

Welcome in Belgium



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4. PUBLIC RESTRICTIONS



- Population: 11.183.350 Inhabitants (2013)
- Population density: 355 Inhabitants/ km²
- Capital :Brussels
- Motto : "L'Union fait la force"
- Anthem : La "Brabançonne"
- Official languages: Dutch, French, German
- Government : Parliamentary Democracy and Constitutional Monarchy
- King: Philippe
- Independence: 4 /10/1830
- Accession UE : 25 /3/ 1957
- Total Area: 30.528 km² (Water Area: 6,4 %)



2. THE BELGIAN ADMINISTRATIVE STRUCTURE



FEDERAL
GOVERNMENT

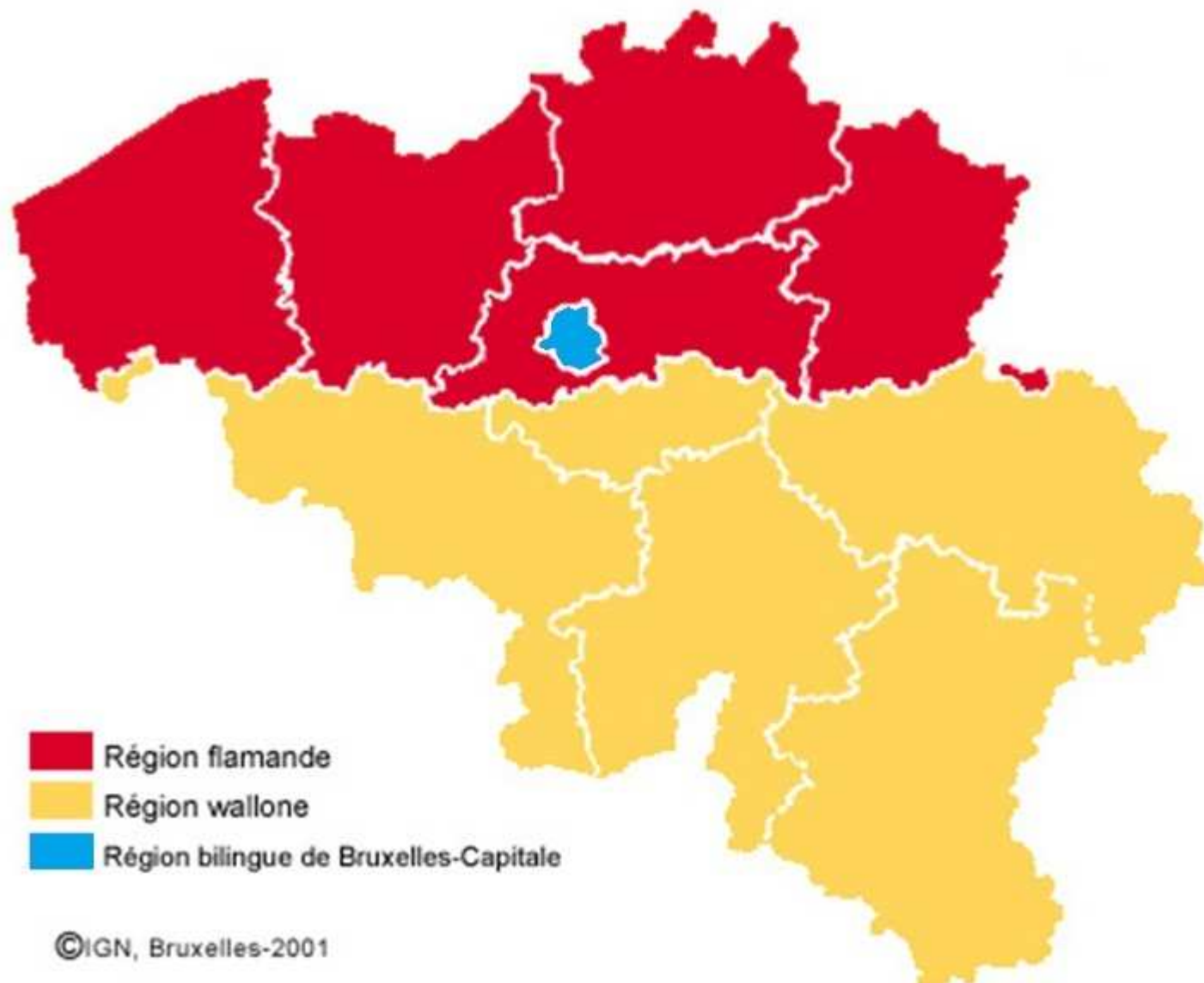
THE KING

3 REGIONS

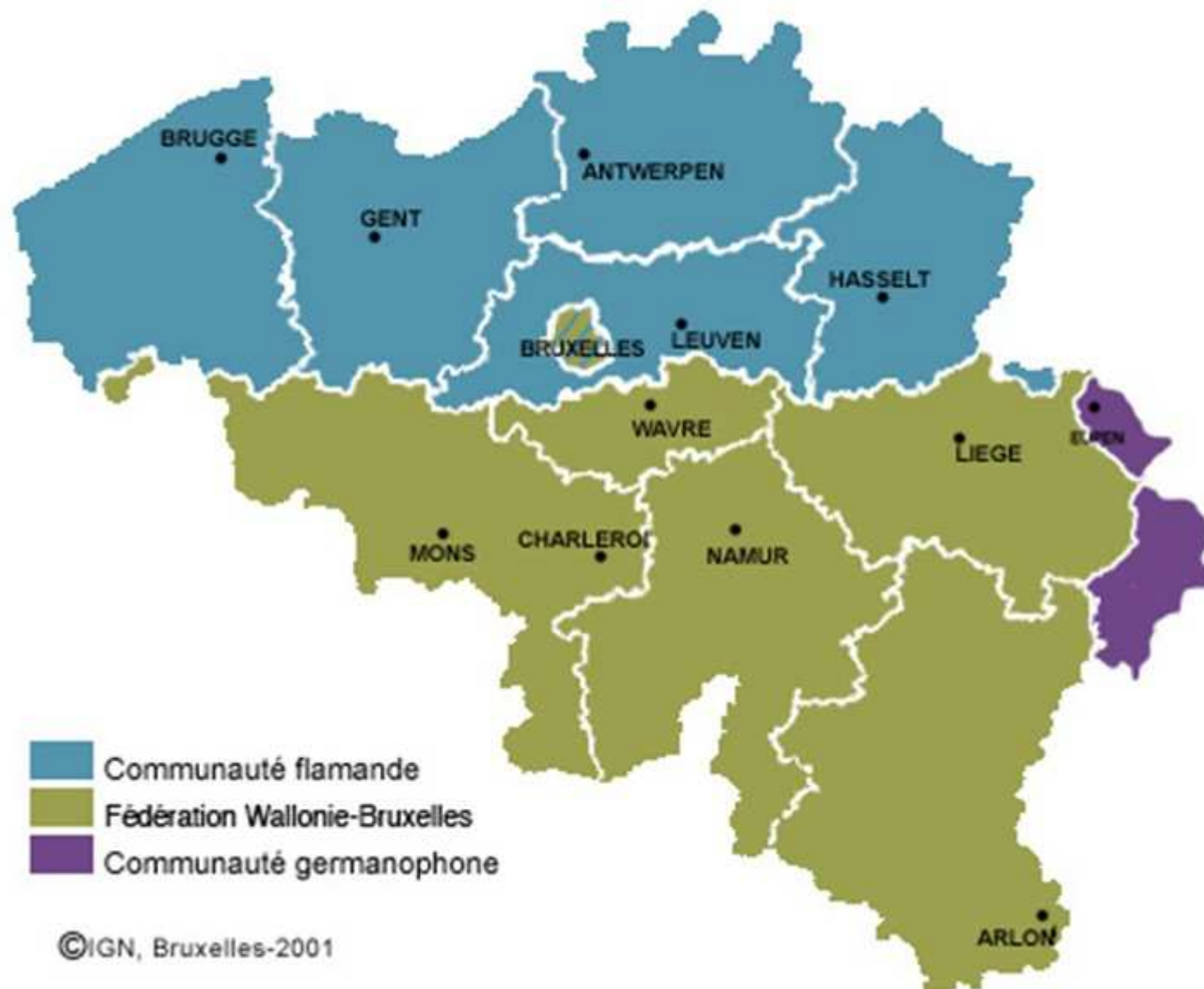
3 COMMUNITIES



Belgian regions

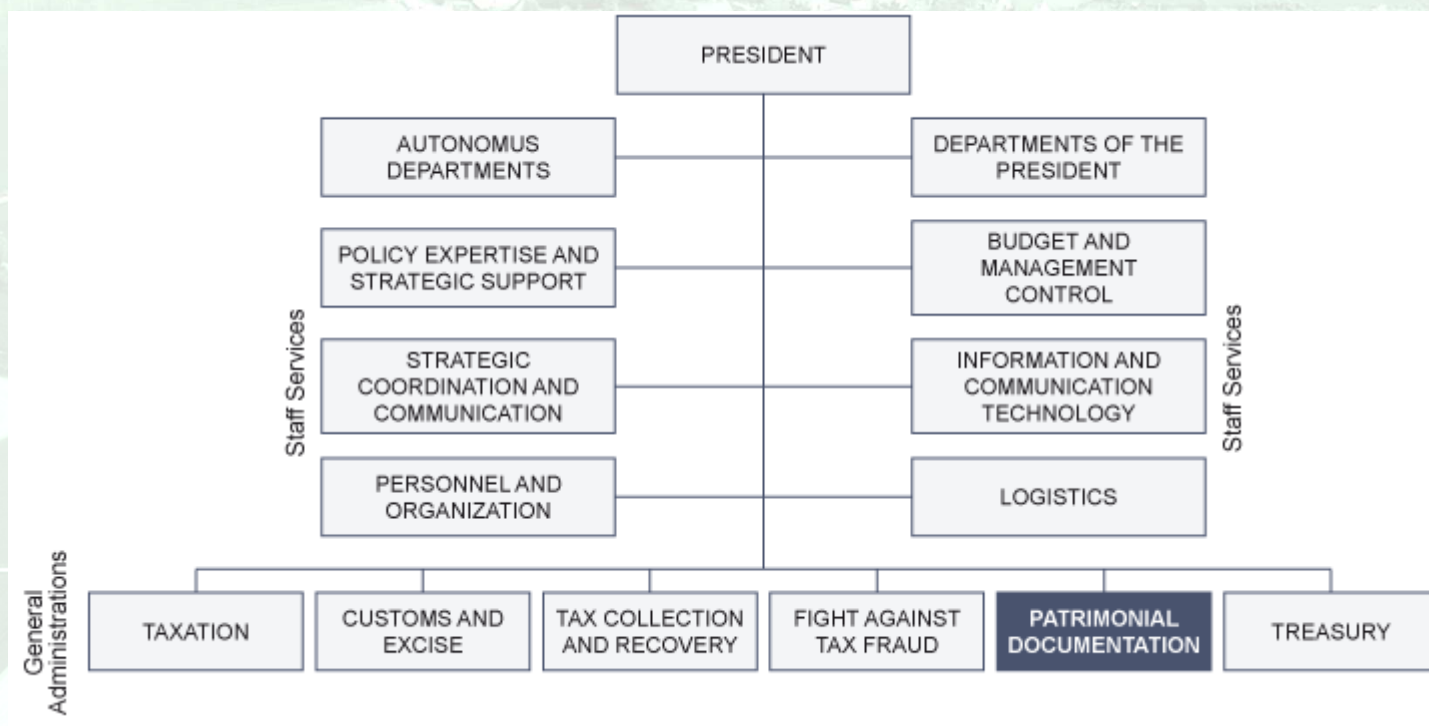


Belgian communities



3. THE GENERAL ADMINISTRATION OF PATRIMONIAL DOCUMENTATION (GAPD)

GAPD is part of the
Federal Public Service Finances



3.1 THE CONCEPTS OF LAND REGISTER (CADASTRE), REGISTRY AND MORTGAGE IN BELGIUM

3.1.1 Cadastre

- Historically Belgium has a Napoleonic land register.
- Notwithstanding the wish to create a legal land register of "land book" type, it is of "personal" type.
- The registration in the land register and cadastral plans is not ipso facto equivalent to a "title deed".
- The agreements as regards property rights must be drawn up by a public officer (in most of cases a notary) in order to be transcribed in the Mortgage Registry Office.
- Therefore it is necessary that the immovable property mentioned in the transaction is identified (in particular at the graphic level) in the most complete manner and without any uncertainty

