

The European Integration Gets Deeper and Wider – How Does This Influence Land Surveyors?

PAUL VAN DER MOLEN
Director of Kadaster International
Chair of FIG Commission 7
The Netherlands



Introduction

Land surveyors have an important job to do. Full concentration on professional activities contributes to a good quality performance. The influence, the European Union might have on land surveying activities in a day-to-day situation, is not so easy to identify. 'Brussels is far away, and the EU-policies are quite abstract'. In this paper we will try to analyse which policies and activities of the EU have relationships with the land surveyor's profession. Furthermore we will analyse the character of those relationships: will they influence for example the context of the profession or even its operational aspects. Finally we may conclude that the EU is more near to our day-to-day activities than we probably realise.

EU directives relevant for the profession

The EU law making process results in Directives, to be passed by the European Parliament and the European Council. Member States are obliged to adapt their own national legislation to these Directives. As such the directives are a powerful instrument in the enforcement of EU policy. Normally there is a deadline included for that adaptation. I will mention some Directives that in my opinion affect the land surveyor's profession.

Directive 89/48 influences mutual recognition of professional qualities

One of the pillars of the European Union is the free movement of people amongst the member states. To abolish obstacles to

the freedom of movement for professionals with a higher education diploma, the EU endorsed the directive 89/48 (21 December 1988) on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years. The directive regards professionals who pursue a regulated profession, which pursuit is subject to the law, or other regulations, and which require a three years higher education diploma, and a professional training in addition. Member states have to allow professionals from other member states to practise their profession; they might only require some adaptation period, or an adaptation test.

A second general system for regulated professions with other qualifications than mentioned in 89/48, the EU introduced directive 92/51 of 18 June 1992. Both general systems were completed by the directive 99/42 (7 June 1999) to include some regulated professional activities that were not covered by the two existing directives.

My conclusion is that land surveyors in regulated professions are obliged to take into account these general systems either when working abroad themselves, or hosting professional from other countries in their own practice.

Directive 89/646 influences property market and mortgages

Since the Second Banking Directive 89/646 is in force since January 1993, the single market for banking has been a reality. Banks and other credit insti-

tutions are allowed to set up branches in other EU member states. This part of the creation of the EU internal market program 1992 to liberalise the market for financial services. Nevertheless the mortgage market remains quite domestic, due to uncertainty presented by the current legal frameworks and the difficulty in exporting national mortgage products. Also there are tax and subsidy related obstacles to shopping across borders. The extent to which a borrower might deduct his or her foreign premiums and interests from his tax bill, differs. It is expected that the introduction of the Euro since 2002 will encourage cross border financial services substantially (Hardt, 1999).

My conclusion is that the ongoing liberalisation of the mortgage market will make the property market move faster, which sets higher requirements to the performance of land surveyors, involved in subdivisions, valuation and planning & development.

Directive 92/34 c.a. influences land use planning

The key of the Habitat directive (Directive 92/43 on the conservation of natural habitats and of wild fauna and flora) and the Bird Directive (79/409 on the conservation of wild birds) is the protection of biodiversity and the establishment of a coherent European ecological network. EU member states are obliged to allocate areas for protection of fauna and flora, which protection can only be lifted because of reasons of major public interest and lack of alternatives. The Netherlands allocated meanwhile 79

areas under the Bird Directive and 141 areas under Habitat Directive, in total 1 million hectares. (Fels, 2001).

My conclusion is land surveyors involved in planning and development, have to take into account the effects of the designation of areas for habitat and birds.

Directive 93/36 c.a. on public procurement, also of land surveying services

The Treaty of Rome embodied the initial public procurement rules, which prohibit any discrimination on grounds of nationality and any restriction in the choice of supplies or services (art. 6). There is free movement of goods (art. 30), freedom of establishment (art. 52), and freedom to provide services (art. 59). The rules are meanwhile consolidated in 4 directives: 93/36 for the award of public supply, 93/37 for the award of public works, 92/50 for the award of public services, and 93/38 for utilities. The contracting public authorities to which the directives apply are the State, regional and local authorities, bodies governed by public law, and associations formed by regional or local authorities. Various thresholds and time limits are put into practice (EU Procurement, 2004).

