

ringen af produkterne vil fortsætte og at indkøbsorganisationer med få relativ store udbud vil dominere i fremtiden. Vores modtræk er bl.a. at satse på optimale og konkurrencedygtige lavprisproduktioner med stor volumen, da indtjening per enhed i dag er væsentlig lavere end for 10 år siden. Hjemmeorganisationen skal tilpasses volumen, dvs. jo større volumen, der er i virksomheden, jo større er også mulighederne for at være en selvstændig aktør i branchen med egen produktudvikling og påvirkning. Vi forventer, at der som modvægt mod en række få store firmaer,

vil være en lang række små virksomheder med kort levetid, da de ikke vil være profitable. Indgangsbarrieren er dog i dag så lav, at det vil blive forsøgt igen og igen, evt. på tilskyndelse fra kunderne for at holde prisen i bund.

En alternativ model er at udvikle firmaerne i bredden og fokuserer på geodata meget bredere end blot med produktion af data således at bearbejdningen (GIS) og kartografien og distributionen af data over f.eks. internettet bliver ligeså vigtige forretningsområder i firmaet.

Et andet alternativ er, at private kort-

lægningsfirmaer fremover vil være afdelinger i f.eks. rådgivende ingeniørfirmaer, hvor synergien med andre ingeniørmæssige discipliner er ligeså afgørende som den selvstændige produktion.

I alle tre situationer ligger der en undertone af, at branchen i dag er under pres og at de enkelte firmaer skal foretage nogle valg for at skaffe den nødvendige luft til forsat overlevelse og udvikling, dette være sig ved volumen, ved yderligere differentiering eller ved at blive opslugt som selvstændig branche.

## Nordiskt samarbete i EULIS – European Land Information Service

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### Introduction

A well-functioning property market is generally considered as being fundamental for economic growth and prosperity. The opportunities for access to credit that are created through the use of real property as collateral is of great importance in this respect. In order for the market to function properly it is necessary to have access to information about, among other things, ownership, encumbrances and property values. Good access to information contributes to making it possible for all actors in the market to participate on equal terms, to increased transparency and to keeping transaction costs down. The need for professional involvement in transactions of different kinds can for example be reduced as the citizens themselves have easier access to relevant and up-to-date information.

The EULIS project has aimed at showing how an electronic European Land Information Service can be designed, what obstacles there might be and how these can be overcome, as well as showing the functionality of the proposed outcome through a demonstrator. In this way it is possible to illustrate the positive effects of having information readily available across borders.

The demonstrator contains:

- reference information from all participating countries (Austria, England and Wales, Finland, Lithuania, the

Netherlands, Norway, Scotland and Sweden)

- fully live register information from two countries (Norway and Sweden)
- live register information, but restricted to a few properties, from one country (Austria)
- demonstrations of the register services from five countries (England and Wales, Finland, Lithuania, the Netherlands and Scotland).

### Why EULIS?

The member states of the European Union have reached very different stages of development when it comes to land registration and processing of land information. In the candidate countries considerable efforts are being put into the establishment of a property market, not least through restitution or privatisation programmes. Many countries have also come quite far when it comes to using IT in land registration and other land related matters.

The computerised information is generally made available through the efforts of the responsible agency, directly or through distributors/resellers. The use of the information is regulated through, among other things, legislation on public access to government records and privacy. In the most developed countries when it comes to land information systems there is now a very fast process going on concerning services and applications. This develop-

ment is however restricted to the national level. The possibilities, first and foremost concerning the area of greatest interest for individual citizens, i.e. transfer and mortgaging of a family home, to transact across national borders are however small – mainly because of the high transaction costs. This also contributes to the fact that the number of e.g. financial actors in the national markets, and thereby also the competition, is in fact kept down.

Land law is, and will for a foreseeable future remain so, a national issue, but there is good reason for improving the availability of and access to information in order to, among other things, taking away obstacles that might exist for financial institutions. The European Mortgage Association has also pointed this out. The execution of what the proposed project finally proposes can therefore be seen as a measure to eradicate trade barriers, at the same time as the possibilities for private sector companies to exploit public information is increased.

Up until now real property transactions have been national in the sense that few actors have worked across national borders. This has meant closed markets, often little competition and the consumers have difficulties when comparing costs etc. Those who have chosen to own real property in different countries have experienced trouble and high costs when attempting to mortgage property situated

in another country, as well as when actually buying the property.

