry is given the joint tasks of land registration and cadastral surveying. The primary aim is to register the title to real estate. However, along with a list of registered proprietors, other information, such as land use, covenants, caveats, restrictions, lease, easements, mortgages and valuation, might appear. Furthermore, the Swiss maintain a cadastre of three-dimensional services. All underground

services are charted, including all cadastral boundaries, all buildings and structures within the parcel, and all structures and visible utilities within the road reserve within each jurisdiction, various organisations contribute to these data elements.

In Spain, title to real estate is evidenced by the corresponding public deed of sale and purchase. Registration at the land registry is not compulsory. However, when registered, title is enforceable against *bona fide* third parties with a potential interest in the real estate. Land registries are managed by the Registrars Bar, an administrative body controlled by the Ministry of Justice (*Ministerio de Justicia*). There is no state guarantee of title. Title insurance is not commonly used because the legal system fully protects a third party acquiring title from the registered owner. Under Spanish law, a mortgage and a building lease are compulsory registrable and registration is required for the validity and existence of these rights (Global Legal Group, 2015, Section Switzerland). Only in Madrid has 45 registration offices, their own rules and requirements are identical. All transactions related with real estate, must be carried out personally by the person concerned.<sup>4</sup> If the registration office makes a mistake that has created a third party damage, than the compensation must settle by the land registrar, who has civil responsible for registering. Obtaining information on the real estate in registration office is open to the public by anyone who has an interest in the legal status of a property. It is feasible to claim compensation from a land registrar who makes mistakes during the registration process. The registrars will be legally liable for all damages and costs they have caused. Each of the parcels of real estate in the netherland is involved in the registration office real estate. The rights related with respect to property such as ownership, long lease, construction rights, servitudes, rights of mortgage attached, the rights of common ownership of the apartment and are all rights that are registered in public records. The registration office of real estate is an institution that reflects and manages cases where we are dealing with real estate transactions. Also registration in the land register is necessary for the creation of real rights on them, such as *long term leases*, *servitudes*, etc. For transferring the ownership, the creation or transfer of real rights over immovable property registration is necessary in the public registers. There is a general rule that the oldest rights recorded have priority. This principle that is applied also in other European countries is known “Priority in registration”. The institution that administers the land register, issues a physical document for the owner that register their real estate. Transactions on real estate or the creation of a real right on it should be register in public register, colled land register. The notarial acts for transfer the right of real estate are register in electronic way in the public land register. Information from public land register is available in digital form. This information contains data about the position of the property and with other legal facts which are register in the land register. Registry of real estate held responsibility for mistakes made during its administrative activity. But the registration is passive. This means that the responsibility for entering the data obtained from the documents provided, but do not check the correctness of the contents of this information. The registration office is not responsible for errors that contain documents that were provided to her, with the condition that their content be accordingly. Anyone can request and receive information from the office of registration of real estate in the Netherlands, for each record containing records about the property, land.

In Germany, it is not as in France that the buyer towards the seller can become the new owner. For that purpose the deed of conveyance has to be recorded in the public registers. Since 2004,

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<sup>4</sup> Although there are special circumstances in which some documents can be sent electronically to the land registry office.

the obligatory purchase contract can also be recorded in the public registers. The real estate cadastre is a public register. An individual may get access to it, if it has a so called legitimate interest. The online access to the real estate cadastre is restricted to authorised persons or institutions (e.g. licensed surveyors, notaries, local authorities). Local authorities and licensed surveyors are in some states also entitled to offer the data under the same conditions to citizens. The land book shows the legal status of all real properties, which are described by reference to the real estate cadastre. All real properties have to be registered (exception for local authorities and churches; ca. 5%). In its documentation and publication role it works as the statutory basis for property conveyance, in particular to ensure unequivocal status of ownership and other titles, as well as for mortgage loans. There are no online links between cadastre and land registry. The cadastral authorities are not directly involved in the real estate taxation, but they assist the tax offices with their information and store the information for rural land (values of the soil taxation). Since 1997 the working Group of the Surveying Authorities of the States of the Federal Republic of Germany (AdV) has been developing a model of an integrated Official Cadastral Information System called ALKIS, which represents a cadastral model on an international technical standard of high quality and will improve Germany's cadastre as a basic information system in the information society of the 21-st century. In some but not all points it follows the statements of the FIG paper Cadastre 2014. Therefore although cadastre in Germany is in the responsibility of the 16 states the cadastral data bases are highly uniform with only a few small but sometimes surprising exceptions. The land register is not publicly accessible. Only persons claiming a legitimate interest may inspect the land register. Such interest is established where the applicant provides objective reasons, which exclude the possibility that the inspection serves unauthorised purposes or is based on mere curiosity. A potential buyer may be granted inspection of the land register if he can prove that sales negotiations have already become sufficiently specific (Global Legal Group, 2015, Section Switzerland). In France listed more than 100 registration offices of real estate to which are register all the transactions and the real rights on real estate, depending on the location of the property. Rules and procedures required for implementation are the same for all these offices. The office for real estate registration (land) register the legal titles presented in relevant documents which contains: a copy of the official record title, seals and formalities required for registration and a property certificate of the registration date, which shows the registration of transaction. The registration of electronic transactions by notaries is a new procedure, which has been applied recently and is still in its first steps. But a more widespread application of electronic registration of Notaries was set in 2011. Notaries have such access to obtain information on-line (*ex. details for a real estate*). The information required on real estate can be submitted within three weeks from the day of application. Information includes all the transfers that are made on that property, the identity of the current owner and to those before them, the date of ultimate beneficial and the price paid, facilities and charges of mortgage and a long term lease registered on the property. Land registration system in France is called Cadastre, which is administered from the public register of land in France, under the auspices of the French tax authority. Cadastre has its problems because plans show the numbered parcels where land ownership is based. Relevance plans (maps) itself does not provide details of property or (necessarily) all parcels of land owned single. While they show data on the building, size, its location, description of the cadastre border can often be vague or even non – existen. Moreover, the cadastre does not indicate the exact boundaries between properties and, as a result, do not give a final statement of the legal boundaries of a property, which can be decided only after the border again can be measured. This reflects the origins of the creation of maps, which are created in the time of Napoleon for the purpose of calculation of land tax. In France, the main

