

The "Management Programs" and the Projects of the General Administration of the Patrimonial Documentation of Belgium

Francis GÄBELE and Marc VANDERSCHUEREN, Belgium

Key words: Cadastre; Digital cadastre; e-Governance; Land management; Legislation; Real estate development; Risk management; Standards

SUMMARY

The "Coperfin Reform", the reform of the Ministry of Finance of Belgium has led to the creation of new organization charts, new structures and new assignments. The Ministry of Finance became the "Federal Public Service Finance".

The general Administration of the Patrimonial Documentation (before the "Coperfin Reform": Cadastre, Registration, Public Property administration and Mortgage Service) has in this context developed generic and specific "Management Programs" and also more than forty technical, functional and structural projects.

RESUME

La réforme "Coperfin", la réforme du Ministère des Finances de Belgique a conduit à la création de nouveaux organigrammes, nouvelles structures et nouvelles missions.

L'Administration générale de la Documentation patrimoniale (avant la réforme Coperfin: Cadastre, Enregistrement, Domaines et Hypothèques) a, dans ce contexte, développé des Programmes de Management génériques et spécifiques ainsi que plus de 40 projets techniques, fonctionnels et structurels.

SAMENVATTING

De "Coperfin" hervorming, de hervorming bij het Belgische Ministerie van Financiën heeft geleid tot het opstellen van nieuwe organigrammen, nieuwe structuren en nieuwe opdrachten.

De algemene Administratie van de Patrimoniumdocumentatie (vóór de Coperfinhervorming: Kadaster, Registratie, Domeinen en Hypotheken) heeft in deze context generieke en specifieke "Management Programs" ontwikkeld en alsook meer dan 40 technische, functionele en structurele projecten.

ZUSAMMENFASSUNG

Die Umgestaltung "Koperfin", die Reform des Belgischen Ministeriums der Finanzen führte zur Einrichtung neuer Organigramme, neuer Strukturen und neuer Missionen.

Die Allgemeinverwaltung der Vermögensdokumentation (Vor Koperfin: Kataster, Registrierung, Domänen und Hypotheken) hat in diesem Zusammenhange allgemeingültige und spezifische Managementprogramme, sowie mehr als 40 technische, funktionale und strukturelle Projekte entwickelt.

RESUMEN

La reforma "Coperfin", la reforma del Ministerio de Finanzas de Bélgica a llevado a cabo la creación de nuevos organigramas, nuevas estructuras y nuevas misiones.

La Administración general de la documentación patrimonial (antes la reforma Coperfin: Catastro, Registros, Dominios y Hipotecas) tiene dentro de su contexto desarrollar programmas des gestion genéiros y especéficos como más de 40 proyectos, técnicos, funcionales y estructurales.

The "Management Programs" and the Projects of the General Administration of the Patrimonial Documentation of Belgium (3222)

Francis GÄBELE and Marc VANDERSCHUEREN, Belgium

1. THE KINGDOM OF BELGIUM

1.1 The Organization of the State

1.1.1

The Kingdom of Belgium is a country in northwest Europe. Straddling the cultural boundary between Germanic and Latin Europe, Belgium is home for two main linguistic groups, the Flemings and the French-speakers, mostly Walloons, plus a small group of German-speakers.

Belgium's linguistic diversity and related political and cultural conflicts are reflected in the political history and a complex system of government.

1.1.2 The political role of the King

In the political field, the King's function does not entail the exercising of personal authority. It is by suggesting, advising, warning and encouraging that the King brings this action to bear on political protagonists. His perspective is one of continuity of duration, of long-term objectives, and of "grand designs" for the country and the State.

1.1.3 The Federal Government

The Federal Government exercises the federal executive power. This Government is now limited to 15 ministers. With the possible exception of the Prime Minister, the Federal Government consists of the same number of Dutch-speakers and French-speakers. Secretaries of State may also be added.

