

Legal and organisational framework of Lithuania toward responsibilities of land surveyors



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Who is responsible for cadastral surveying

- Juridical person that is granted the license for executing real estate objects' geodetic (cadastral) measurements. State (public) and private companies must obtain a license.
- Licensing in general
 - Land planning licenses are granted to legal entities, but those oblige to employ individuals that are certified (have the qualification permits)
 - Cadastral survey licenses are issued for legal entities
 - Valuation is not licensed. Individuals are licensed by professional association of valuers (self-governing)
- The license for cadastral surveys is granted by National Land Service. Requirements:
 - Managers have to have high education on the subject of geodesy (at least 200 academic hours) and specialists - high education.
 - Technical equipment for executing geodetic measurements

Statistics

- NLS has granted licenses to approx. 400 legal entities for processing geodetic and cadastral survey
 - Around 800 individuals
- Land planning licensors – around 200
- Land planning certificates – around 900
- Public servants that validate cadastral files – around 150

Relevant Laws and Regulations

- Law on Geodesy and Cartography
- Law on Real Estate Cadastre
- Land Law
- Regulation on Real Estate Cadastre
- Licensing Rules for Geodetic, Cartographic and Topographic Works

Supervision and Control of the licensed persons

■ National Land Service

- State supervision of preparation of Land reform plans and Real Estate cadastral measurements, quality control, each 5 years checks quality of licensed activities

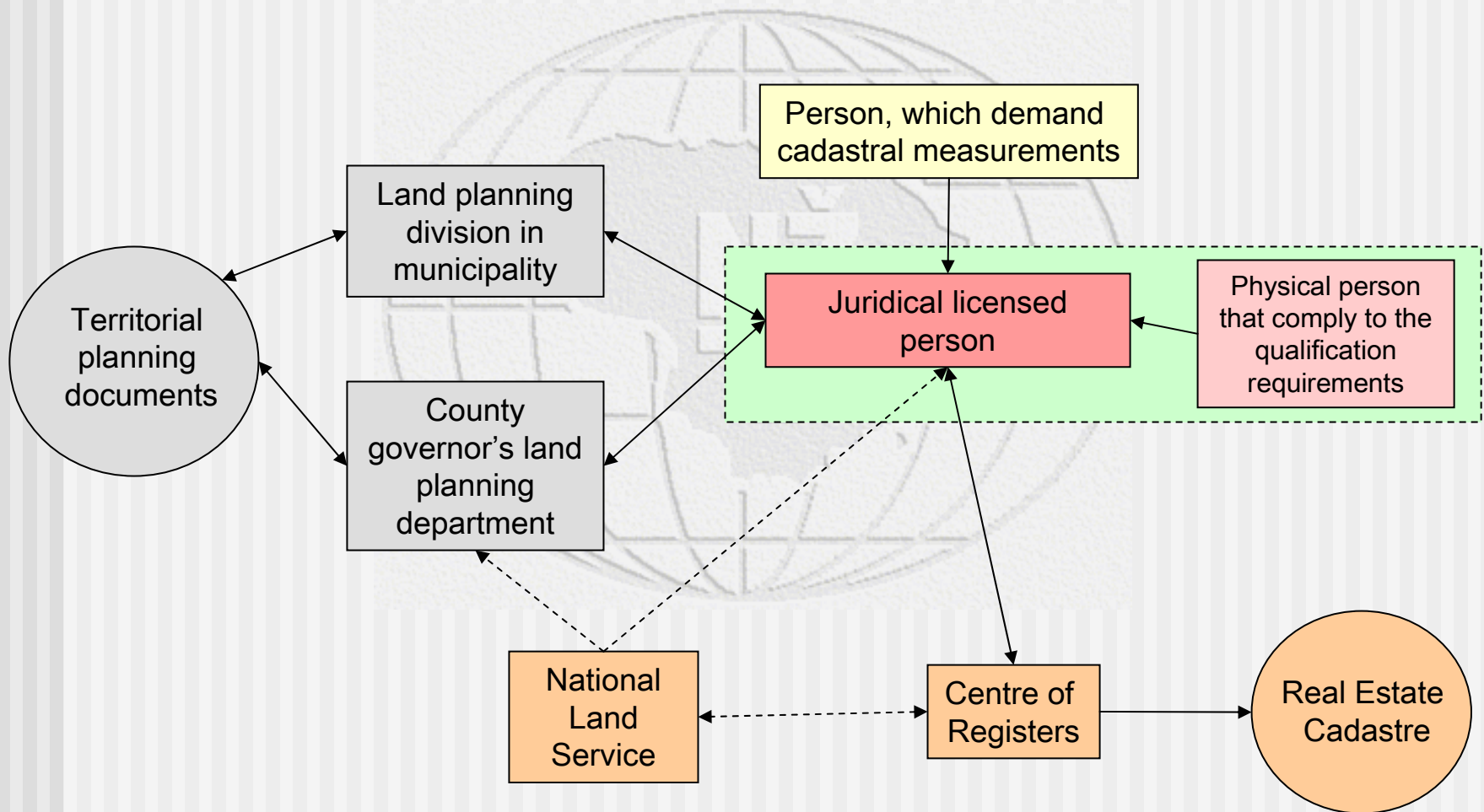
■ Country governors

- Supervise activities on geodesy, topography and geoinformation including cadastral measurements in municipalities

