

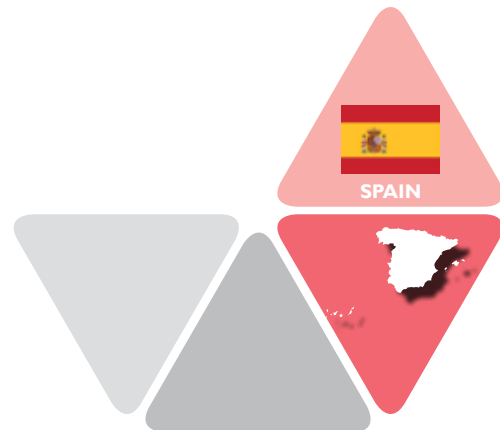
INCREASING LEGAL CERTAINTY AND TRANSPARENCY IN SPAIN

Spain is taking significant steps to increase legal certainty and transparency through the introduction of reforms to the mortgage law and revisions to the law on real estate cadastre (Law 13/2015).

The Spanish Cadastre and the Land Registry are two independent but closely related organisations. The Directorate General for Cadastre, dependent on the Finance Ministry, holds physical and economic data of the real estate together with the identification of the cadastral title holder. It also features graphical databases allowing the location and identification of real estate as well as the assignment of a cadastral reference. The Land Registry depends on the Ministry of Justice and constitutes a legal registry of rights that ensures a high degree of legal security in real estate transactions. The Registry stores titles and deeds and is a freely accessible public information service. The Spanish Cadastre is compulsory by law, the Land Registry is not.

Under the old mortgage law, the Cadastre provided the Land Registry with all cadastral information about the real estate before a title inscription. In addition, notaries and Land Registrars were obliged to include cadastral reference in the deeds and submit all information concerning the documents they had authorised or registered to the Cadastre. Lack of graphic information, however meant that the Land Registry could not accurately define the real estate.

Reforms introduced in 2015 established a system of coordination between the Real Estate Cadastre and Land Registry with web services implemented by both organisations to reduce the administrative burden of the changes. Using the cadastral cartography as basis, it will incorporate real estate information registered in the Land Registry with the graphic geo-referenced description. Once the cadastral data has been incorporated with the real estate information in the Land Registry, the delimitation, location and area data is considered certain for all legal purposes. The Land Registry record will also indicate if the real estate is coordinated with the Cadastre and the date of coordination.



The technical requirements for information exchange and the coordination mechanisms have been developed by a Joint Resolution of the Directorate General of Cadastre and D.G for Registries and Notaries which entered into force on 1 November 2015. This means the description of properties in the Land Registry can now be accompanied by the geo-referenced graphical representation of the real estate using information based on INSPIRE specifications supplied by the Cadastre. The INSPIRE GML format is embedded in the Cadastral Certification and will be used by all agents involved in property transactions.

Citizens may request the addition of a cadastral representation in the Land Registry at any time, however it must be included when there is a modification of the real estate configuration or description, such as first inscription, fusion and land consolidation. If there is a disagreement, citizens can provide an alternative representation which can be added following validation by a public administration and agreement from the Cadastre.