The development of Internet banks and telephone banking does however mean that a radical change of the market has started. New opportunities for the single individual to compare conditions, etc. are provided. Many Europeans can now get a loan and borrow money without setting a foot in a bank office. The possibility to get a mortgage for a family home on the Internet already exists. But the problems associated with accessing information about land – such as who is the registered owner or title holder of the property, what encumbrances exist or where the property is registered – still exist. The establishment of a European Land Information Service seeks to address this problem.

As part of the preparations for the EULIS project, the individual participants made limited, national market studies. The results of these studies vary, but show that:

- The present lack of information, both for individual properties and on the legal conditions in a specific jurisdiction, means that there is an unwillingness to do business with properties in other countries.
- The information about e.g. ownership of real property or security in real property in other countries is often collected through the assistance of local experts.
- Even though national experts still must be used to understand the meaning of the information, improved access to information will be of help in order to put more specific questions to such experts, and also make it easier to be able to refuse a loan application at an early stage.
- It is very time-consuming to obtain the information.
- It is easier to get hold of information if the bank has offices of its own in a country, or there are established contacts with local experts.
- The institutions seek the information that is necessary to give an impression of the physical and legal conditions of the real property before any decisions about granting of loans and conditions of the loans.
- The more information the institutions have access to the greater chances to get involved in the local market.
- The European Land Information service should provide information about, registered ownership, rights,

easelements, site leasehold grant/ possession, particulars of the rights of users, mortgages, earlier conditions, tax assessment value, purchase price, building information, encumbrances, environmental pollution and approval from authorities.

- The information is needed for decisions about loans/credits, property analysis and valuation, acquisition of property, exercise of authorities and property management.
- The information must be reliable, accurate and trustworthy and therefore preferably from a government-related organisation.
- It would be very convenient if the information could be obtained through “one-stop-shop” service, irrespective of the type of organisation.

Finally the study indicates that there is most certainly an increasing interest among consumers in the real property financial market to be able to carry out international transactions more frequently. This does however require that there is an easy way to get access to up-to-date and reliable information on land real property across national borders. There is also a need to unify legislation, e.g. on repossession procedures to make it easier to do mortgages business across borders.

Furthermore, recent work inside the Commission, show that improved access to information is one of many steps necessary in order to create an internal market for financial services.

### Service contents overview

The EULIS service provides land and cadastral information from the countries connected to the service. The service also supports understanding of different conditions by providing explanations to legislation, routines and register contents in the participating countries. The EULIS Service is implemented as a portal.

### Register information in the service

The land information itself is presented in EULIS. This is made without changing or other processing of the information which secures the information authenticity. Common rules for reliability of the information provider concerned will therefore be applicable.

Initially the register information will be presented in the language of the origin country. The possibility of a future translation of the information into other languages will be a question for discussion in

the future. Such a decision needs careful consideration and planning, as national concepts not always are comparable, especially from a legal point of view.

### Descriptive information in the service

The descriptions are made in a systematic, structured way, the same for all participating countries. This makes it possible to use the same model for presentation of all the national conditions in the EULIS service. It also makes it possible to compare different aspects concerning real property between the countries.

### General terms as they are used in EULIS

For the general understanding of the information in the registers as well as the legal environment in the different jurisdictions concerned, a list of common terms has been developed.

The meaning of the term is defined in English, and national corresponding expressions are described with the divergences related to the actual jurisdiction. The list of terms has been used to create functionality in the EULIS service that makes it possible to translate and understand a term in any jurisdiction and the corresponding concept in any of the other countries using the English definition. To start with, the list, not to be considered as a standard – just a tool, will consist of more than fifty common terms.

### EULIS terms

The term list is available in all participating countries' languages. This list also describes the national differences that exist referring to the general definition. Based on this, functionality for translation and comparison between all national concepts is provided.

### Translation of register excerpts and/or the national service

As the legal framework and the information contents in the registers in the participating countries differ, efforts have been made to make the actual information understandable and explained in English.

When it comes to the information itself, specific wordlists are made, relating to offered products and translated and explained examples of register outputs.

### Adaptation of national services to EULIS

To facilitate the understanding it has been decided to include translated parts in the

national services, at least when it comes to headers and explanatory text. For a couple of countries, this has been made already in the demonstrator. A further step is to provide translations also to coded text in the registers.