My conclusion is that land surveyors both in public and commercial practice have to follow the rules for public procurement.

Directive 03/98 influences the use of public sector geo-information

Regarding the use and re-use of public sector information (PSI) the directive 03/98 (17 November 2003) became into force. Member states shall adopt their national laws before 1 July 2005. The rationale is that public sector information is an important primary material for digital content products and services and will become an even more important content resource with the development of wireless content services. Broad cross border geographic coverage will also be essential in this context. Wider possibilities of re-using public sector information should inter alia allow European companies to exploit its potential and contribute to economic growth and job creation. Minimum harmonisation rules are therefore necessary. The directive does not contain an obligation to allow re-use of documents; the decision whether or not to authorise re-use will remain with the Member states. Whether

charges are made, the Directive urges for charges that do not exceed the marginal costs for reproducing and disseminating the documents (EU Directive, 2003b).

My conclusion is that land surveyors working both in public and private sector related to geo-information activities are obliged to follow this directive.

In general: encouragement of the internal market

Meanwhile the European Commission published its Internal Market Strategy 2003–2006, in order to make work the internal market better. Especially in the light of the ambition to be the most competitive economy in 2010, the Commission developed a ten-point plan. Priorities include the enforcement of the internal market laws, making free movement of services into a practical reality, removing remaining obstacles to trade in goods, and building genuine public procurement markets (EU, 2003a).

My conclusion is that the application of the earlier mentioned directives even will be stronger.

EU programmes relevant for the profession

Satellite Positioning

Galileo, the European Programme for Global Navigation Services, will be the first satellite positioning and navigation system for civil purposes. It will be more advanced, more efficient and more reliable than the US GPS monopoly. The US-GPS and the Russian Glonass system were developed for military purposes during the cold war. Galileo aims at avoiding the current problems in accuracy, insufficient reliability in regions at high altitudes, and insufficient penetration in dense areas and town centres. Furthermore, because of the military use, signal interruptions in USGPS or Glonass can have disastrous consequences, as shown in quite a few civil aviation cases. Galileo will cost (including the launching of 30 satellites) about 3 billion EUR. Applications are to be expected in the field of transport, energy, finance & insurance, agriculture, fishery, personal navigation, search and rescue, crisis management, environmental management, and recreation. Commercial options will be possible from 2008 (Galileo, 2003).

My conclusion is that land surveyors in operational practice have to adopt the European Satellite Positioning System in the coming years.

Research

The Research Framework Programme is the EU's main instrument for research funding in Europe. The Sixth Programme is operational as of January 1, 2003 for the next 5 years and comprises a budget of about 17.5 billion EUR. The purpose is to create a so-called European Research Area, through co-operation between several partners from different countries. The dedicated fields are life sciences, information society, nano-technology, aeronautics, food quality and safety, sustainable development, and citizens & governance. The sixth programme has two new instruments in order to move from project-funding to the funding of programmes, namely networks of excellence and integrated projects (EU Research, 2004).

My conclusion is that land surveyors involved in research have to co-operate more with other countries.

eEurope

On 8 December 1999 the European Commission has launched an initiative 'eEurope: an Information Society for All', aiming at bringing every citizen, home and school, business and administration online and into the digital age; creating a digitally literate Europe, supported by entrepreneurial culture ready to finance and develop new ideas; ensuring that the whole process is socially inclusive, builds consumer trust and strengthens social cohesion. This initiative – called eEurope 2002 – has been followed up by eEurope 2005 aiming at modern online public services like eGovernment. In the year 2005 there should be access to broadband and a secure information infrastructure. These programme fits into the goal to be the most competitive and dynamic knowledge based economy by 2010 (EU eEurope, 2004).

My conclusion is land surveyors involved in geo-information services will be heavily influenced by this programme.

eContent and EULIS

Part of the eEurope program is a special action plan to develop eContent. This programme runs to 2005, with a budget of 100 mln EUR (Bodenkamp, 2002). This programme provides funds for the EULIS project, which stands for European Land Information System, and which aims for the realisation of a prototype for easy access to reliable land information in various European countries (Laarakker, 2003).

