MINISTRY OF FINANCE

**Central Administration
of the Cadastre,
the Registration and the State Property**
--
**The General auditor, section head
Fr. GABELE**

C.A.E. - Tour Finances - Bte 58
Bd du Jardin Botanique, 50
1010 Brussels
Belgium
Tél. (02) 210 35 50
Fax (02) 210 35 94
E-mail : francis.gabele@minfin.fed.be

TS7.11 Regional Experience in the Cadastre-Europe I

Chair : Peter Dent, U.K.

<u>Benchmarking and the Belgian Cadastre</u>

**Francis Gäbele, Surveyor, Belgium
Marc Vanderschueren, Surveyor, Belgium**

CONTENTS

THE HISTORICAL BACKGROUND

1. DEFINITION OF THE BELGIAN CADASTRE

2. ORIGIN OF THE BELGIAN CADASTRE

3. EVOLUTION OF THE BELGIAN CADASTRE

4. CHARACTERISTICS OF THE BELGIAN CADASTRE

5. CONNECTION BETWEEN THE CADASTRE AND THE MORTGAGE SYSTEM

BEST PRACTICE BENCHMARKING WHICH MECHANISMS MAKE THE BELGIAN CADASTRE PROCESS EFFICIENT

6. NEWPROSPECTS

    6.1. Uniting Cadastre – Registration Department - Mortgage service : creation of the A.C.E.D.

    6.2. Performance's Management

    6.3. Strategic Targets of A.C.E.D.

    6.4. Copernic - Business Process Reengineering

    6.5. Strategy for the cadastral plan

    6.6. A fundamental value : the citizen said

7. **RELATIONSHIP WITH OTHER EUROPEAN CADASTRAL SYSTEMS**
CONGRESS OF THE EUROPEAN UNION, IN GRANADA

8. FURTHER STEPS

8.1. e-Business Intelligence for the e – government

8.1. Definition
8.1.2. Outline of the interactions

8.2. e-Solutions

8.3 Review and Reorganization the public services

8.4. Accessibility

8.5. To Develop the chain of value of the e – Administration

8.6. The modernized Administration

1.-   DEFINITION OF THE BELGIAN CADASTRE

In Belgium, cadastre is the cadastral documentation (files and maps [plans]) and the office assigned the administration (updating) of the documentation (the department of the cadastre).

2.-   ORIGIN OF THE BELGIAN CADASTRE

The creation of the Belgian Cadastre comes from France. During the French Revolution, the "constituante" (the Constituante Assembly) decided in 1790-1791, the creation of the general cadastre and the land tax. The "Constituante Assembly" gave rules of conduct for :

- ❑ the preliminary operation;
- ❑ the overall view;
- ❑ the survey of the parcels of land;
- ❑ the fixation of the borders town (communes);
- ❑ and the triangulation of the communes.

With the Napoleonic conquests, the Belgian areas became a part of France and a French cadastre was created for the Belgian areas.

Napoleon said "A good cadastre of the parcels will be the complement of my civil code".

After Waterloo (1815) and during the periode with the Netherlands, the cadastral works continued.

The cadastral work was finished (with the Luxembourg district), after the creation of the independent Belgium, in 1843.

3.   EVOLUTION OF THE BELGIAN CADASTRE

During the 19th and 20th century, the Belgian Cadastre was constently improved, especially the last 25 years.

1976 : the magnetic cadastral file and the computer updating.

1987-1989 : Creation of a national computer file of the artificial persons of public law -owners- and artificial persons of private law-owners-, constituting a cadastral database of the owners.

1990 : Creation of national file of the individual owners with a database. It was the last step for the national file of the owners knowed by the cadastre.

1994-1995 : Online updating in the decentralized services, (contrôles) with the "Cadastre Network" of the cadastral file (owners and parcels of land).

4.   CARACTERISTICS OF THE BELGIAN CADASTRE

The Belgian cadastre should have been in the beginning a legal and juridical cadastre system where the immovables files should be update by civil servants. This immovables files should be the proof of the property. The civil servants should have an active updating.

But, it was not so, because it was not possible to consult all the titles needed. It was also not possible to do a preliminary survey of the parcels of land. It was only possible to survey the situations about ownership.