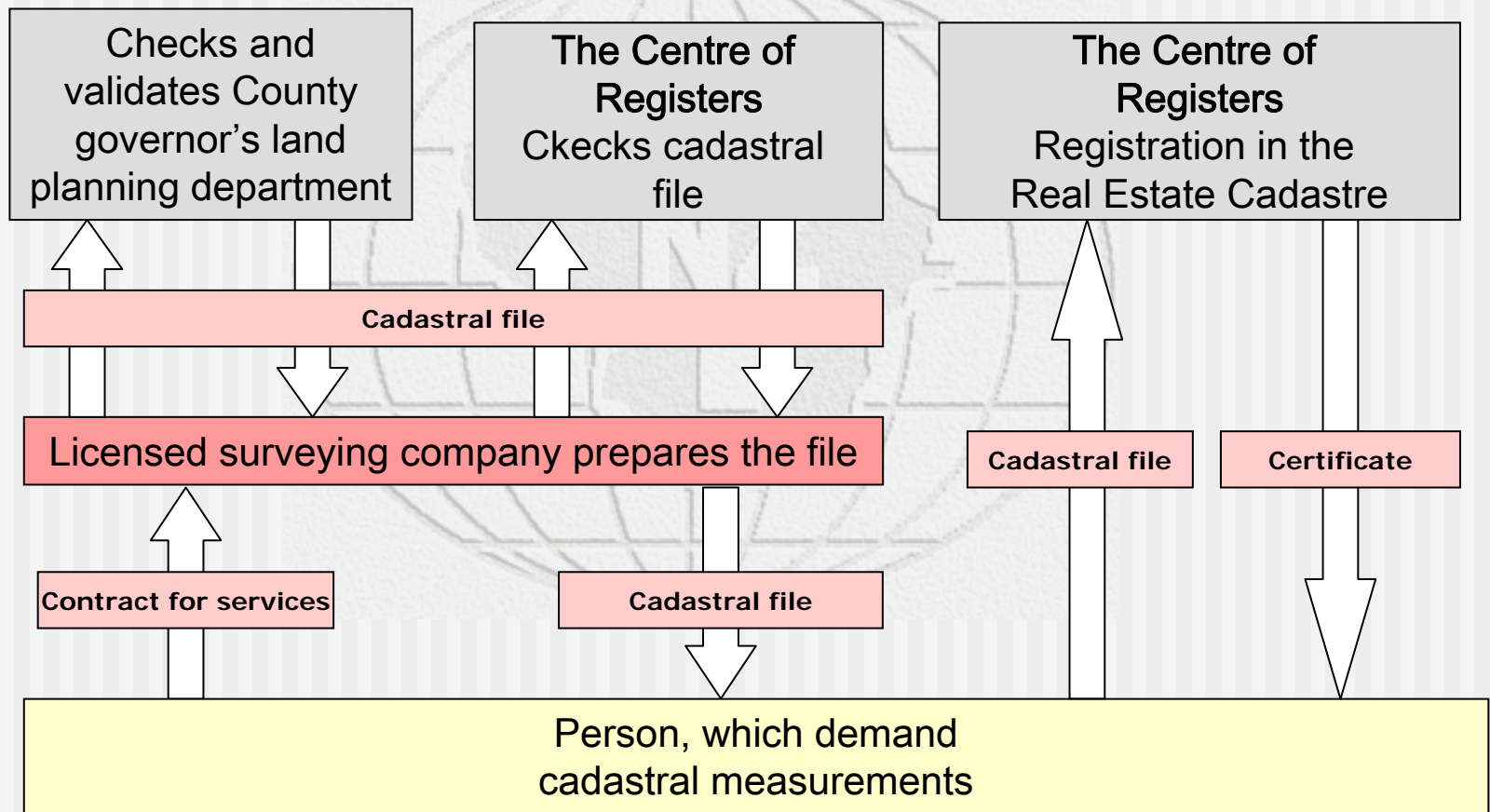
■ Municipalities

- Control of activities on geodesy, topography and geoinformation in municipalities