The EULIS project reveals that land

surveyors involved in land information services will be affected by eContent.

GMES

The Global Monitoring for Environment and Security GMES is a political initiative to secure Europe with an autonomous and operational information production system in support to environment and security policies. Such a capacity should be available in 2008, with which the EU might conduct better informed foreign and aid policies and fulfil better commitments made in the context of international conventions. There should be an operational system in 2006. The system should consist of three main components: a partnership between the key European actors, a European shared information service, and mechanisms to maintain the dialogue between stakeholders of information production and use (EU GMES, 2003).

My conclusion is that land surveyors involved in topographical and thematic mapping should take into account this new system.

INTERREG: planning and development

Co-operation and integration among the regions in Europe, for the period 2002–2006 is through the INTERREG programme, with a volume of about 5 billion EUR. The programme has three components: cross border co-operation, transnational co-operation, and interregional co-operation. The aim is a harmonious spatial integration of large areas within the framework of economic and social cohesion. That includes for example the improvement of transport and telecommunication systems, joint management in the field of energy, environment and water, the preparation of transnational strategies and plans for co-ordinated and balanced spatial development (Helander, 2002).

My conclusion is that land surveyors involved in regional planning and development should take into account these interregional aspects.

Education

On 19th June 1999 31 ministers of education endorsed the Joint Declaration on the European Higher Education Area (the 'Bologna Declaration'). The aim is the adoption of easily readable and comparable degrees of higher education, by the introduction a two-cycle system on undergraduate and graduate. Access to the second cycle shall require the successful completion of the first cycle of three years.

Introduction should be ready before 2010. The European Union supports this initiative through including the Bologna-objectives in its programs for higher education such as Tempus and Erasmus Mundi.

The EU influences education in Europe through specific programs. The aim of all programs is to encourage co-operation between member states, in order to improve European knowledge and better quality. The EU pursues the Socrates program 2002–2006 (budget of 1.8 billion EUR), the Leonardo da Vinci (2002–2006) for vocational training (budget 1.15 billion EUR), the Tempus program (annually budgeted) for higher education together with TACIS and PHARE countries. A new program is Erasmus Mundi, supporting inter-university European Masters Courses, fellowships for third country scholarships at EU universities and scholarship for EU national for third countries. (EU Education, 2004).

My conclusion is that lecturers and students in land surveying will be faced with these intentions.

Spatial Data Infrastructure

The three Commissioners of Environment, Statistics, and Research signed a memorandum on the creation of an Infrastructure for Spatial Information in Europe (INSPIRE). The INSPIRE initiative aims at making available relevant, harmonised, and quality geographic information to support formulation, implementation, monitoring, end evaluation of Community policies with a territorial dimension or impact. The INSPIRE expert group focuses on a stepwise approach: through standardisation, harmonisation towards integration (INSPIRE, 2004).

My conclusion is that land surveyors involved in geo-information supply will benefit from such an infrastructure.

Response of land surveying organisations

There are various initiatives taken up by land surveyors organisations and associations to cope, or to provide response to EU developments.

CLGE

To represent the land surveying profession to the European Union, in 1970 was established the Comité de Liaison de Géomètres-Experts Européens (CLGE). About 22 countries have a representative. The main aim of CLGE is to aid the development of the profession in general, and to facilitate

the general system of mutual recognition of the regulated profession of land surveyors. Later in the '90 some organisations of liberal land surveyors professions established 'Geometers Europa' as a specific lobby group (CLGE, 2004).

EUROGEOGRAPHICS

Established in 2001 as successor of CERCO, EUROGEOGRAPHICS comprises about 40 national mapping agencies in Europe, and aims at facilitating the development of Europe's Spatial Information Infrastructure by bringing people and organisations together. Projects include the development of European specifications for reference data, 1:250,000 European Topographic database, contribution to the Global Map (Eurogeographics, 2004).