The Government implements the legislation. The Government also participates in the legislative power, through its right of initiative. The Government can submit bills to the Parliament and has the right to propose amendments. This means that it can submit amendments to its own bills, and to the bills of members of parliament. A bill that has been approved by Parliament only becomes law after signature by the Government, i.e. the King and the Ministers.

1.1.4 The position of Prime Minister

The Prime Minister is the head of the Government. In general, he forms the Government of which he leads and coordinates the activities. He chairs the Council of Ministers, and therefore has real authority over his colleagues.

1.1.5 The Regions

Apart from the Federal State, there are the Regions. There are three Regions. The names of the three regional institutions are borrowed from the name of the territory they represent. So we refer to (from north to south) the Flemish Region, the Brussels-Capital Region and the Walloon Region.

Regions have powers in fields that are connected to their region or territory in the broadest meaning of the term.

So the Flemish Region, the Brussels-Capital Region and the Walloon Region have powers relating to the economy, employment, agriculture, water policy, housing, public works, energy, transport (except Belgian Railways), the environment, town and country planning, nature conservation, credit, foreign trade, supervision of the provinces, communes and intercommunal utility companies.

1.1.6 The Communities

In addition to the three Regions, the Federal State has three Communities. They are based on the "language". So we talk about the Flemish, French and German-speaking Communities.

The territory of the Communities:

The Flemish Community exercises its powers in the Flemish provinces and in Brussels, the French Community in the Walloon provinces, with the exception of German-speaking communes, and in Brussels, the German-speaking Community in the communes of the province of Liège that form the German language area.

The powers of the Communities:

Since the Communities are based on the concept of "language" and language is "dependent on the individual", a number of other powers are obviously associated with the Communities. The Community has powers for culture (theatre, libraries, audiovisual media, etc.), education, protection of youth, social welfare, aid to families, immigrant assistance services, etc.

1.2 The Kingdom of Belgium is also... ... in brief...

Motto

"L'union fait la force" (French)
"Eendracht maak macht" (Dutch)
"Einigkeit macht stark" (German)
"Strength through Unity"

Anthem	The "Brabançonne"
Capital	Brussels (50°51'N 4°21'E)
Largest metropolitan area	Brussels Capital Region
Official Languages	Dutch, French, German
Demonym	Belgian
Government monarchy	Parliamentary democracy and Constitutional
- King	Albert II
- Prime Minister	Herman Van Rompuy
Independence	
- Declared	4 October 1830
- Recognized	19 April 1839
EU Accession	25 March 1957
Area	
- Total	30.528 km ²
- Water (%)	6.4
Population	
- 2008 estimate	10,666,866
- 2001 census	10,296,350
- Density	344.32/km ²
GDP (PPP)	2007 estimate
- Total	€ 296.000 billion
- Per capita	€ 28
GDP (nominal)	2007 estimate
- Total	€ 356.000 billion
- Per capita	€ 33
HDI (2005)	0.946 (high)
Currency	Euro (€) <i>Before 1999: Belgian franc</i>

Time zone	CET (UTC+1)
- Summer (DST)	CEST (UTC+2)
Internet TLD	.be <i>The .eu is also used, as it is shared with other European Union member states/</i>
Calling code	32

2. THE "PATRIMONIAL DOCUMENTATION" ADMINISTRATION OF BELGIUM

2.1 The New Chart Organization

The "Coperfin Reform", the reform of the Ministry of Finance of Belgium has led to the creation of new organization charts and new structures.

The Ministry of Finance became the "Federal Public Service Finance".

The Finance FPS collects and manages some 70 billion EUR in taxation every year. This amount covers the majority of public spending. The Finance FPS aspires to the greatest possible fiscal equality. This public service also responds to a series of collective needs. For example, it carries out audits on products and makes sure that property transactions are conducted in a legally sound manner.

The "Federal Public Service Finance" is now composed of three general administrations:

1. Taxes and Tax Collection;
2. Patrimonial Documentation;
3. Treasury.

The general administration of the Patrimonial Documentation (previously the "Coperfin Reform": Cadastre, Registration, Public Property administration and Mortgage Service) is composed of five general departments:

1. Legal Security;
2. Surveys and Valuations;
3. Patrimonial Services;
4. Not fiscal Tax office;
5. Collect and Swap of information.