The Belgian cadastre is a fiscal cadastre with immovables files and owners files with the intention to fix an equitable land tax, to evaluate each immovable and to pass it on the service which will taxe the land tax.

5.   CONNECTION BETWEEN THE CADASTRE AND THE MORTGAGE SYSTEM

The functions of a cadastre service and a mortgage service in a country are connected.

In the countries having a title system with juridical "immovables files", the cadastre is essential for the mortgage service. It is a juridical cadastre because cadastre gives titles.

On the other hand, if the title system is a passive one, there are two different documentations with however a link between it. In the cadastre exist only the immovable existing in the mortgage service and the mortgage service can receive only the immovable knowed in the cadastre (French cadastre).

In countries like Belgium with a personal system (owners files) the relationship between the cadastre and the mortgage service is not so essential. This system is accompagnied by a passive mortgage system which gives no title, same for the cadastre.

The Belgian cadastre doesn't give a title, without title the Belgian cadastre can give a presumption (art. 1349 CC). The title proof only comes from the notorial deed. The proof for the third party is possible only if the notorial deed is transcribed in the mortgage service.

However, in Belgium with the fiscal assigment of the cadastre, the cadastral documentation has a juridical value because the cadastral files are titles (art. 1317, CC and art. 395 C.I.R. 1992).

Some administrative legislations give titles to the cadastral documentation, for example compulsory purchases, regrouping of lands, national and regional development.

<u>Best Practise = Benchmarking</u>

Which Mechanisms make the Belgian Cadastre Process Efficient ?

Future cadastre

Robert C. Camps (Can, 1994) defined the benchmarking "Benchmarking is the search for best practices leading to top performance".

The Belgian Cadastre like the other Belgian fiscal administrations is in a process of benchmarking, a process of "benchmarking metrology" and a classic "benchmarking process".

6.   <u>NEWPROSPECTS</u>

6.1.   <u>Uniting Cadastre – Registration department - Mortgage service</u>

In 1999, creation of the administration of the Cadastre, the Registration and the State Property. The administration of the Cadastre, the Registration and the State Property is composed of :

1. the services of the registration and the State Property;
2. the mortgage service;
3. the services of the cadastre.

The "Management Committee" of this new public department, has made a strategic plan of action with modernisation for the uniting of the cadastre and the Registration (civil and fiscal actions).

This restructuring of the services set out three principal main lines :

♦ intensification of the synergies between the Cadastre and the Registration, and after the mortgage service;
♦ modernization of the Technical Services and Service of the Human Resources;
♦ modernization of the management of the services with a performance's management.

A first step to the creation of a juridical cadastre was made with the necessity to assure the similarity between the cadastral documentation and the notorial deed concerned by the art. 1 of the mortgage law.

To this end, the identification of the immovables concerned by the proof for the third party must be improved, and, principally, for the transfering of a part of parcels of land. The important thing is that the concerned deed contains enough information for the updating of the cadastral documentation and the cadastral map.

Each deed which concerns a part of a parcel of land must be mesured. This boundary marking's plan made by a surveyor, will identify clearly the object of the deed.

6.2.   Performance's management

It is with a management process about the organization of the services of the Department of Finances. The cadastre's service is one of the services of the Belgian Finances Department for which M. BROUHNS, Secretary- General has instituted a strategy of modernization with three principal main lines :

- ❑ the main line of reinforcement between the fiscal service. An organicsynergy with the process of restructuration of the services and the functional synergy with the conclusion of protocols of cooperation for a higher transparency and responsibility;

- ❑ the main line of modernization of the management of resources : first the human resources with the Human Resources Management and the resources of the computerization with inclusion in the budget;

- ❑ and then the main line of the modernization of the management of the activities of the services with the measure of the performance which can be called "Performance's management".

The "Performance's management" leads to revise the internal supervising in each service. Benchmarking must be used as a modern management of services and companies.

The epicentre of this new internal supervising is a clarification of the missions and the management's targets. The "Performance's management" permits a real "autonomy – responsibility" of the services.

6.3.   Strategic targets

The "Management Committee" of the Department of the Cadastre, Registration and the State Property gives the following definition of its strategic targets.

