

Education, Licensing and Access to Market

Piero PANUNZI, Guido MOSCHELLA and Fiorenzo GUARALDA, Italy

Key words:

SUMMARY

In Italy the administration and the spread of cadastral data are managed by the Land Agency.

Within this management it is possible for the private citizen but above all, for the private professional man, to stipulate agreement for the consultation (through payment) and for the professional, and not commercial, use of data.

Within this agreement, the Consiglio Nazionale Geometri has constituted with the So.Ge.I (General Society Data Processing) an association called GeoWeb for the distribution and the use of cadastral information on behalf of the surveyors professional men, who are the biggest users of these information for professional purposes.

The report will be about regulations and prospects that are given by this method of data communication and distribution.

In order to better understand what the report is talking about, it is necessary to give a brief explanation about the Italian Cadastral System.

All the cadastral information are managed by the Land Agency, which is directed by the Ministry of Finances.

Most of the updating proceedings are realized by private professionals men, mostly by the surveyors who work in the field of the Cadastre.

The procedure for preparing a cadastral act is the following:

A private citizen, who wants to divide a part of his lot and wants to sell it, has to go to a surveyor who assumes this task only taking the citizen word or underwriting an act.

Then, the surveyor goes to the cadastral office and through the payment of one or more cadastral surveys, he verifies the condition of the map, the cadastral registrations and the registers of the taxable property.

Subsequently, the surveyor goes on the spot, he proceeds with the survey of the cadastral parcels of the plot and he predisposes the type of subdivision of the area in question using a data processing system placed at disposal free by the Land Agency (PreGeo).

Then, he hands over the printout and a floppy disk signed by the owners of the plot to the cadastral office, that has to approve them, update the map and the registers of taxable property.

The professional man picks up the approved printouts and gives them to the notary for the stipulation of the transaction act of the area which is on sale.

The notary, at that point, provides for the registration of the act to the Registry Office, for the transcription of the act to the Registry Mortgage and for the cadastral registration; all these operations are carried out with a data processing system always placed at disposal by the Land Agency (one model).

A same procedure is almost carried out for the registration of real estate.

When the construction is built, the owner gives to the professional the task of registration.

The professional goes to the Cadastral Office for having a copy of the existing map and of the existing registers of the taxable property; subsequently he goes on the spot and proceeds with the survey of the territory and of the building. Always using the PreGeo Procedure, he provides for the drawing up of the necessary document, the so called "*tipo mappale*" (type of map), and hands all over to the cadastral office that proceeds for the approval of it.

Then the professional picks up the approved document and goes again on the spot and proceeds with the detailed survey of the building. At the end, he predisposes the planimetries of the building and he provides for the classification of the real estate using a data processing system (DocFa) placed at disposal free by the Land Agency.

He brings to the Cadastral Office a copy, signed by himself and by the owners, and a floppy disk containing all the data. The cadastral office provides for the introduction in its archives of the data proposed by the professional.

It stands to reason that this system, currently mixed cause of the production of also computerized products, is slackened cause of the delivery and distribution of the data in a paper circulation, and cause of the necessity, felt by the surveyor, to go several time to the Land Agency, above all when the cadastral data do not coincide with the real situation.

This kind of difficulty will be soon surpassed thanks to the approval of the law 1234/2004: financial law for the 2005 that introduces the possibility to deliver all acts in a telematic way with the use of the digital signature.

The paragraph 375 provides that since the 1° of march 2005, the updating cadastral acts can be transmitted, with the one computerized model, using only the digital signature of the technician who presented them. At the same time, the taxes will be paid.

But, the professional man has to conserve in his office the paper copy of the document with the original signature.