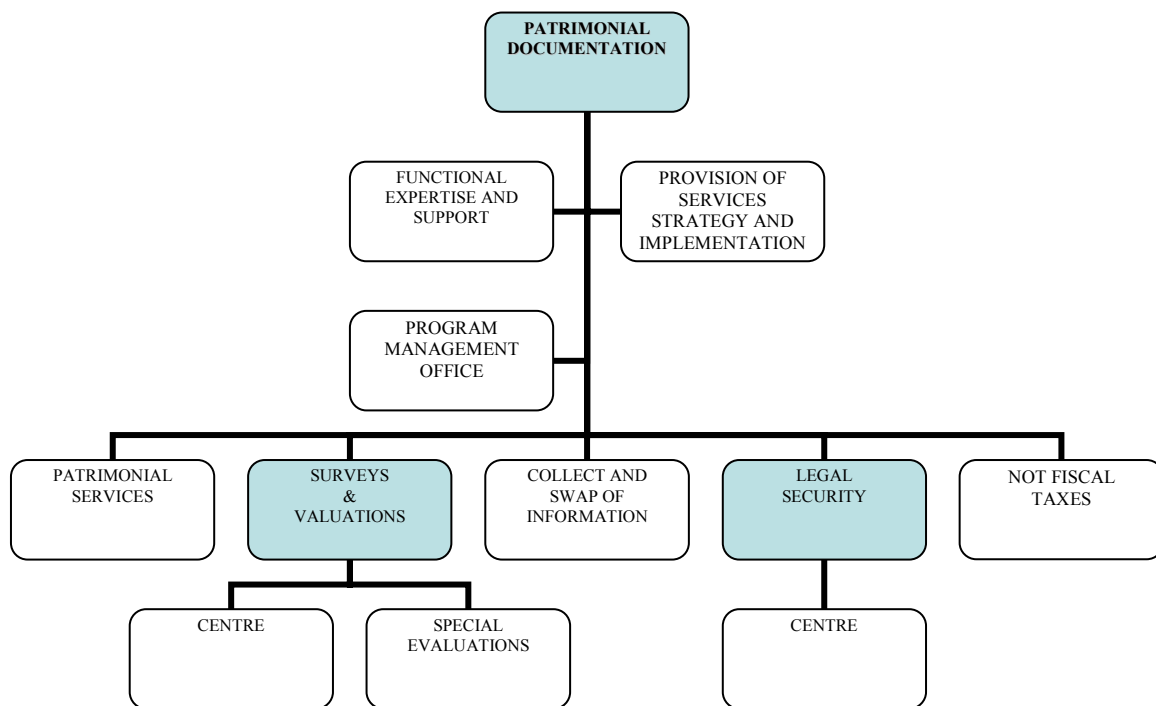


Figure 1 : The chart of the Patrimonial Documentation

2.2 Surveys and Valuations

The "Surveys and Valuations" administration determines and verifies the different values of immovable property (the cadastral income, the market values in respect of the registration duties and the inheritance taxes, the rental value), measure the parcels of land and the construction, determine the boundaries of the pieces of land as well as the administrative boundaries within the framework of the updating of the cadastral map and the development of a geographic information system.

2.3 The new assignment of the "Legal Security" administration (before the Reform: Registration)

"Legal Security" administration collects the registration duties and the inheritance taxes, which are mainly transferred to the Regions, the mortgage duties and the court fees. But beyond the tax mission of this administration, "Legal Security" administration adds an essential legal piece to the puzzle of the immovable property's picture: the publication, by the Mortgage Registry Offices, of the public officers' instruments, with respect to which we have verified the correctness of the data. "Legal Security" administration updates the

documentation in the light of these instruments in order for the information to correspond to reality as soon as possible.

"Legal Security" administration is at the service of the general public world (notaries, bailiffs, lawyers, credit institutions, citizens). "Legal Security" administration makes sure to maintain the quality of the service in order to deserve its complete confidence.

