Interoperability Model for Land Registries project in the European Union

IMOLA

European Land registry Association is an international non-profit organization located in Brussels. It was established in 2004 and, since then, it brought its contribution to a safer civil traffic in Europe, contributing to all the initiatives taken to improve the land registry legislation.

The mission and primary purpose of the European Land Registry Association may be described as: "the development and understanding of the role of land registration in real property and capital markets".

ELRA promotes a mutual understanding of land registers, to help create an open and secure Europe, serving and protecting citizens.

There are 33 member organisations from 26 European countries.

ELRA is financed by EC grants and member's fees.

Some of the outstanding project developed by ELRA are:

- Fact sheets

- CROBECO

- IMOLA I

- IMOLA II

Few years ago ELRA created a network of land registrars, known as European Land Registrars Network. The network has contact points from each European country represented in ELRA.

We are living in a changing world. New technologies arrives, information is created, structured and manipulated at a speed and a volume never imagined before, human legal relations complexity increases and there is a need to cover areas which weren't spotted in the past. Increased mobility of the people led to increased number of cross-border transactions.

Increased demand for LR information, diversity of LR systems, dynamics of the civil traffic and of the legislations and the globalization proved the need for new legal and technical tools to address the issues arouse by this new challenging environment.

All above are some of the arguments which support the idea to make the land registry more understandable without losing legal certainty. During one of ELRA's General Assembly in 2009, it was the first time when members talked about what they called at that moment "the european land registry certificate".

Later on, we spin up the idea and we discovered new valences and also new challenges. However, the need for such a tool became a certainty, as the number of cross-border transactions was continually increasing, as well as the need of cross-border information both for non-specialized users and experts (judges, prosecutors, FIU's, lawyers etc.)

The first major step in achieving our goal was the project IMOLA I.

IMOLA stands for Interoperability model for land registry. The project was aimed to develop a common template for land registry information, in a full re-

spect to the national legislations – the so called ELRD. It is not an easy task since there is a huge diversity among land registry national systems. ELRA consider that ELRD is a very important instrument in the area of judicial cooperation. Land registry information requested by courts is increasing and therefor there is a need for a system which can provide fast, accurate and up to date information.

The project started as a research project, pursuing a proof of concept envisaging its role in judiciary cooperation, cross-border conveyancing and the interconnection of the land registries. ELRD may be a European guideline for land registries information given that it is based on mutual understanding.

IMOLA I was built with a bottom up approach; each national land registry system was studied based on the contributions of the land registrars network (ELRN) and the knowledge gained by the previously elaborated fact sheets (land registry publicity, description of land registry systems, hidden charges, condominium, ELRD reference information etc.) The study was based mainly on questionnaires and seminars. We succeeded in defining a common denominator, a common structure of information suitable for any land registry system involved. We have also defined the non-common information which must remain as it is recorded in the national system. The main discrepancy was between title systems and deed systems, but later it turned out that also title systems are much divers that we thought. As always, devil was hidden into the details. Besides, some countries encounter a quite dynamic legislation. And, cream of the crop, we met a case where two land registry systems coexist in the same country.

The development of the project has to take into consideration the huge diversity of the national land registries. Land registries are deeply rooted in the national property law systems and lex rei sitae principle prevails in all the cases. It turned out that the connecting factor should be the LAND REGISTRY UNIT whenever possible, but it could be replaced by the person of the owner in the cases of deed systems.

The envisaged template aims to facilitate judicial cooperation, to facilitate the comprehension of national land registry information and to become a vehicle for the information from interconnected land registry systems.

The minimum common denominator among national land registries system and flexibility of the template were taken into consideration, in order to avoid potential incompatibilities with national systems. Relevant information is never omitted and there is the possibility to enable or disable different fields as the information is or it is not available in the national land registry system.

ELRD consists of an A,B,C structure. Part A is dedicated to the description of the object of the rights – the land registry unit. Land registry unit are all entities with individual register number or title number, set according to every land registry system. A land registry unit could be: a property, a cadastral parcel, an apartment, a special property or a property right. Identifiers can be land registry identifier, cadastral identifiers, key register identifier, European property identifier etc. ISA core vocabulary was taken into account when using location information. Additional information is added as it exists in the national system: land use, area, boundaries, public limitations, price/taxation value etc. Extended information can be

added such as national land registry excerpts, copies of land registry files, copy of cadastral files, cadastral maps etc.

Part B contain information of the ownership: name, PIN, main right or class of title, the type of ownership (individual, co-ownership with or without shares etc), entitlement (contract or act of acquisition – sale, donation, inheritance etc), deed of acquisition, restrictions stemming from the owner (incapacity, insolvency etc). It turned out that Part B is the most complex one due to the risks arouse in case of misunderstood information. Therefor accurate explanation of legal terms and the right choose of the placeholders were fundamental. Land registry shall provide legal certainty not only by registering the rights, but also by providing accurate, complete and up to date information.

