

A Better Knowledge for the Partners of the Belgian Cadastre

Francis GABELE and Marc VANDERSCHUEREN, Belgium

Key words: Uniting, Reform, Digitizing, Partner, Notaries, Surveyors, Architects, Juridical Security

SUMMARY

Introduction

Origin of the Belgian Cadastre
Uniting of Cadastre – Registration –
Public Property – Mortgage service

Topic

Reform of the Public Services
Digitizing of the Cadastral map of parcels
Project CADMAP (The Project CADMAP will be the application that will manage the cadastral digital plan. FPS Finances customizes the software “ArcView” to allow recapture, management and updating of the cadastral plan with Belgian geographic coordinates Lambert 72 – IGN)
Project CADGIS (The Project CADGIS will be the evolution of the CAD format to a database where the geographical informations will be tied in alphanumeric informations)
Project PATRIS (The Project PATRIS will collect all the “Patrimonial” data in a “Junction Data Bank” of the Patrimonial Documentation)
Overall strategy on the knowledge of the territory with National Geographic Service
Partner with the “Public Services” (Regional and Town Authorities)
Partner with the Notaries, Surveyors, Architects

Conclusion

Better Juridical Security
Knowledge of the property titles (list and owners)
The boundaries markings
Connection between the Databases

A Better Knowledge for the Partners of the Belgian Cadastre

Francis GABELE and Marc VANDERSCHUEREN, Belgium

1. ORIGIN OF THE BELGIAN CADASTRE

In the beginning, the Belgian cadastre should have been a legal and juridical cadastre system where the immovables files were updated by civil servants.

These immovable files should have been the proof of the property. The civil servants should have an active updating. But it wasn't so because it was not possible to consult all needed titles.

The Belgian cadastre is a "personal cadastre". When we say that the Belgian cadastre is not a juridical cadastre, it doesn't mean the Belgian cadastre has not any juridical quality.

Indeed, the Belgian cadastre doesn't give a title, but without title, the Belgian cadastre can give a presumption. The title proof only comes from the notarial deed. The proof for the third party is possible only if the notarial deed is transcribed in the mortgage service.

The Belgian system consists on assuring the publicity of the immovables which is in fact the ownership during thirty years (titles). The publicity is made by the Registration and the Mortgage service.

2. THE REFORM OF THE BELGIAN ADMINISTRATION

2.1 The Uniting of the Cadastre, the Registration and the State Property and the Mortgage Service

One of the aims of the Reform of the Belgian administration is better knowledge of the Partners of the Public Services.

With regard to the cadastre, already in 1999:

- the services of the Cadastre;
- the services of the Registration and the State Property;
- and the Mortgage Service were united.

2.2 The General reform of the Federal Public Services

The reform of the Federal Public Services has led to the creation of new organization charts and new structures. So the Ministry of Finance became the "Federal Public Service Finance".