3. THE GENERIC "MANAGEMENT PROGRAMS"

3.1

3.1.1 Introduction

The Coperfin reform has redrawn the organization chart of the Patrimonial Documentation. Three staff departments have been planned. Attached to the General Administrator they are intended to provide a centralized support to the managers and to the operational staffs, which are dependent upon the five organizations. Their respective functions are described below.

3.1.2 Functional Expertise and Support

The department " Functional Expertise and Support" is commissioned to maintain a unit of policy, regulation and implementation of the law; it will be in charge of the organization, the management and the supply of information, especially for its civil servants. It will more or less carry on tasks which are currently done by the Tax Affaires and the Central Administration of Land Survey and Registry. The department will be made up of three branches: "Regulation", which will prepare the legislation, "Legal Expertise", which will be responsible for the setting, the commentary and the defense of the Administration's stands and finally "Working Methods".

3.1.3 Services, Strategy and Implementation

The department "Services, Strategy and Implementation" will be in charge of the setting up and the coordination of initiatives, which fall within the scope of the risk management and the risk profiles. It will be in charge of the approach and the operating of the channels of virtual services such as the Contact Center and Website. Finally it will be in charge of the marketing and the communication.

3.1.4 Program Management Office

The department "Program Management Office" (PMO) will be in charge of formalizing, reinforcing and supporting the various projects of the Patrimonial Documentation. The setting up of the follow-up process and the feedback management will be supported by a project methodology (Prince2) and a program (Clarity). It aims to control the change within the

department and to develop a rational and consistent strategy with respect to the yearly budgetary periods and the requirements of the managers.

The change strategy must therefore make sure to guarantee the consistency and the good supervision with the General Administrator's vision, which is mentioned in his overall management plan. All the necessary planning work for the operationalization of that department has already been made.

3.2 The Operationalization of the Pillar Collection & Exchange of Information

The assignments of the pillar Collection and Exchange of Information (CEI) must be carried out according to the three processes described in the Business Process Engineering, namely:

- the organization of a partners' network;
- the gathering and the exchange of data;
- the management and the monitoring of those processes.

That pillar must be operationalized in two steps:

- a first limited step in order to answer the urging requests from, among others, the notaries and the academic community;
- a second step in order to set up a central databank of patrimonial data as soon as new partnerships are signed; It will imply the carrying out of a pre-study and the operationalization of processes of checking and issuing information existing in the partners.

The first step of operationalization has began in 2007 with consultations in order to:

- set up a small number of partnerships to gather and exchange patrimonial data;
- carry out various protocols to materialize the agreements;
- establish general rules on importation and exportation of data between the partners;
- set up various controls concerning the access to data and their use while respecting the protection of privacy.

In practical terms, that first step applies to the projects Urbain (architects, Regions), Osiris (academic community), DER.VE (notaries) and IPI (Institut Professionnel des Agents Immobiliers). It will allow to build the foundations of the CEI pillar and to prepare the creation of the central databank of the Patrimonial Documentation.

4. THE CONCEPTS OF THE MANAGEMENT PROGRAMS AND THE PROJECTS

4.1 Concepts

The concepts are validated notions that will allow to approach the missions for the bast.

4.2 UNIDENT

Identifying immovable properties in an univocal way in order to improve the establishment of the relationship between persons, duties and properties.

4.3 PRECAD

Implementing UNIDENT; give a previous identification to any immovable property before any intervention.

4.4 Single counter

Abolishing the geographical spreading of the documentation; allow any natural person or legal entity to obtain any information or to deposit a document in any office of the country; a few professionals (notaries, bailiffs, etc) will remain localized for judicial security reasons; the portal will also be integrated in the concept.

4.5 Single file

Consolidating data of persons, their duties, their tax and non tax obligations and their patrimonial obligations.

4.6 Unified formality

Making all the formalities on the basis of a single request.