EUROGI

The aim of EUROGI, established in 1994 as a collection of about 22 national councils for geo-information from various countries, is to maximise the effective use of geographic information for the benefit of the citizen, good governance and commerce in Europe and to represent the views of the GI community (Eurogi, 2004).

EUROCADASTRE (Permanent Committee on the Cadastre in the EU)

One of the conclusions of the First Congress on the Cadastre in the European Union, held 15–17 May 2002 in Granada, Spain, was to propose the creation and start-up of the so-called Permanent Committee on Cadastre in the European Union. As a result of this decision, in a meeting held on 14 October 2002 at the headquarters of the Joint Research Centre JRC in Ispra (Italy), the representatives of the institutions responsible for the cadastre in 15 Member states of the EU agreed to formally constitute the Committee. The mission is to create an adequate space in which full awareness might be promoted regarding the activities developed by the EU and the Member States related with cadastre. By means of this information, strategies might be developed and common initiatives proposed with the aim of achieving greater co-ordination among the different European cadastral systems and their users (Eurocadastre, 2004).

Some considerations about the future

In general, the European Union (EU) encourages the free movement of people,

goods and capital within the Union. One might reasonably wonder whether this would effect the regulations on property rights, land registration and cadastre of the distinguished member states and consequently the role of surveyors. After all, persons and companies moving from one member state to another will certainly face different concepts of real rights (*'rights in rem'*), mechanisms for transferring real rights, concepts of land registration and cadastre, mortgage regulations, services, and legal securities. The same occurs for land use planning and development, land taxation, and all kinds of land related public prescriptions. Financial institutions, which are active on the cross border mortgage market, have to deal with different concepts of mortgage, different ways to establish mortgages, different systems of securing mortgages, so that the liberalisation of the EU-mortgage market has been hampered so far, by lack of transparent concepts and procedures.

The impact of the EU accession policy will aggravate this variety, how desirable that accession might be from a political and economical point of view.

Almost all countries in the world have their own property regime, their own system of securing land rights, and specific systems of land registry and cadastre etc. This is caused by the fact that the relationship between men and land directly relates to the norms and values in a society as developed through the years. As such the EU has been showing wise policy to respect these differences, by stating – in article 222 of the European Treaty – that the Treaty will not affect the issue of property in the various member states: such matters fall under national jurisdictions. The question arises to which extent this statement can be maintained, now that EU policies affect more and more the national jurisdiction of the member states. This is equally valid for the influence of the EU on the jurisdiction of potential member states regarding the accession requirements they have to fulfil (van der Molen, 2002).

Conclusions

The previous sections reveal that the EU, both in legislation and action-programmes, influence the profession of land surveyors. It depends of the actual professional activity that a land surveyor pursues, if that influence is of a contextual or operational nature. Changes in e.g. the educational system will be a context for a practitioner, for a lecturer however

quite operational. Adapted approaches to interregional spatial planning will be contextual for practitioners, operational for land use planners.

Regarding the broad scope of the land surveyor's profession (FIG, 2004) my overall conclusion is as follows.

Land surveyors involved in practical surveying might be influenced by the Galileo system.

Land surveyors involved in abroad surveying might be influenced by the mutual recognition of professional qualifications.

Land surveyors involved in surveying companies might be influenced by the public procurement rules.

Land surveyors involved in practical valuation might be influenced by the liberalisation of the mortgage market.

Land surveyors involved in land use planning and development might be influenced by the protection areas and the interregional and transnational aspects.

Land surveyors involved in the geo-information supply and industry might be influenced by the approach to public sector information, the e-developments and infrastructures.

Land surveyors involved in education and research might be influenced by de two-cycle education and co-operation between member states.

More in general, the free movement of persons, goods and capital may lead to a further harmonisation of property rights, land registration and cadastre. This will not be a short time development, as civil law is still the competence of the Member States. As – step by step – EU also influences civil law elements (timesharing ownership, mortgages, intellectual property rights), also the professional work of land registrars and cadastral land surveyors may be affected.

Finally: the European Union is coming closer to the land surveyor in day-to-day practice then he/she might expect.

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