

Cadastre to the Municipalities

Piero PANUNZI, Italy

Key words: cadastre, digital cadastre,

SUMMARY

The process of “decentralisation” of the Italian Land Registry – known as Catasto, or Cadastre – should be viewed within the broader framework of the national government’s overall reorganization of local government, under way since 1997.

The key legislation on which the process is based is article 66 of the statutory instrument D.lgs 112/96, which provides for the decentralisation of all functions relating to the conservation, use and updating of land registry records.

This provision was enacted by the DPCM (Decree of the President of the Council of Ministers) of 14 June 2007, under which the national government transferred land register functions – subject to application – from the *Agenzia del Territorio* (the Land Registry Agency, a department of the Ministry of Economy and Finance) to the applicant Local Authorities (municipalities).

The deadline of 3 October 2007 established for sending the applications to the *Agenzia del Territorio* is only the first step in the process, not the last; it is simply the starting point for further formalities that need to be completed before the Local Authorities gain a strategic land development, use and planning tool and the new and important service to the public can be effectively launched.

The municipalities that do not enter an application by 3 October 2007 may decide – within 15 July 2009 – to directly carry out new and further functions, which can then be effectively performed from 15 December 2009.

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1. LEGISLATIVE FRAMEWORK

The process of devolution of certain powers and functions by the national to the local governments is based on a succession of primary and secondary legislation, which, over the years, have laid down a set of guidelines and operational measures. The cornerstone of this entire process is Law 59 passed on 15 March 1997, under which the Government was made responsible for the reorganisation of the functions and duties of the regional and local governments and which provided the financial, human, instrumental and organisational resources to be allocated and transferred in order to achieve decentralisation (article 7).

Within the framework of Law 59/1997, the government subsequently enacted D.lgs 112 of 31 March 1998, which provided a list of the land register functions, (i) reserved by the central government (article 65) and exercised also through the establishment of a technical body (article 67), and (ii) transferred to the municipalities as from 2001 (article 66). The above mentioned D.lgs 112 also introduced a provision according to which the municipalities could carry out the functions transferred to them by concluding agreements with the above mentioned technical body established by the national government; later on it was established that this body would be the *Agenzia del Territorio*, under article 64 of D.lgs 300 of 30 July 1999 establishing the Agency.

DECRETO LEGISLATIVO 112 OF 31 MARCH 1998

| AGENZIA DEL TERRITORIO (article 65) | LOCAL AUTHORITIES (article 66) |
|---|---|
| <p>Definition of the rules and procedures for:</p> <p>classifying property (land and buildings) calculating the so-called ‘cadastral income’ (i.e. the estimated value for the type and class of property), for the purpose of reviewing the estimates land registry mapping/map updating maintaining land registers controlling the quality of the information, monitoring and certified management of the related update flows</p> | <p>Management of the land (and building) registers for: conservation/updating purposes use reviewing the estimates and classification (according to article 65)</p> |

To determine the amount of resources to be allocated for the decentralisation process, the government passed a succession of instruments, beginning with DPCM of 19 December 2000 (published in Italian Official Journal no. 48 of 27 February 2001), which set out the necessary

TS 2C – Cadastral Information Services

2/6

Piero Panunzi

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human and financial resources as 4,000 members of staff and 41,317,000 euros/year of funding, of which 10,846,000 euros for investments and 30,471,000 running costs; this figure, however, did not include the costs for paying the wages to the 4,000-strong staff, which has been estimated in a further 114,000,000 euros (for the year 2000 alone).

On 21 March 2001, the government issued a second DPCM (Official Journal no. 145 of 25 June 2001), which re-allocated the resources provided under the previous DPCM at the provincial level.

The funds determined for each province will be apportioned among the municipalities in proportion to their population. Besides transferring staff from the *Agenzia del Territorio* to the Local Authorities, the national government has also undertaken to transfer funds to the municipalities to pay the wages accrued by the staff at the date of transfer. The overall amount of resources transferred to each municipality – or to the aggregate municipalities, if established – can be established in proportion to the resources determined in the DPCM of 21 March 2001.

The future DPCMs will precisely determine the resources to be transferred to each Local Authority deciding to directly exercise the land register functions (either individually, or in partnership with other Local Authorities), without entering into an agreement with the Agency.

1.2 Decentralisation of the cadastre: the decree is published

The **Decree of the President of the Council of Ministers** of 14 June 2007, providing for the decentralisation of the land register functions to the municipalities, in pursuance of article 1.197 of Law 296/2006, was published in the Official Journal no. 154 of 5 July 2007.