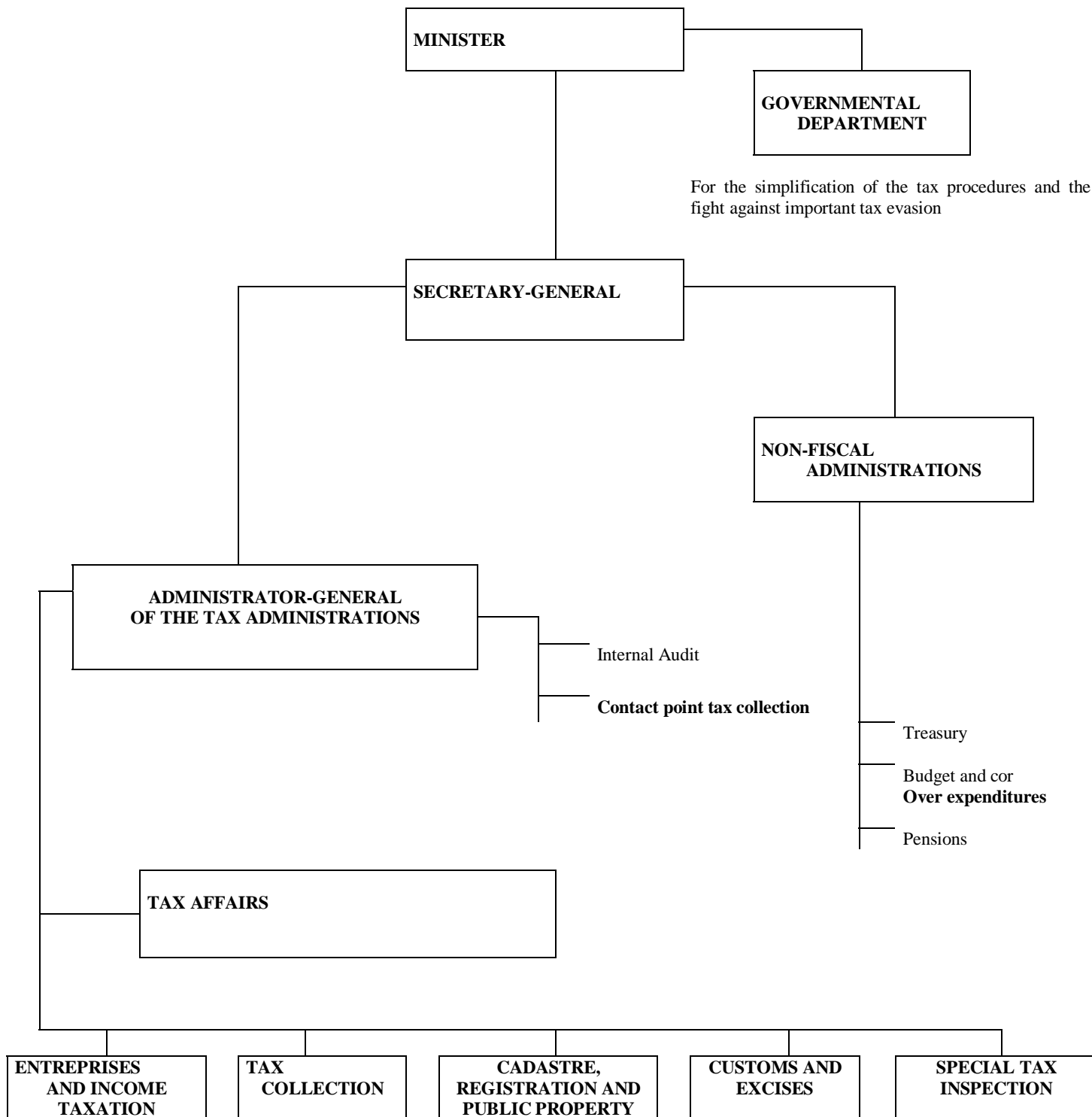
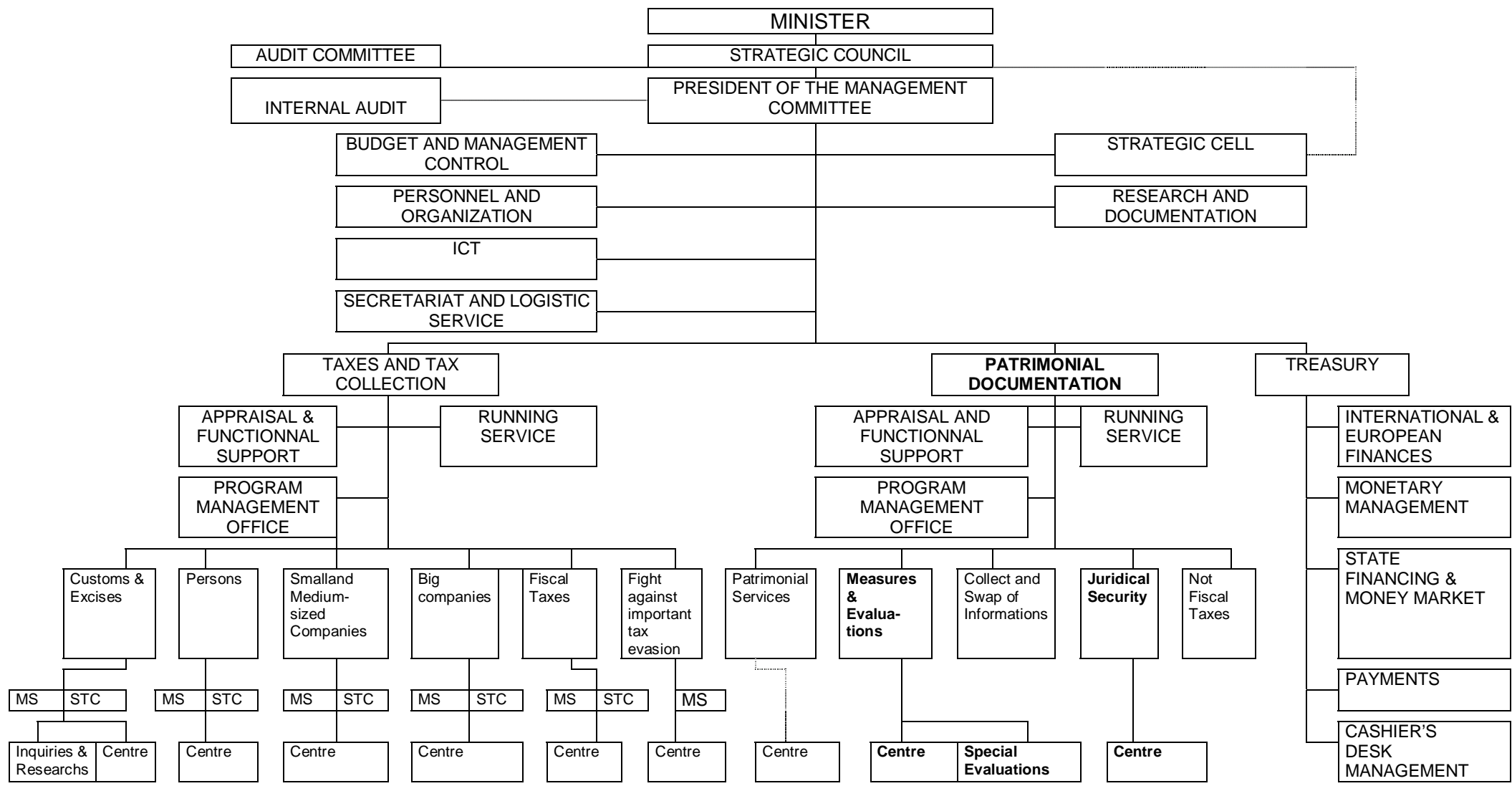