4.7 Priority of the patrimonial mission

Updating the patrimonial documentation independently of the collection of duties, taxes, salaries that are connected with the transfer or with the constitution of real right.

4.8 Authentic source

Increasing the value of our data and their treatment: we accept therefore the authenticity of the coming products (for example, the national registry) and we deliver outgoing authenticated products.

4.9 Regulation

Draft of a bill concerning the integration of the conservation of mortgages in the public service and concerning the previously surveying and registering of properties.

5. THE "MANAGEMENT PROGRAM" STIPAD

5.1 Introduction

The Integrated system of the Patrimonial Documentation manages in a rational and regular way the portfolio of projects having the same common objective.

This program includes 3 important aspects:

- The technical aspect: modification of the computer infrastructure to adapt to the new technologies;
- The functional aspect: modification of working process in order to rationalize and improve the services;
- The structural aspect: organizational restructuring (new organization chart and new functions) in order to adapt to the technical and business evolution.

5.2 Objective

STIPAD has the ambition to provide to the numerous potential users, as well public as private, the movable and real estate data, but also data about the value of the patrimony of all natural persons and legal entities according to agreed authorizations and with ensured protections of privacy.

At present, the administrations of the general administration of the Patrimonial Documentation have each one, their own redundant information supported by different and incompatible information processing systems.

The level of computerization is also very different according to the administration (some data are still manual managed, often redundant data with on the other, hand computerized data in other administration). The data exchange happens mostly manual, which makes it slower, difficult sometimes, impossible in certain cases.

This structure, or better said non-structure, creates multiple data updates with the consequence of inconsistency a non-reliability of data.

There are many interactions between the different services of the Patrimonial Documentation administration but also many interactions with the external partners like the Private surveyors, the Notaries, the Architects, other Public Services, the Cities, the Regions, the local authorities,...

For a better interaction, the Patrimonial administration must rationalize the data and the updates.

The Objectives of STIPAD are:

- to computerize process and documentation
 - to process and to distribute data computerized
 - to permit quick and easy consultations which are connected to a completeness of information;
- interactive collaboration with the external partners;
- to respond to the evolution and needs of those partners;
- to adapt and to evolve according to the new social, economic and environmental elements;
- to improve service delivery;
 - to reduce deadlines;
 - to improve juridical security;
 - to improve accessibility and availability of information;
 - to guarantee confidentiality of information.

5.3 The functional objective of STIPAD

- to implement the COPERFIN process established due to the BPR (Business Process Reengineering)
 - collect taxes;
 - acquire, manage and transfer goods;
 - evaluate goods;
 - write and draw up an authentic deed;
 - update the patrimonial documentation;
 - deliver patrimonial information;
 - handle discrepancies;
 - process "Non-fiscal taxes".

5.4 PATRIMONY INFORMATION SYSTEM (PATRIS)

- the central element of STIPAD is the patrimonial database, called PATRIS (PATRimony Information System).
- the principal objectives are :
 - to collect, to manage, to update and to communicate all the information related to a natural person or legal entity (active and passive);
 - to ensure the juridical security of data.

An other objective is to create connections with other existing databases concerning the same areas, managed by other management levels.

Around PATRIS, different processes have been developed. The assignments of the "Patrimonial Documentation" Administration have been elaborated in seven generic processes.

- Process 10: to ask duties;
- Process 11: to purchase, to manage and to alienate immovables;
- Process 12: to value im(movables);
- Process 13: to draw up and to come up deed;
- Process 14: to retain and to update the data of the Patrimonial Documentation included the cadastral map of parcels;
- Process 15: to deliver patrimonial data;
- Process 16: to settle the disagreements.

6. THE MAIN PROJECTS

6.1 The Digitizing of the Cadastral Plan of parcels

6.1.1 The Digital Cadastral Plan on the Web

The digital cadastral plan is available on CD-Rom since the situation on January 1st 2006. The next logic step is to be put at disposal on the Intranet and on the Web. In 2007, the situations on January 1st for 2005, 2006 and 2007 have been made available for the civil servants on the Federal Public Service Finance's Intranet. This is only a flat-faced display.