Formation of a land parcel



Workflow for land parcel registration

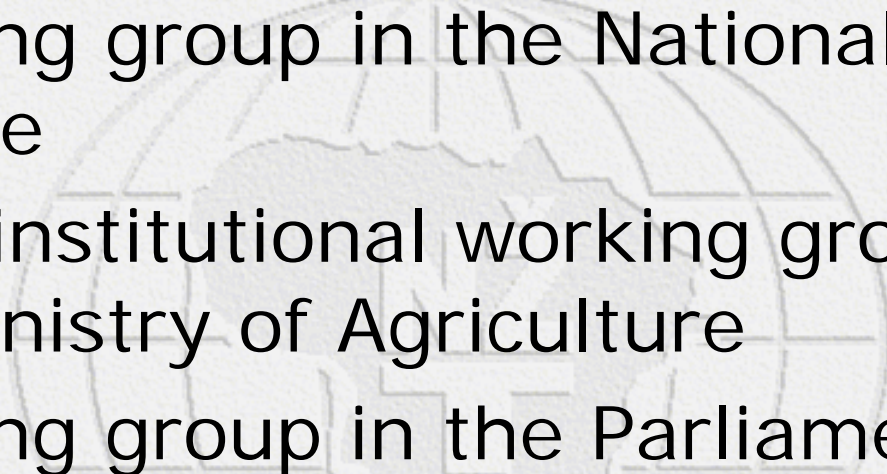


The workflow is a bit different in case of building's cadastral surveys

Issues in regard to the activities of land surveyors

- A lack of personal surveyor's responsibility
- Ineffective control of licensees
- Complicated indemnity of damage
- Qualification of land surveyors
 - Qualification of the public servants in land planning departments of the county governors
- In certain cases cadastral measurements are controlled according to lower accuracy data in the Real Estate Cadastre

Trends to find the “best fit” solution

- Working group in the National Land Service
 - Inter-institutional working group led by the Ministry of Agriculture
 - Working group in the Parliament
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Alternative solutions

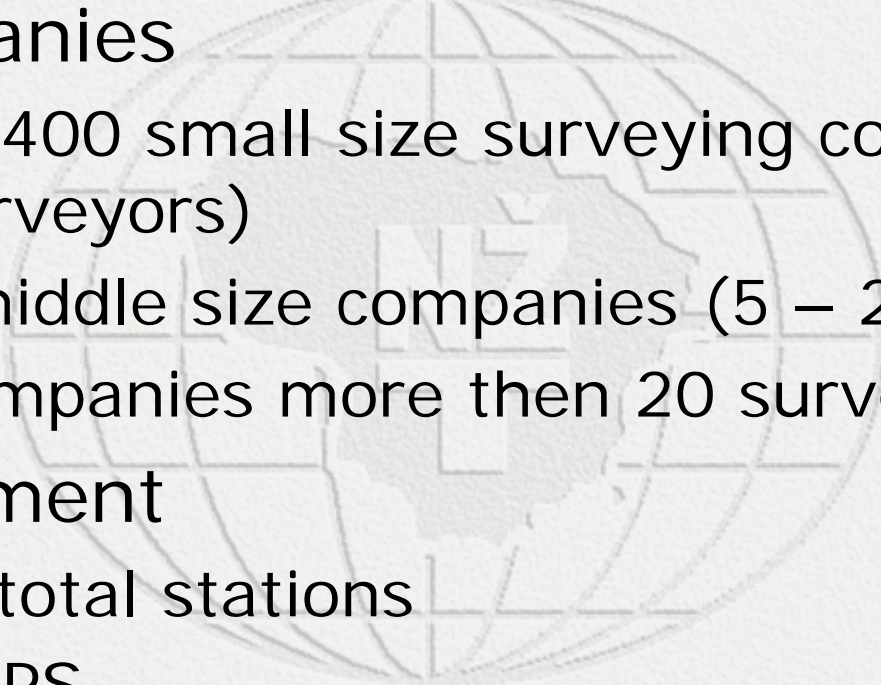
<i>Problems</i>	<i>Correction of available laws</i>	<i>Adopting new Surveyor's law</i>
A lack of personal surveyor's responsibility	Introduction of certificates for physical persons: <ul style="list-style-type: none"> ■ Surveyor ■ Surveyor-expert 	Government body grants the Surveyor certificate to physical person
Ineffective control of licensees	Define stricter requirements for controlling, strength resources in the land planning dep. in County governors	Introduction of Discipline commission consisted of representatives of Chamber of Surveyors, NLS and the Ministry of Justice
Complicated indemnity of damage	Define compulsory insurance for licensees (juridical persons) against to damage to third parties	Define compulsory insurance for surveyors (physical persons) against to damage to third parties
Qualification of land surveyors	Form inter-institutional commission for examining qualification of surveyors	Form Surveyors qualification commission and attestation commission (members from NLS, Ministry of Justice, Centre of registers and the Chamber of Surveyors)
Cadastral measurements are controlled according to lower accuracy data in the Real Estate Cadastre	Correct the law on Real Estate Cadastre defining processes of validation of cadastral measurements	-

