

real estate - legislative retrospective

Amendment of the Law on the cadastre and land registration. Official Gazette no. 451 of July 2, 2010 published Emergency Ordinance no. 64 of June 30, 2010 on the amendment and supplementing of the Law no. 7/1996 on the cadastre and land registration.

The new normative act has been passed as a result of the loan Agreement between Romania and the International Bank for Reconstruction and Development, dated December 28, 2007, by means of which the Romanian state undertook the responsibility to perform the general cadastre in view of recording all real estate properties in the land register, and brings a series of amendments to Law no. 7/1996.

The Ordinance sets out the stages to be covered in view of a systematic registration of the real estate properties with the cadastre and the land register, regulating an administrative procedure for the identification of the properties and the owners of lands and constructions, so that the real estate properties with respect to which their owners do not hold any deeds of ownership should be inventoried and registered with the cadastre and the land register as well.

An element of novelty is the possibility for any person who has the real estate property's identification data to electronically review the legal status of the real estate property, as well as the possibility to electronically file the registration applications and to obtain information.

An owner of a real estate property may request the registration of his/her possession over such property on the basis of the following documents: (i) the owner's authentic statement, (ii) the certificate attesting to the registration of the real estate property in the agricultural register and in the tax records and (iii) the certificate of fiscal attestation regarding taxes, local fees and other incomes of the local budget.

The constructions built until 2001 without a construction authorization may be recorded in the land register on the basis of: (i) the certificate issued by the mayor of the administrative-territorial unit where the construction is located, which attests to the fact that the real estate property is registered in the agricultural register and in the tax records and (ii) the cadastral documentation, without it being necessary, as it has been so far, to promote a legal action before the courts of law for the registration of such constructions.

According to the Ordinance, the ownership right over the constructions may be recorded in the trade register on the basis of: (i) the construction authorization, (ii) the delivery-receipt protocol at the completion of the works and (iii) the cadastral documentation.

The new normative act regulates the possibility to record in the land register the right of ownership over the constructions per execution stages, on the basis of the following documents: (i) construction authorization, (ii) protocol regarding the physical stage of the construction, endorsed by the representative of the public administration issuing the construction authorization and (iii) the cadastral documentation. In this way one may also trade or encumber the constructions undergoing execution. The ownership titles issued on the basis of the laws of restitution of land properties shall be

real estate - legislative retrospective

recorded *ex officio* in the land register, on the basis of the plotting plans validated by the county commission for the implementing of the laws of restitution of land properties and received by the territorial office.

According to the Ordinance, up to December 31, 2014, the holders of the charges recorded in the transcription-inscription registers shall request, being exempt from the payment of the tariffs charged in the land registry offices, the opening of land registers for the respective real estate properties and the renewal of the charges, under the sanction of non-opposability. Up to the same date, namely December 31, 2014, and also under the sanction of non-opposability, the following categories of persons shall apply for the opening of the land registers, with exemption from the payment of the tariffs: (i) the holders of the real rights transcribed in the old transcription-inscription registers, (ii) the holders of the real rights recorded in the land registers in the areas subject to collectivization, opened in accordance with Law-decree no. 115/1938 and (iii) the holders of the real rights recorded in the land registers opened on the basis of Law no. 242/1947 for the conversion of the provisional land registers into land registration books, and on the basis of Decree no. 2142/1930.

The Ordinance regulates the establishment of the National Register for Street Nomenclatures, which shall record street names at a national level and shall thus allow for the creation of an unitary record of the streets and the administrative numbers.

For more information about the above, please contact:

Daniel Voicu: voicud@vf.ro
Mugur Filipescu: filipescum@vf.ro

26-28 Stirbei Voda Street
Union International Center II
5th floor, 010113 Bucharest
ROMANIA
Tel: +40 21 314 0200
Fax: +40 21 314 0290
www.vf.ro