The realization of this targets must lead to a permanent amelioration of :

♦ the juridical security;
♦ the equity;
♦ the rationalization of the methods of working;
♦ the brand image;
♦ the quality of the services.

This 5 strategic targets are not a particular process. However, the realisation of this 5 strategic targets is very important to ensure the smooth running of the new department of the ACED :

♦   realization of the fusion of the common services logistics, human resources, computerisation of the sectors Cadastre – Registration - Mortgage Service;

♦   service to study the rationalization, the harmonization and the simplification of the law and regulation. This must lead to a better productivity of the department;

♦   to carry through the restructuration and the harmonisation of the local services of the Cadastre, the Registration, the State Property the Mortgage Service and to regroup the local services in a same building(site);

♦ assistance to the local services of the department;

♦ give information and internal communication to the personnel.

For the realization of this targets, are necessary.

A. Management of the knowledges

- collection, keeping, data processing, access for the personnel;
- creation of a only fiscal file;

B. Management of the changes

C. Analysis of the risk

D. Strategy to the "target groups"

E. Modernization of the Management of the Human Resources

F. Development of the new technologies

6.4 Copernic Business Process Reengineering (BPR)

Sixteen (16) "Business Processes"

Reengineering have been created with the intention of a strategy of modernization of the Belgian public services.

For the Administration of Cadastre, Registration and state property service. 3 BPR have been created :

- ◆ Measures and evaluations
- ◆ Patrimonial services
- ◆ Juridical security

6.4.1. Strategic principles

□ **Strategic principle 1**

■ To guarantee the juridical security and the transparency

□ **Strategic principle 2**

■ Efficient management

□ **Strategic principle 3**

■ Services for the customers

□ **Strategic principle 4**

■ Professional services

6.4.2. BPR Measures and evaluations

For the BPR "Measures and evaluations the following processes have been determined :

- Process of the management of the cadastral plan
- Process of the evaluation of immovables
- Process of the evaluation of movable projectiles
- Process of the management of the complaints and the lawsuits

The following targets have been determined :

- Integration into the civil market
- The evaluations of the cadastre must be a reference
- The use of the existing evaluation
- Norms of quality for the customers

For the process of the management of the Cadastral plan, the boundary marking's plans will be made by the Surveyors of the Cadastre and this within the context of a juridical Cadastre.

But the boundary markings plans will be also made, by the private surveyors, if the service of the cadastre asks it.

It's a opening to private partners

6.4.3. BPR Patrimonial services

The main lines of the BPR Patrimonial services are :

♦ a best accessibility to the data of the evaluations
♦ a letter computerization

6.4.4. BPR juridical security

4 processes have been determined :

♦ Process of the fees
♦ Registration fees and assimilated taxes
♦ Mortgage fees
♦ And death duties

6.5 Strategy for the cadastral plan

Initially the Cadastral plan has been elaborated within the context of the determination of the land tax and the identification of the taxpayer.

For this mission, the updating, the identification of the taxpayer and the identification of the immovables are primordial.

Since 1983, all the alphanumeric data have been computerized but not the graphic data.

The updating of the Cadastral plan is a manual and annual updating.

Since the year 2000, the targets of the Belgian Cadastre have been modified. The Belgian Cadastre must be a juridical Cadastre. For this, the Cadastral plan is essential because the cadastral parcel of land is the identification of all the juridical databases of the registration and of the mortgage service.

A quick updating of the cadastral plan and of the parcel of land is primordial :

♦ Process of the updating of patrimonial documentation
♦ Process furnishing of the patrimonial documentation
♦ Process of the management of the complaints and lawsuits.

On the other hand, the Belgian local authorities competent in environment and town planning develop a collaboration with the Cadastre in order to have a computerized plan of the parcels of land.
The local authorities need it for their missions.

There are essential qualities for a computerized plan.

1. a constant updating but the computerized plan must not handicap the normal manual and current updating;

2. criterions of quality

3. standard size allowing easy and regular exchanges of the data.