Public Private Partnership in Lithuania

Public sector capacities

- Civil servants (1200 - 1500)
- State owned companies
 - State land survey institute (500)
 - State enterprise Center of registers
 - Registrators (500)
 - Surveyors (600)
 - Valuers (70)

Private sector capacities

- Companies
 - 350-400 small size surveying companies (1 – 5 surveyors)
 - 10 middle size companies (5 – 20 surveyors)
 - 5 companies more than 20 surveyors
 - Equipment
 - 150 total stations
 - 40 GPS
 - Almost all computerized
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Competition between P&P

- Cadastral surveys (especially buildings)
 - Around 95% of land surveys were completed by private
 - Around 90% of buildings measurements done by employees of state enterprises (the Centre of Registers)
- Valuation
 - Mass valuation is owned by the Centre of Registers
 - Individual valuation is within a competition
 - Most of individual valuation is done by private valuers

Activities of P&P sectors

■ Public sector

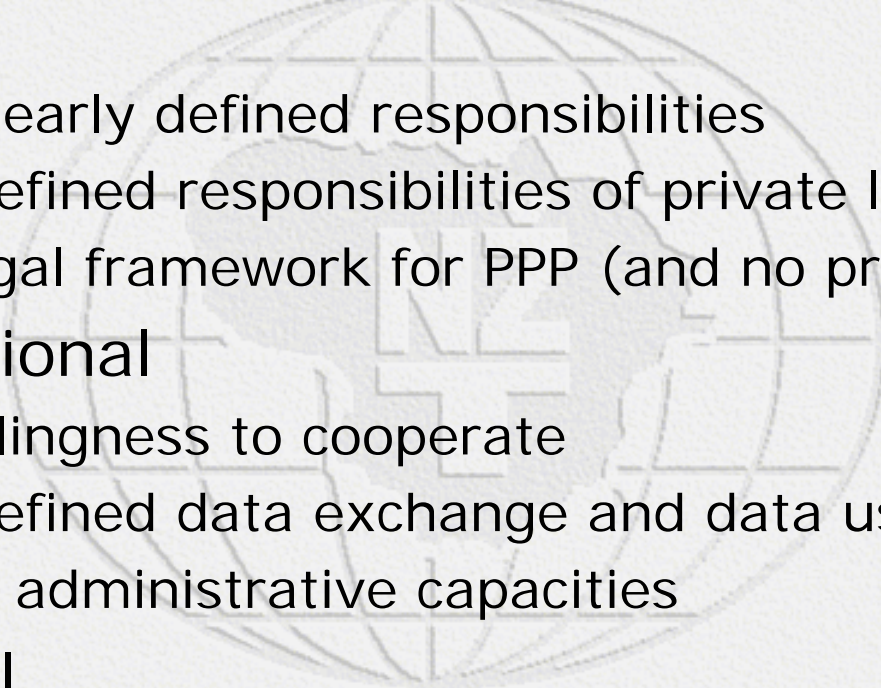
- Detail planning
- Land reform projects
- Cadastral surveys of land
- Cadastral surveys of buildings
- Property registration
- Mortgage registration
- Mass valuation
- Individual valuation
- Topographical surveys
- Base mapping

■ Private sector

- Detail planning
- Land reform projects
- Cadastral surveys of land
- Cadastral surveys of buildings
- Property registration
- Mortgage registration
- Mass valuation
- Individual valuation
- Topographical surveys
- Base mapping

RED – very high presence; BLUE - monopoly; BLACK – shared; GREEN – little presence; GREY – no presence

PPP obstacles

- Legal
 - Not clearly defined responsibilities
 - Not defined responsibilities of private land surveyor
 - No legal framework for PPP (and no promotion)
 - Institutional
 - Unwillingness to cooperate
 - Not defined data exchange and data use procedures
 - Weak administrative capacities
 - Cultural
 - Society's distrust land surveyors
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Questions to be raised up

- What will remain under licensing in the nearest future?
- Will Land surveying (cadastral part) remain as regulated activity (services)?
- Does land surveying (cadastral services) is private business only or it concerns public interests?
- What impact the EU service directive will have on regulated professions, i.e. land surveyors?
- What impact the EU service directive will have to monopolies of public land surveyors where it exists?
- Does Europe has a common vision on land surveying in terms of its regulation and licensing?
- What should be regulated if it should be at all?
- What is best for the people and society?

Thank you for the attention