Figure 1 : The Chart of the Ministry of Finance



MS : MANAGEMENT SUPPORT
 STC : STRATEGY OF THE TARGET CLUSTERS

Figure 2 : The chart of the Federal Public Service Finance

The “Federal Public Service Finance” is now composed of the three general administrations:

1. Tax and Tax Collection;
2. Patrimonial Documentation;
3. Accounts Department.

The general administration of the Patrimonial Documentation (before the “Coperfin reform”) Cadastre, Registration and Public Property administration is composed of five general departments:

1. Juridical Security;
2. Measures and Evaluations;
3. Patrimonial Services;
4. Not fiscal Tax office;
5. Collect and Swap of information.

There are also central services with functions of “support - coordination” and controlling. The three “staff services” are:

1. The Service Appraisal and Functional Support;
2. The Running Service;
3. The Service “Program Management Office”.

2.3. Generic programs

Moreover, there are also generic programs:

- the “Citizen Relationship Management”;
- C.R.M. which manages the fact that the user is at the center of the services offered by the administration;
- The Program “Regulations and Procedures of work”.

2.3.1 The “Citizen Relationship Program”

The objectives of the C.R.M.-Program are:

- To give the choice of the interactive way (internet, e-mail, phone contact-center, face to face);
- To know the needs;
- To give a “made to measure” service;
- To give the possibility to have a “one-stop” service the better service;
- To grow the legibility of the formularies, mails and notices. To write according to the “target clusters” with mention of the appeals;
- To create a “FAQ Data base” with a list of the more frequently Asked Questions;
- To create a list of the services (with the phone numbers, mail addresses and e-mails).