In order to make the digital cadastral plan public on the Web, pilot projects developed in collaboration with the Regions, test the capacity of the system and the network, the visual presentation of the objects and the consequences in case of temporary unavailability of the service.

Now for a limited number of people it is possible to download cliparts such as points, lines, polygons and their attributes via a secured Web service.

6.1.2 The context

The perfect assembling of digitized cadastral sheets is an essential requirement for the creation of a continuous cadastral plan and a Geographic Information System within the Patrimonial Documentation. However, the assembling of digitized cadastral sheets generates gaps and superposings. The motives of those phenomena are historical: the firsts cadastral plans have been drawn up in local coordinates and copied out several times on various supports, which have been distorted with the passing years.

The georeferencing, which was lacking when the cadastral sheets were drawn up, has been superficially made after the digitization of the cadastral sheets. It allows to use research applications based on the location of the cadastral parcels in Belgium.

6.1.3 The adopted solution

As the cadastral sheets are not homogeneously distorted, they are divided into small islands, which are adjusted on the available systems of reference: orthophotos of the Flemish Region for the Flanders, the PICC (Projet Informatique de Cartographie Continue) and the PPNC (Plans Photographiques Numériques Communaux) for the Walloon Region and the German-speaking Community.

As the plans of the Brussels Region have been completely renewed on the basis of data provided by the CIRB (Centre d'Informatique pour la Région Bruxelloise-, they did not have to be subjected to that process.

The "home-made" application, which has been developed in order to adjust island by island to the system of reference, generates a report which mentions the parameters and the remnants of the transformation. The provincial coordinator checks the joints of the various cadastral sheets and by relying on the report of the change, he can identify the various problems and classify them in three categories:

- request 00: blocking problems to solve as quickly as possible;
- request 01: non blocking problems, which do not require cadastral knowledge to be solved; they are annotated with an additional code and eventual comments, showing the procedure to solve the problem;
- request 02: problems to solved but which do not block the running of the Geographic Information System.

All those data are stored in a geographical database in order to guarantee the monitoring, the coordination and the management.

6.1.4 The progress

The first operation of the top-quality georeferencing, the adjustment of the plans and the inventory of joint problems has been entrusted to the Belgian administration "des Grands Levers" (the department of the Belgian Cadastre in charge of the surveys and general maps), which has devoted all its resources to that project from June 2006 until August 2007. Since then, this service attempts to resolve the "requests 00".

The superposing of the plans adjusted to the topographic and patrimonial data of other organizations allows to note a great improvement concerning the absolute positioning of the objects mentioned in the cadastral plan.

6.2 The collaboration with the Institute of Estate Agents

IPI (Institut Professionnel des Agents Immobiliers) and the Patrimonial Documentation have signed on 10 May 2007 a collaboration protocol, which aims at the exchange of the patrimonial data. That protocol also mentions that estate agents will collaborate on the study

of patrimonial entities (unique identifiers of estate objects) and on the writing of structured examples of leasing contracts and sales agreements, which could be used for registration via Internet.

In the end, the estate agents should eventually have access to some data concerning the buildings put on sale and should be able to mention information confirmed by our Documentation in their sales agreements. In exchange, they would provide information useful for the update of the building code and would point out the inaccuracies noticed in the cadastral description of the building.

6.3 The Electronic Exchange of Authentic Deed with Notaries

Consultation meetings occurred in 2007 in order to formalize the collaboration protocol signed on June 12th 2006 between the FRNB (Royal Federation of Belgian Notaries) and the Federal Public Service Finance. They end up in the elaboration of the project DER.VE (Electronic recognizable Document.Sale), which aims at the exchange of data between the signatories. First, the data, which must be structured, must be determined. But at first it will only apply to the pure bills of sale of the full ownership of real estate.

The development of the formalized agreement will be carried out in e-notariat and Stipad. The notary will forward to the competent office an Electronic Recognizable Document (DER) containing structured data and the electronic sending of the deed. Such a deed will not have to be presented in hard copy neither during the registration nor during the hypothecary procedure.