characteristics is that the information shown is more for fiscal purposes. So, the responsibility for property registration in Land Records and Cadastral is under the control of Ministry of Economy, Finance and Industry and the service is enabled by 354 mortgage offices (land registry offices) and 315 cadastral offices. All contract preparation and the decision on legal acceptance is carried out by the Notary Public. The Notary public then presents the Deeds to the Land Registry Office for registration. The Land Registry only receives a summary of the Deed, the original is given to the applicant. A detailed survey plan is produced by the private surveyor. This is checked in detail by the cadastral office before acceptance. The public notary guarantees the content of the Deed and the Land Registrar is also responsible for the content on behalf of the administration in law. In Greece there is no State guarantee of title. Based on the transaction system and mortgage books, the responsibility exists only in rare cases, which are specified by the law, and the Secretary is responsible for the compensation for any act or inactivity with the fulfillment of its obligation (eg. the refusal of registration of a registerable offense without reason). On the contrary, according to the cadastral system, an obligation arises in any case to the appropriate party suffers damage due to the operation of the Cadastral system.

## **V. The future of the Registration System of Real Estate in Europe**

The registration of real estate in Europe and the right administration and reliability of it is progressing towards a safe and unification based on the principle of transparency. The old registration based on cadastral maps are replaced with new registration, where are combined legal elements and safe mapping, where all together provide full information on the real estate.

The new owner of the real estate needs to file to the land register an application for registration; such application must include all of the documents regarding the ownership (sale and purchase agreement, succession title, etc.). Italy is one of the European countries that has paid more emphasis on computerization of all acts of real estate that are in the registration office (Electronic Land Registries). In this way, the services will be fully online and in a quick and efficient time than before. Union of two registers that cadastral register and real estate register in a single one, is the main goal. Its goal is to enable, for fiscal purposes, the merging of the information in two database, in order to identify, for each parcel of real estate and any person who has rights over that property.

The Federal Republic of Germany established a high sophisticated cadastral system guaranteeing security of land tenure. With a long history of land registration in Germany it is a proven fact that a good working system of security of land tenure is very important for a developed society. The Germany aim that in the future integrates system of the cadastral register and the cadastral map. A concept of an integrated cadastral data base was already designed 30 years ago but has never been carried out. The limited capacities of data processing equipment did not allow an integrated approach to this concept.

United Kingdom pays special attention to the mapping update data in a period of time every 4-5 years makes measurements of soil and their verification with actual condition that are in the registration offices, in order to improve the data.

In Spain, the competent land registry issues an online excerpt with all relevant facts of the property (titleholder, third party rights and description of the property) (Global Legal Group, 2015, Section Switzerland). France, has enabled the creation of an online service in terms of real estate, where 100% of land registry data are available in computerized form of extract and 24% of all cadastral maps are available in digital format vector. It is intended that all maps are

accessible in electronic form. Greece, unlike other countries, it remains behind. It has taken serious initiatives for recording all the information on real estate. Is also making efforts for the integration and unification of legal and mapping information, which must be consistent with each other. Only after they have register in a uniform manner all information on real estate, efforts can be made to be accessed on-line. However, the main purpose of european countries is the creation of comfortable conditions, the digitized, so that enables online access in a rapid and safe time in the registration of real estate. Their goal is also to create a stability in the registration of ownership, in their mapping information (which should be updated under modern conditions) and to have simple and rapid services delivery. The online system through Notary services is enabled in almost all European countries, except Greece and England.

## VI. Conclusion

From all the analysis training of this topic, it is shown that the property and its registration occupy a special place in the legislation of European countries of Western European which constitute the main concern for the efficient management thereof. From European countries that are analyzed, the conditions and the best infrastructure for the registration and administration of real estate has Switzerland, than comes Italy, Netherlands, United Kingdom, Spain, France and last Greece. All above systems have had their problems, the initial information regarding the registration of property. In these countries existed Cadastre, which aims to integrate the registration of real estate. Even duplicate registration systems, which still exist in the most part of them, aiming at the unification of legal information amd mapping of assets in order to unable all information is complete and accurate in the title of the property. They are almost the same level of improvement, excluding Greece, which has still to be done. But it requires further improvements in Germany, Spain and France. None of the above mentioned countries, the registration of ownership is not fully realize 100%, especially in rural areas. The digitalization of ownership has grown and has improved in recent years, but online access through notarial service is not complete. Online service is intended to enable the registration of the property, in order that the citizens complete the actions in digital way and not being physically present. The legislation on ownership and registration of real estate has gone through ongoing reforms in all European countries, which suit the technology created to improve the data. Integration of legal and mapping information remains problematic, because some of the data do not match with each other. But updating of mapping datas with advanced methods, it aims in the future to eliminate this problem. However, the technology used in European countries is in very good level and should be considered and implemented in the Countries of Eastern Europe, where registration system leaves much to be desired and required constant reforms.

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