The Belgian Cadastre will computerize the Cadastral plan in 3 steps :

First step : a computerized Cadastral plan. It is not yet a database with a link to the Cadastral file.
Time limit : 3 years

Second step : improvement the quality of the Cadastral plan with adjustmens of it on plans of local authorities. Deletion of the important errors.
Time limit : 5 to 8 years

Third step : link with the alphanumeric data of the Cadastral file, the files of the mortgage services, the files of the registration and the graphic data of the Cadastral plan. It is the System of geographic informations (SIG).
SIG is under consideration. SIG will permit the computerization of Cadastral plan with the participation of the surveyors of the private sector.

The Cadastre conserve the supervision and the authentification.

Advantages to proceed with steps :

1. External requests of the local authorities can be credited;

2. The computerization of the Cadastral plan doesn't handicap the normal manual and current updating;

3. SIG has no action on the improvement of the quality;

4. Progressive adaptation for the personnels

5. Progressive process for a good SIG.

6.6   Strategy for the cadastral plan

A fundamental value : the citizen's aid must be developed :

- Satisfaction of the customer;
- Notoriety
- A quick service with quality
- Nearness
- Professionalism of the activities.

There is a problem with the existing law which goes sometimes in the opposite direction.

7.   RELATIONSHIP WITH OTHER EUROPEAN CADASTRAL SYSTEMS

Within the context of the presidency of the European Union, Spain took the initiative for a meeting of the services of Cadastre of the fifteen countries of the European Union.

The first congress will take place in Granada (Spain) 15-17 may 2002.

Belgium will participe in this congress.

For the Belgian Cadastre, the parcel of land is the major element.

Each parcel of land must have an only and invariable code. A system of geographic informations (GIS) must be defined. This system of geographic informations (GIS) must contain :

- ❑ The ownership
- ❑ The area
- ❑ The boundaries
- ❑ The pedologic characteristics
- ❑ The environment characteristics
- ❑ The existing buildings

Each country of the European Union can add informations permiting the management of the land tax and urbanistic data.

GIS must be available to the citizens but with the respect of the private life and with a low price.

GIS can also be consulted by the local authorities.

So the updating is reliable.

8. FURTHER STEPS

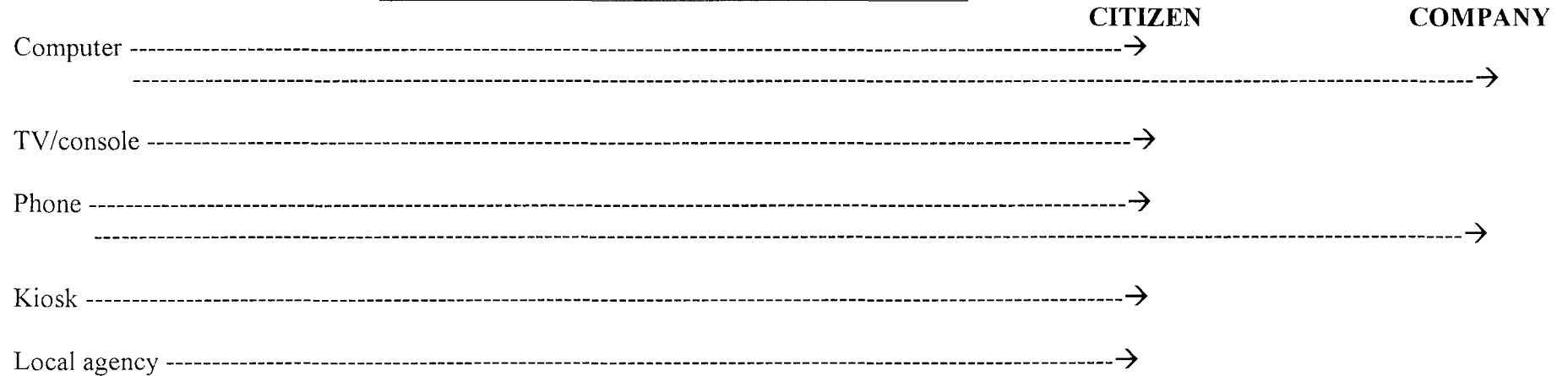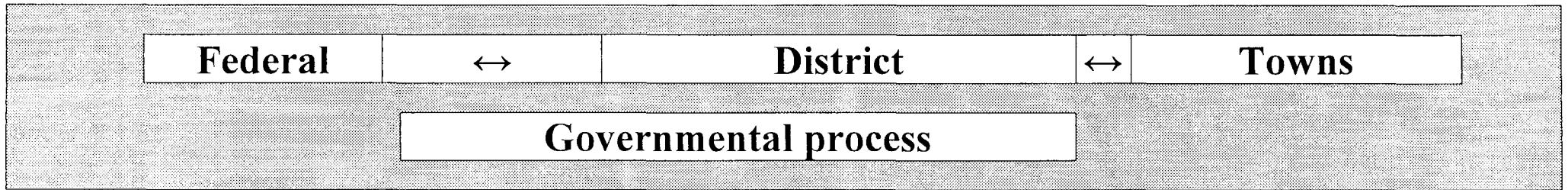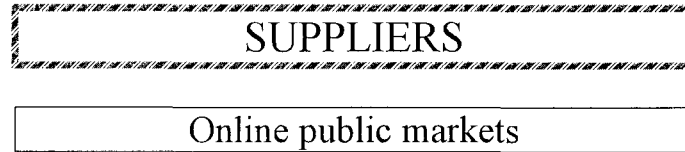### 8.1.e Business Intelligence for the e-government