#### **Descriptions of land transactions and legislation**

For each country, basic descriptions of legislation and land transactions are made. Routines and qualifications for conveying and mortgaging are described, as well as legal effects of registration. Information on land surveying and fees are also given.

#### **Descriptions of national register services**

Register services, such as register contents, offered products, pricing, conditions for access and use, are also described in the service.

#### **Contact information in the service**

The EULIS service contains contact information to information providers and to authorities involved in the real property transactions.

#### **EULIS as a service – conclusions and the future**

The project started January 1, 2002 and is

on track for completion by June 30, 2004. Reactions to the results achieved so far, indicate that a service like EULIS will fit in very well in a future real estate market in Europe. The current project partners are therefore determined to take the remaining steps to create an operational, fully functioning and permanent service. The intention is to include all European countries eventually, i.e. not just EU member states, making it possible for customers of any one partner to access land information all over Europe.

## *EULIS Glossary – metodik och synpunkter av definiering terminologi*

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Terminologi har fortfarande varit en av de svåraste saker att överenskomma internationellt i registrering av fastigheter och andra förbindelserna beträffande fastigheter. Inom EULIS-projekt alla deltagarna har ett gemensamt mål att förstå olika ländernas fastighetssystem och lagstiftning om fastighetsombildning, in-teckningar och andra synpunkter i handel av fastigheter eller rättigheter som gäller dem.

#### **Bakgrund – processynpunkten**

EULIS-projekt syftar till att skapa en Internettjänst av hela Europa, "fastighetsinformation över gränser" från en portal som erbjuder tillgång till de nationella informationstjänsterna. För att kunna utnyttja denna information användaren måste också ha åtminstone ett generalbegrepp om processen av fastighetsombildning och fastighetsöverlåtelse, hur in-teckningarna och andra rättigheterna behandlas osv.

Gemensam synpunkt i de väsentliga faser och aktiviteterna av olika parterna i processen skapades med en enhetlig deskription på transaktioner och registrering av fastigheter i olika länder. Grafisk deskriptionsmodell också presenterar de förnämsta rättsliga effekter som varena av faser eller registrering i dessa faser innebär (exemplar från Sverige, Finland

och Norge). För att skapa en gemensam uppfattning synpunkten måste utvidgas så att den omfattar också fastighetsöverlåtelse, lagfart och in-teckning.

- Viktiga aspekter visade sig vara
- vilken egendom kan in-tecknas och när det är möjligt
  - när registrering skapar skydd emot tredje parter
  - hur prioriteten av rättigheter bestämmas vid registrering.

Lagstiftning och övriga information av olika länder har också refererats på enhetliga sätt i deskriptioner på EULIS portal.

Med hjälp av enhetliga grafiska deskriptioner man kan identifiera de motsvarande funktioner och betydelsen av åtgärder i olika länder samt åtgärder och kompetenser av olika myndigheter. Detta innebär också att vi kan erkänna inte bara skillnaderna men mer analytisk betydelse och nivå av dessa skillnader. Således kan vi säga att närma sig ontologier av fastighetsbegrepp i olika förbindelser.

#### **Behov av Glossary**

Olika fastighetsbevis och andra utdata från de nationella register som utdelas genom EULIS skall översättas till engelska som exemplar eller färdigt, samt ordlista om de vanligaste eller alla ord som företräder

i dem.

Ändå det finns stor mängd olika fastighetsförrättningar och andra åtgärder beträffande rätter på mark eller fastigheter i olika länder som registreras i fastighetsregister. Några av dem förekommer i andra länder eller inte. Till exempel England och Wales erkänner sju olika klasser av ägande (freehold) som alla kan ha lagfart. Servitut, nyttjanderätt eller belastningar grundas på olika sätt, i fastighetsförrättning eller registrering av kontrakten. Procedurer med kreditgivning och in-teckningar vid fastighetsöverlåtelse och avstyckning varierar från ett land till annat.

Det var synbart att vi behöver också en gemensam terminologi för att beskriva de sist nämnda skillnader samt för översättningar av output från registerna.

#### **Glossary workshop**

Eftersom användarna av EULIS-tjänsten skall vara olika aktörer på fastighets- och kreditmarknaden, måste ämnesområdet av Glossary också utvidgas från bara fastighetsregister och fastighetsombildning till deras behov också.

Vid workshoppen som hölls i Helsingfors deltagarna från Sverige, England, Holland och Finland, som också representerar de annorlunda fastighetssystemen, lade sig