2.3.2. The Program “Regulations and Procedures of work”

The Targets of the Program “Regulations and Procedures of work are:

- the improvement of the regulation;
- the shortening of time between the theory and practice;
- the improvement of the legibility.

3. DIGITIZING OF THE CADASTRAL MAP OF PARCELS

An important factor of a better knowledge for the Partners of the Belgian Cadastre is an improvement of quality of the cadastral map of parcels with the Digitizing of the cadastral Map of parcels.

For this, the Belgian Cadastre, has long time agreements with the three regions of the Belgium.

The Digitizing of the Cadastral Map of Parcels is made in four steps:

1. Re-using, updating and management of the “vectorial map files” under CAD 5 (Computer-Aided Drafting-standard);
2. On line access of the Cadastral data;
3. Improvement of the quality of the cadastral map on a regional system of reference;
4. Creation of a GIS.

The fourth step will be the evolution of the CAD format to a database where the geographical information will be tied in alphanumeric information. The updating of the database will be interactive and the different files will be managed in a single operation.

The updating will manage the cartographic symbol of the cadastral map of parcels and the alphanumeric information of the cadastral parcel recorded at the moment on a database DL/1. The evolution of the “DL/1 Format” to an interactive database is a very important component of the plan of management of the Patrimonial Documentation.

This fourth step must also permit an external updating, for example, a land registration before the act transferring the immovable property, and the updating directly by private surveyors.

The Digitizing of the Cadastral Map of Parcels is integrated in several projects of the Patrimonial Documentation :

- the CADMAP Project;
- the CADGIS Project;
- the PATRIS Project.

All these projects lead to a better knowledge of the Cadastral and Patrimonial Data.

4. THE CADMAP PROJECT

- currently we have three different medias for our cadastral map; each media achieves a different purpose on polyester films that are still updated manually each year;
- this map is scanned and is available on CD-Rom;
- some areas have been resurveyed and are available in the .dwg or .dxf format.

The polyester film were vectorised in 2000 and 2001; they are currently corrected, completed and updated.

CADMAP will be the application that will manage the cadastral digital plan. FPS Finances customizes the software “ArcView” to allow recapture, management and updating of the cadastral plan with Belgian geographic coordinates Lambert 72 - IGN.

Main objects on the cadastral plan:

- Cadastral parcels boundaries and the parcel number;
- Buildings;
- Administrative boundaries (cadastral section, municipality, cadastral division, province, ...);
- Toponymy;
- Parcel monuments, municipality monuments, miscellaneous monuments;
- Additional informations (streets, rivers, bridges, ...).

5. The “CADGIS PROJECT”

The “CADGIS PLAN” will come into play during the results of the “CADMAP PROJECT” and it will be the evolution, of the CAD format to a database where the geographical informations will be tied in alphanumeric informations.

The updating of the database will be interactive and the different files will be managed in a single operation. It will be the platform of “the Junction Data Bank” (Banque Carrefour) of the Patrimonial Documentation.

6. The “PATRIS PROJECT”

The “PATRIS PROJECT” is the collect of all the “Patrimonial” data in a “Junction Data Bank” - Banque Carrefour of the Patrimonial Documentation.

This “Junction Data Bank” will include and manage the data of:

- CADGIS (cadastral files and digitized cadastral Map);
- the files of the Registration;
- the files of the Mortgages Service.