8.1.1. Definition

The e-government is the redefinition of the internal and external relationships based on "network process" with the new technologics of the information with the intention of a better administration and a better participation of the citizen

e-government : the e which makes the difference

8.1.2. OUTLINE OF THE INTERACTIONS

```
┌─────────────────────────────────────────────────────┐
│                    SUPPLIERS                         │
└─────────────────────────────────────────────────────┘
```

```
┌─────────────────────────────────────────────────────┐
│                 Online public markets                │
└─────────────────────────────────────────────────────┘
```

Federal	↔	District	↔	Towns

```
┌─────────────────────────────────────────────────────┐
│               Governmental process                   │
└─────────────────────────────────────────────────────┘
```

```
┌─────────────────────────────────────────────────────┐
│                 Publics Services                     │
└─────────────────────────────────────────────────────┘
```

	CITIZEN	**COMPANY**
Computer --→		
--→		
TV/console ---→		
Phone ---→		
---→		
Kiosk ---→		
Local agency --→		

8.2.   e-Solutions

e-government : the "e" which makes the difference

e-solutions

e-learning

Networkorganisation		e-Procurement
Accessibility on line 7/7 24/24	**E-GOV**	e-Customer Relationship Management (G ↔ Cit and G ↔ Comp)
Integration Back office		Administration "self service"

"One-stop"
Administration

8.3. <u>Review and Reorganize the public services</u>

- Accessibility of the services

    - Admittance to the public
    - Procedures and process easy to find
    - Accessibility to personal data
    - Individual services
    - Free accessibility

- Real integration of the process

    - Public services with real time (internal and external)
    - Cooperation agreement
    - Compromise public services
    - Personalized relations ("1-to-1")

- Network working for the service's

    - Internal : cooperation between authorities and the other departments or local authorities
    - External partners

- Human resources management and new public services

    - Leadership and management of the performance
    - Responsibility and independent work
    - Constant training and e-learning
    - Availability of information technologies

- Guarantee of public service

    - Computerization security
    - Authenticity of the service
    - Private life confidentiality
    - Confidence

- E-democracy, communication and taking part.

