

LEGAL AND TAX ALERT, 30 June 2015

EASIER ACCESS TO LAND BOOK EXCERPTS FOLLOWING AMENDMENTS TO THE CADASTER LAW

Law no. 150 of 18 June 2015 (the “Law”) amends and supplements **Law no. 7/1996 on cadaster and real estate publicity, regulating in detail the start of the systematic registration works**. By the adoption of this Law, the lawmaker intended to modernize the provision of cadaster and real estate publicity services, in order to allow public authorities, public notaries, judicial experts, bailiffs and other authorized individuals to electronically access the contents of the land book. The implementation of this system should be accomplished by the end of 2016.

Moreover, the Law provides the launch of the National cadaster and real estate publicity program, with the goal of freely registering real estate in the national integrated cadaster and land book system, drawing cadastral plans and opening land books for all municipalities. Public notaries, for instance, shall be empowered to issue, upon request, inheritance certificates for undebated successions, respectively certificates of registration of the possessor of a real estate as owner.

In those municipalities where the systematic registration works are launched, ANCPI will conduct public awareness campaigns in order to inform owners, possessors and other entitled persons of these works, with the scope of identifying holders of *in rem* rights and possessors. The cadastral documentation shall be published digitally on a webpage set up by ANCPI to this end. Therefore, land book excerpts for information purposes may also be accessed in digital format.

The Law refers to means of registering *de facto* possession over real estate, despite the lack of any evidentiary documents of the possessor’s ownership right. If the possession was registered in the land book, the ownership right may also be registered at a later stage (i) *ex officio*, after the lapse of a 3 years term, on condition that no dispute regarding the rights registered in the land book has been registered, or (ii) at the request of the *de facto* possessor or of its successors, on the basis of an ownership title, if the ownership right has been acquired in any manner provided by law. Upon registration of the ownership right in the land book, the latest evidentiary document concerning *in rem* rights over the respective real estate shall suffice.

The ownership right over constructions shall be registered with the land book on the basis of an ascertaining certificate issued by the same local authority that issued the building permit, confirming that the constructions comply with the conditions contained by such permit, respectively that a handover protocol upon completion of works has been concluded.

Last, but not least, the Law provides that a constitutive effect with regard to rights over a real estate subject to systematic registration shall be incidental on the date of the first subsequent registration in the land book, based on acts transferring or constituting *in rem* rights, concluded after the *ex officio* set up of land books for the whole municipality has been completed.

Should you require any further information, please do not hesitate to contact us:

Nicolae Ursu

Managing Associate

nicolae.ursu@bpv-grigorescu.com

Sonia Vigdorovits

Associate

sonia.vigdorovits@bpv-grigorescu.com

Ioana Barbu

PR & Marketing Consultant

ioana.barbu@bpv-grigorescu.com

bpv GRIGORESCU ȘTEFĂNICĂ

33 Dionisie Lupu Street

RO - 020021 Bucharest

Tel. +40 21 264 16 50

Fax +40 21 264 16 60

Web www.bpv-grigorescu.com

Disclaimer

The Legal & Tax Alert publication is an information service provided by **bpv GRIGORESCU ȘTEFĂNICĂ** team.

The content of this material does not represent legal advice. We recommend you to ask for a specialist's opinion before taking or implementing decisions based on the information included in this publication. We welcome your feedback and suggestions for improving this publication at any of the contact details listed above.