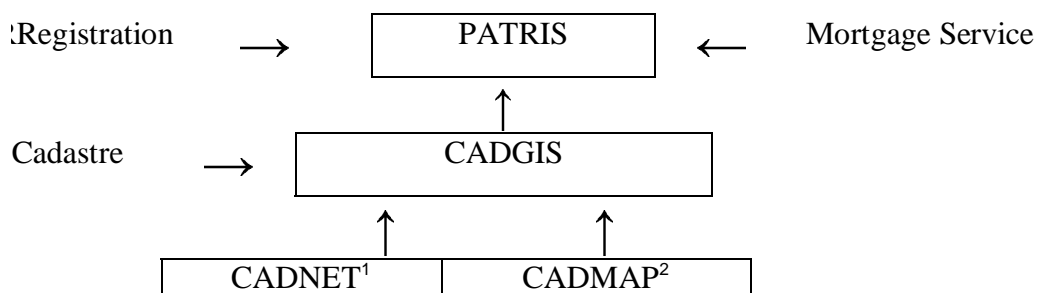


Figure 3: The Patris Project

¹ CADNET: cadastral data

² CADMAP: digitized cadastral data

7. PARTNERSHIP WITH THE “STAKEHOLDERS”

7.1 Partner with the Surveyors

By now, a great number of private surveyors collaborate with the cadastre and this under an agreement that they have signed, to give the swap of informations.

The second phase of this process of collaboration is a law taking in compliance of the Mortgage law that will impose the preliminary cadastration before the act transferring the immovable property and also a map when new boundaries are created.

The third phase will be a law that will impose for each act transferring the immovable property, a “boundary makings plan” made by a surveyor. This “boundary makings plan” will identify the cadastral parcels.

7.2 Partner with the Architects

For the collaboration with the architects there are two mainlines:

- the architects testify the implantation a new building;
- and the consistency of the building.

7.3 Partner with the Notaries

The administration is also orientated towards collaboration with the Notaries. The Notary is the writer of the deed and it is logic that he also makes the analysis of the deed. So the updating of the juridical documentation respects the common intention of the parties and this for a better juridical security.

7.4 Partner with the Public Services

The “Patrimonial Documentation” Department is also orientated towards “Public Partners” like collaboration with the three “Regional Authorities” of the Kingdom of Belgium, the towns, the “National Geographic Institute”, ...

8. CONCLUSIONS

In conclusions, we can say that the knowledge for the Partners of the Belgian cadastre is improved with:

- the uniting of:
 - the Cadastre;
 - the Registration and the State Property;
 - and the Mortgage Service.
- the creation of the “Patrimonial Documentation” administration within the context of the Reform of the federal Public Services;
- the preliminary cadastration;
- cadastration of the Public Property;
- connection between the databases within the context of the CADMAP CADGIS and PATRIS Projects;
- the collaboration with:
 - the Private Surveyors;

- the Notaries;
- the Architects;
- the “National Geographic Institute”;
- others Public Services like: - the Regional Authorities;
 - the “Provinces”;
 - the “Town Authorities”;

BIOGRAPHICAL NOTES

Francis GABELE (57)

Studies: Surveyor certificated by the Belgian State Town Planner qualified by the Town Planning Institute

Practice: - General Auditor, Section Head at the “Federal Public Service Finance” - Patrimonial Documentation (Cadastré, Registration, Public Property, Mortgage Service)

- in charge of the general inspection of the services of the cadastré for Brussels and the Walloon Region
- in charge of the International Relations for the Patrimonial Documentation
- Belgian Delegate to the PCC
- member of the National Council of the Belgian Association of Surveyors
- editor of the review “Surveyor”
- professor of property law (Engineer Surveyor)
- Scientist Adviser at the University of Liège (Geomatic Engineer Department).

FIG: Belgian Delegate to FIG Commission 7

Marc VANDERSCHUEREN (47)

Studies: Surveyor certificated by the Belgian State

Practice: In 1982 – 1983, private surveyor in London, UK.
First Attaché at the “Federal Public Service Finance” - Patrimonial Documentation (Cadastré, Registration, Public Property, Mortgage Service). Human Resources Department.

CONTACTS

Professor Francis Gabele, Surveyor

Marc Vanderschueren, Surveyor

Federal Public Service FINANCE

Central Administration of the Cadastré, the Registration and the Public property

Administration centrale du cadastré, de l’Enregistrement et des Domaines

C.A.E. Tour Finances – Bte 58

Bd du Jardin Botanique, 50

1010 Brussels

BELGIUM

Tel. + 32 2 210 35 50 (Francis GABELE)

+ 32 2 210 34 94 (Marc VANDERSCHUEREN)

Fax + 32 2 210 63 00

Email : francis.gabele@minfin.fed.be

marc.vanderschueren@minfin.fed.be