8.4.   <u>ACCESSIBILITY</u>

- New technologies of accessibility

  - Internet, computer accessibility call centre, GSM, TV, e-mail

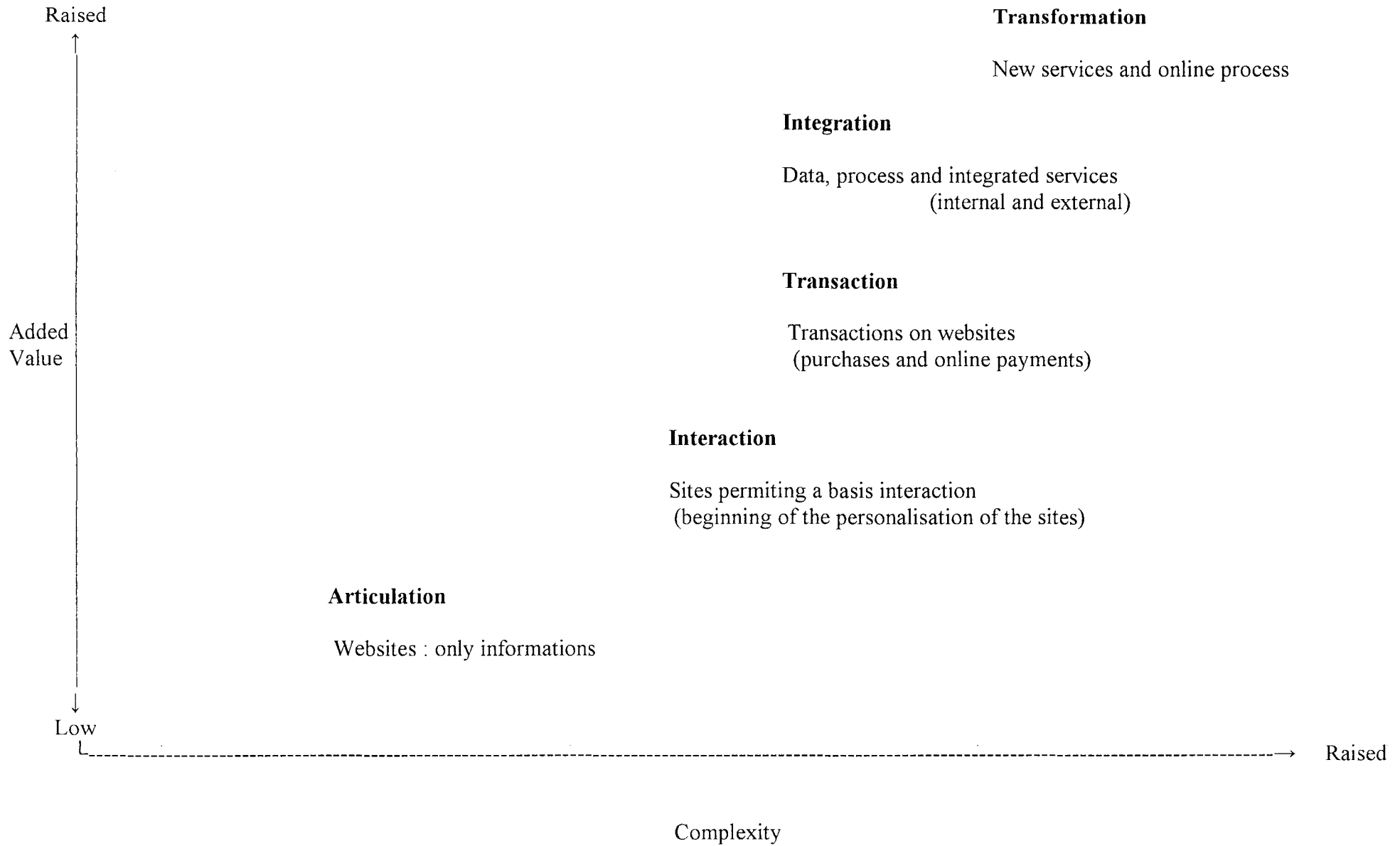- To Organize a direct access with help.

- Cyber-administration but with human contact

- Improve all the public services for the service to the public

- To institute Direct dialogue

- To support the training to the new information technologies ("e-learning")

  - Internal : cooperation between authorities and the other departments or local authorities

8.5. To develop the chain of value of the e-Administration

Raised

Transformation

New services and online process

Integration

Data, process and integrated services
(internal and external)

Transaction

Transactions on websites
(purchases and online payments)

Interaction

Sites permiting a basis interaction
(beginning of the personalisation of the sites)

Added
Value

Articulation

Websites : only informations

Low

Raised

Complexity

8.6. The modernized Administration

To restore the legitimacy

Directed to the customer

Communicative

Accessible, available

Trustworthy

Sure

To restore a efficient organization

Qualitative

Measurable performance

Quick

Centred on the results

Clear

To move the processes of the decisions

Interactive

Democratic

A proactive

Self-service

Re-engineering

Integrated

With Network

With responsibilities

Participing