



# **EuroGeographics Workshop**

## **Role of the Licensed Surveyor in the Maintenance of Cadastre in Germany**

by

**Wilhelm Zeddies**

**Secretary General of AdV**



# Some Facts about Germany



- 16 states („Laender“)
- Capital: Berlin
- Area 357.023 sqkm
- Inhabitants 82,5 mio.



# Official Surveying and Mapping in Germany



- Official surveying and mapping belongs to the responsibilities of the 16 states
- The administrations belong to different ministries:
  - Interior (8)
  - Finance (1)
  - Economy, Traffic (3)
  - Environment (1)
  - Urban Development (in the 3 city states)



# Cadastral and Land Registry (1)

- Cadastral and Land Registry are separated
  - Cadastral is operated under state law by cadastral offices; Depending on the organisational structure in the state cadastral offices belong to state level or administrative district level
  - Land Registry is operated by the land registry offices in the local courts under federal law (Civil Code, Land Registration Act – „Grundbuchordnung“-)



# Cadastre and Land Registry (2)

- The Real Estate Cadastre is mentioned in the Land Registration Act:

§2 Art. 2:

The properties are named in the land register according to the official register (real estate cadastre).



# AdV

- All 16 State Surveying Administrations as well as the Federal Ministries of the Interior, Defense and Transport, Building and Urban Affairs joined together in AdV (Working Committee of the Surveying Authorities of the States of the Federal Republic of Germany), which was founded in 1948
- AdV is chaired by a president, who is the head of one of the state's surveying administrations; his term of office is 2 years



# Tasks and Responsibilities of AdV

- Recommendations, guidelines and binding regulations for state survey and real estate cadastre in Germany
  - All decisions of AdV are recommendations and have to be transformed into state laws
- Co-ordination of state overlapping projects
- Co-operation in research, development and application of technical methods and procedures
- Representation of official surveying and mapping of the states of Germany in international organisations and co-operation at international level



# BKG (Federal Agency for Cartography and Geodesy)

- Tasks of BKG among others
  - Providing the federal level with geospatial basic data (licensed by the states)
  - providing updating of the geodetic reference networks of the Federal Republic of Germany
  - providing of current digital topographic-cartographic information to countrywide customers (**on behalf of the states via the Geodata Centre**)
  - Representation of interests of the Federal Republic of Germany in the field of geodesy and geographic information on an international level.



# Licensed Surveyor in Germany (1)

- States are responsible for official surveying and mapping
- Institution of the licensed surveyor was introduced in 1938, when official surveying and mapping was centralised in the German Reich
- Today licensed surveyors exist in 15 states (not in Bavaria)



## Licensed Surveyor in Germany (2)

- Part of the official surveying and mapping
- Profession is regulated by law; the laws are similar, but not the same. There are some differences, mostly concerning the co-operation (joint practice) with others
- Licensed only for one state
- Freelancer, but no commercial business



# Requirements for Licensing (1)

- Citizen of EU
- Qualification certificate for the senior sections of the civil service in surveying and mapping („höherer Dienst“)
  - University degree in geodesy
  - Additional 2 years traineeship in the surveying administration
  - Civil service examination („Große Staatsprüfung“)
  - 1 year practical experience in cadastral surveying



## Requirements for Licensing (2)

- Personal qualification und reliability
- Practise the profession self-employed and independently
- The licensed surveyor may employ other surveyors, but no licensed surveyor, who carries out parts of the cadastral surveying
- The licensed surveyor is responsible and has to sign the documents



# Tasks

- Cadastral surveyings for the maintenance of the cadastre (e.g. separation of parcels, surveying of buildings)
- Certification of facts concerning land in relationship with information of the official surveying and mapping
- For these tasks the licensed surveyor has the seal of the state.
- Concerning these tasks the licensed surveyor will be supervised by the state
- The licensed surveyor may also work as a „normal“ surveyor beyond the license. In this case he/she does not work as a „licensed surveyor“.



# Infringement Procedure

- In 2004 EU-Commission had opened an infringement procedure against Germany
  - Reason: GE infringes the regulations about free traffic of persons, capital and goods concerning licensed surveyors
  - GE opinion: profession of a licensed surveyor is a so called regulated profession (by the state), comparable to the notaries, which is protected by Art. 45 EC-treaty and does not fall in Art. 43 (Freedom of Establishment)
  - EU-Comm. abandoned the infringement procedure



# Carrying out a cadastral surveying

- Cadastral office is always responsible for
  - Preparing the cadastral documents and
  - Registration of the results of the cadastral surveyings
- Cadastral surveying may be carried out both by the cadastral office and the licensed surveyor



## Some figures\* (1)

- Number of cadastral offices ca. 400
- Number of land registry offices ca. 1300
- Employees in cadastral and state survey offices ca. 26000
- Number of licensed surveyors ca. 1500
- Employees in their offices ca. 10000
  
- \*2004



## Some figures\* (2)

- Number of parcels: ca. 62,6 million
- Number of cadastral surveyings (without buildings) ca. 170.000
  - Ca. 52% of cadastral surveyings are carried out by licensed surveyors (variation from 0 to 100%)
  - There are political decisions in the states that the surveying administration shall reduce their activities (25% to 0%)
- Number of cadastral surveyings (buildings) ca. 490.000
  - Ca. 30% of building surveyings are carried out by licensed surveyors
- Both cadastral offices and licensed surveyors use the same scale of fees (by-law)
  
- \*2004



# Association of the Licensed Surveyors (BDVI)

- About 1200 of the 1500 licensed surveyors are organised in BDVI (professional association, no chamber)
- BDVI is organised in 15 national associations (on state level)
- Twice a year top-level talk with AdV
- In 2005 AdV and BDVI signed a MoU with the title „Jointly for State, Society and Economy“



Thank you very much for your attention

Any questions ???