6.4 The cooperation agreement with some utilities companies

The public utility companies Fluxys, manager of the gas network, and Elia, manager of the high-voltage network, manage together more than 11,700 kilometers of pipes and underground cables. For security reasons, they must be able to identify the parcels and the owners of the grounds, which are run through by the pipes and cables. The patrimonial Documentation can help them in improving the geometric quality of the cadastral plan, joins up the owners' files to the land survey and improves the legal security of its documentation. The agreements signed with those companies must allow them to check the cadastral plan's area via one single point of contact: CICC's office (federal point of contact concerning information on pipes and cables).

6.5 Collaboration with the Private Surveyors

During the authentication of a property transaction by a public officer, the notary's intervention firstly focuses on the identification of the parties and the origin of title deeds.

In order to update the cadastral documentation in an optimal way, the Patrimonial Documentation looks for a better legal security as regards the identification of the properties during the execution of deeds, which must be presented to the Mortgage Registry Office.

When the conveyancing applies to a part of a cadastral parcel, a new limit is set up and the Administration must be able to determine the new parcels accurately, which would each have a new identifier.

But more and more often, notaries enclose surveyors' plans with the involved deeds.

A project of Belgian Royal Decree has been tabled in order to make compulsory a measuring plan enclosed with every adjudicative decree or conveyance title, involving the creation of new limits.

With that prospect, it is considered to grant status of public officer to the land surveyors in their missions of land demarcation and the drafting of plans, used for the recognition of limits, a transformation, a settlement of joint ownership and every other report, constituting an identification of property ownership, when those plans can be presented to the transcription of mortgages and other property changes.

7. CONCLUSION

The "Management Programs" and the Projects of the General Administration of the Patrimonial Documentation of Belgium give an opportuneness for a real estate development within the context of a best juridical security.

BIOGRAPHICAL NOTES

Francis GÄBELE (62)

- Studies : Surveyor certificated by the Belgian State
 Town Planner qualified by the Town Planning Institute
- Practice : - General Auditor, Section Head at the "Federal Public Service Finance" – Patrimonial Documentation (Cadastre, Registration, Public Property, Mortgage Service)
- In charge of the general inspection of the services of the cadastre for Brussels and the Walloon Region
 - In charge of the International Relations for the Patrimonial Documentation
 - Belgian Delegate to the PCC
 - Editor of the review "Surveyor"
 - Professor of property law (Engineer Surveyor)
 - Scientist Adviser at the University of Liège (Geomatic Engineer Department).

FIG : - Delegate of the “Patrimonial Documentation administration” of Belgium (member Affiliate FIG)

Marc VANDERSCHUEREN (52)

Studies : Surveyor certificated by the Belgian State

Practice : In 1982 – 1983, private surveyor in London, UK

At present, First Attaché at the “Federal Public Service Finance” – Patrimonial Documentation (Cadastre, Registration, Public Property, Mortgage Service). Human Resources Department.

Project Manager a.i. of the BPR of the Patrimonial Documentation Administration” (Description of the Duties)

FIG : Belgian Delegate of the “Patrimonial Documentation Administration” of Belgium (member Affiliate FIG)

CONTACTS

Professor Francis GÄBELE, Surveyor
Federal Public Service FINANCE
Administration centrale
de l’Administration générale
de la Documentation Patrimoniale
North Galaxy
Boulevard du Roi Albert II, 33 Bte 50
1030 Brussels BELGIUM
Tel. + 32 257 636 69
Email: francis.gabele@minfin.fed.be
<http://minfin.fgov.be>

Marc VANDERSCHUEREN, Surveyor
Federal Public Service FINANCE
Administration centrale
de l’Administration générale
de la Documentation Patrimoniale
North Galaxy
Boulevard du Roi Albert II, 33 Bte 50
1030 Brussels BELGIUM
Tel. + 32 257 634 94
Email: marc.vanderschueren@minfin.fed.be
<http://minfin.fgov.be>