Part C contain information about encumbrances. There is a huge diversity in encumbrances and the way they are classified. One of the common points was the application of the principle of priority (or principle of rank). Most of the land registries consider that the date of registration shall be the main criteria to organize the information in the template. However, it is important to distinguish between different labels: mortgages, property rights (easements, usufructus, lease, usus/ habitatio, emphyteusis, trust), judicial restrictions (attachments/seizure, claim/ pending land action, forfeiture/confiscation, enforcement/foreclosure), other restrictions (fiscal burdens, administrative restrictions, rights of debatable nature etc).

Although all of these above are familiar for title systems, the more we zoomed in, the more complicated things we discovered. Even when we compared systems using the same A,B,C structure, we discovered relevant differences to be conciliated without any prejudice to the national systems.

Another issue to be overpassed was the translation. Common translation might be inaccurate in case of legal terms, therefor we built placeholders in English, which is, by the way, the language used in the ELRD. We have also built a glossary to ensure the proper understanding of the legal terms - the placeholders. Built on the glossary, there is a thesaurus for a better understanding of the national concepts and their corespondent in different systems.

In order to cover all the particularities of the national land registries we had to take into consideration a flexible and adaptive structure. Every land registry system could arrange information data on this scheme insofar they are available or disable those data fields not available, depending on the national specifics.

The outcome of IMOLA I was the ELRD, the adaptive template for all national land registry systems in Europe. From a technical perspective, ELRD is a semantic model for standardised land registry output, compatible with e.Codex Platform and aligned with ISA standards. It uses, XML and XLS standards. By ELRD the gate to a unified access to national land registry systems is opened. And the gate is envisages to be the e-justice portal.

One of the things we learned was the fact that rough data extracted from the national systems is not enough to ensure a reliable information and it might be misleading. This idea led to the second stage of IMOLA, known now as IMOLA II.

Once we recognised the utility of the ELRD developed in IMOLA I, which can be considered as the interface through which the interconnection of land registers has to operate, it becomes obvious that it is necessary to achieve more complex goals for an effective implementation of the ELRD. The next step was to deal with the interoperability issue. IMOLA II allows us to take advantage of the implicit knowledge encoded in the different registries, to enrich the information with semantic explanation.

With this project ELRA contributes to the achievement of the objectives of the European e-Justice Strategy specified in the Multiannual Action Plan 2014-2018.

IMOLA II is a 2 year project, ending in October 2019. It is financed by a European Commission grant and a contribution from the Spanish Colegio de Registradores. The target group includes judicial authorities, legal practitioners and European citizens.

IMOLA II is perfectly aligned with Land registry interconnection project (LRI) of the European Commission. The Land Registers Interconnection (LRI) project aims to provide a single access point within the European eJustice Portal to the land registers of participating EU countries. This will address the current issues of discrepancy, complexity and multitude of land registration systems amongst Member States. Through this access point citizens and professionals will be able to query and retrieve relevant information via a single, adaptive, multi-lingual interface, in compliance with the national legal and technical capabilities.

IMOLA II is developed as a follow up project of IMOLA I. The main purpose is to provide an interoperability platform among Land Registers in Europe.

Controlled vocabularies are essential elements for the IMOLA II project and a starting point for achieving the semantic shared repository (Knowledge Repository).

The development of the project is built upon a complex methodology:

- identification of the domain and purpose

- Identification of language syntax and semantic

- Extract of knowledge

- Creation of a knowledge organization system

- Evaluation of the results

- Tools development

A special attention should be payed to the input system which is a very important tool for land registry experts who will add and maintain information in the system.

The expected outcome is as follows:

• A Knowledge Repository integrated on e-Justice portal as controlled vocabulary (Thesaurus).

- To achieve the semantic interoperability among the Land Registers Information,

- To simplify the implementation of the ELRD as standardized common output.

- Use controlled vocabularies as part of the descriptive metadata to characterize the content of the information objects of the Land Registries. The use of such vocabularies is a key issue, because these metadata may be invoked by mean of web service by National Land Registers Systems as customers thru a web page.

- This model for interoperability should contribute to foster a single European real estate and mortgage market, making it more efficient and transparent. The assistance tools complementing the single point of access within the e-Justice portal will enable an effective use of this information.

- A real and complete information model to be used within the scope of the LRI project through the e-Justice Portal, linked directly to the semantic domain represented by IMOLA controlled vocabularies, glossaries and thesaurus (Knowledge Repository).

- A Web Service related to the Knowledge Repository.

- An input system by means of a web page to support the feedback of Contact Points as Land Registry experts integrated on the European Land Registry Network, (ELRN).

The project is running smoothly and all the events on the timetable are checked for now. In October 2019, ELRA will close the project having built the best land registry tool for land registry interconnection, judicial cooperation and simplified access to land registry information.

By IMOLA, ELRA opened a door to a new era of communication in the field of land registry. Once the door is opened we invite everyone to bring their contribution to a better communication environment in the area and to take advantage of the new achievements.

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