Under the decree, the Local Authorities concerned are required to choose how they intend to provide the land register services – **from 1 November 2007** – from among the three options as follows:

a) Level 1 option

1. consulting the national land register database and cadastral measurement services;
2. certifying the cadastral documents stored in the automated database;
3. updating the land register database by processing the title variation applications and the requests for correcting administrative data, including the data relating to placenames;
4. collecting fees and charges in connection with the land register functions.

b) Level 2 option

1. formally assessing, accepting and recording the technical updating reports relating to the register of buildings;
2. comparing the technical updating reports and outcome reports to the *Agenzia del Territorio*, with the records filed by the Local Authority, with respect to the definition of the updating of the register of buildings;

3. formally assessing and accepting the technical geometric updating reports of the land register;
4. formally assessing, accepting and recording the crop variation reports relating to the land register;

c) **Level 3 option**

1. formally assessing, accepting and recording the technical updating reports relating to the register of buildings;
2. formally assessing, accepting and recording the technical geometric updating reports of the land register;
3. formally assessing, accepting and recording the crop variation reports relating to the land register;
4. defining the updating of the land register database, based on the applicant's proposals or on the results of formal assessments.

The Local Authorities must notify the *Agenzia del Territorio* the option of their choice within 90 days, otherwise the functions will be maintained by the Agency.

To perform the new functions, the Local Authorities will be able to rely on a provisional allocation of financial resources for 46 million euros and 2,955 human resources transferred from the *Agenzia del Territorio*.

2. TYPE OF DATA SUPPLIED BY THE AGENCY TO THE LOCAL AUTHORITIES

Two types of telematic data will be supplied by the Agency to the Local Authorities concerned, within the geographical and institutional remit of each, as follows:

1. **“on demand” for all the Local Authorities concerned**, published on a specific request and concerning, with regard to both the land/building register and the vectorial maps:
 - all the actualized land registry data, at a date selected by the Local Authority;
 - the updates made in a certain time interval.
2. **“specific” to the Local Authorities**, or files containing:
 - the data relating to registrations and variations, to be supplied in pursuance of article 34 quinquies of Law 80/2006;
 - the data relating to the “*Adempimento Unico*” (Single Formality) to be supplied for local property tax (ICI) management purposes;
 - the extraction of all the metrical data of the register of buildings, actualized to the date of production, for local waste disposal tax (TARSU) management purposes;
 - the updating of the metrical data of the register of buildings, recorded over a period of time determined for local waste disposal tax (TARSU) management purposes;
 - the outcome of the activities of relaxation of the single property units.

3. PROCEDURES FOR TRANSMITTING AND EXCHANGING DATA: VIA THE WEB AND INTERCHANGE SYSTEM

In order to allow the exchanging of data with all the Local Authorities concerned, two data transfer procedures have been provided for, to date.

The two alternative solutions require different levels of information technology equipment, as follows:

1. Supply of land register data via the Web, with respect to defined geographical areas and which can be downloaded from the “Portale per i comuni” (the portal developed for the municipalities), by connecting to the Internet;
2. Interchange system, with direct communication, based on application cooperation services between IT systems.

The *Agenzia del Territorio* will continue to guarantee the customary supply of data that can be requested from the Provincial Office.

4. APPLICATION PROCEDURE

The Local Authorities intending to apply for the service shall forward the documents as follows to the *Agenzia del Territorio*.

- two copies of the “standard terms and conditions of service”
- the card for activating the service
- the data protection information
- a copy, with autograph signature, of an identity document of the manager in charge of access to the portal.

5. COST OF THE SERVICES

The services put into place by the *Agenzia del Territorio* to ensure the telematic use of the land register database **are provided free of charge**.

To use the data supply service via the portal for municipalities, therefore, the only costs the municipalities, mountain communities, provincial and regional governments will be required to pay are those for the Web connection.

6. IMPLICATIONS/BENEFITS

The direct management of the land register functions will enable the Local Authorities to:

- improve the integration of the technical and administrative cadastral and municipal functions;
- improve knowledge of the land and buildings and, therefore, optimize the related taxation processes;

- foster the process of alignment between land register and municipal data;
- make available to the public a more user-friendly, functional and effective service, because physically provided at the local level and not exclusively in the province of reference.

BIOGRAPHICAL NOTES

Academic experience: Dipl. in Surveying

Current position: President of the Consiglio Nazionale Geometri

Activities in home and International relations:

FIG, Commission 1 and 2 Italian delegate

Vicepresident of EGoS (2004-2006)

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