3.1.2 Registry

- The Registry is the basis for the drawing up of the land register.
- The information which is mentioned in the registers concerns the deeds of transfer and the adjudicative decrees.
- The Registry duty has a very important consequence as regards the civil law in addition to its fiscal objective:
 - it gives an indisputable date to the deeds which are registered.
 - a registered deed is enforceable against third persons.
- It enables, thanks to documentation, to control the perception of the inheritance taxes.
- Cadastral registers can be updated thanks to this.
- It furnishes information to the Direct Tax Administration, to the VAT, and to some foreign states.



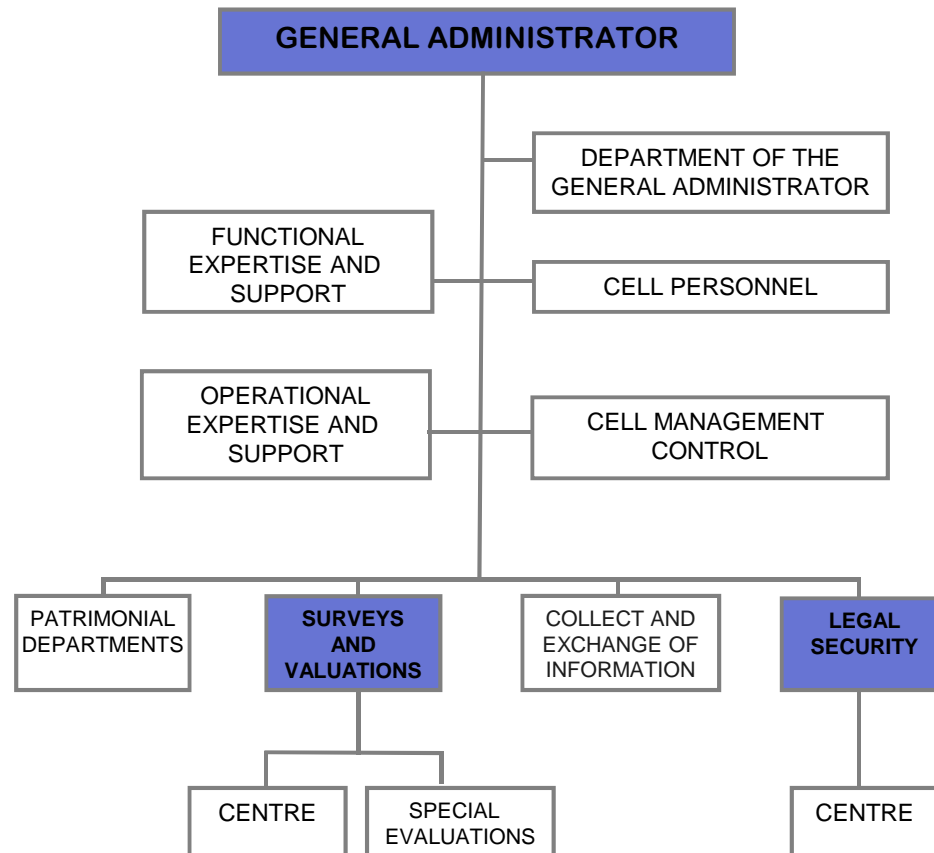
3.1.3 Mortgage

- There are two main registers: registers of transcriptions and registers of registrations (privileges and mortgages).
- The transcription consists of a copy of the deed with a margin, in which a note can be drawn up, pursuant to Article 3 of the law concerning mortgages.
- The registration consists of a copy of the statement (or summary of the deed mentioning the main information : name, identity of the parties involved, amount of the mortgage and identification of the immovable property).



THE PATRIMONIAL DOCUMENTATION

= A NEW CHART ORGANIZATION

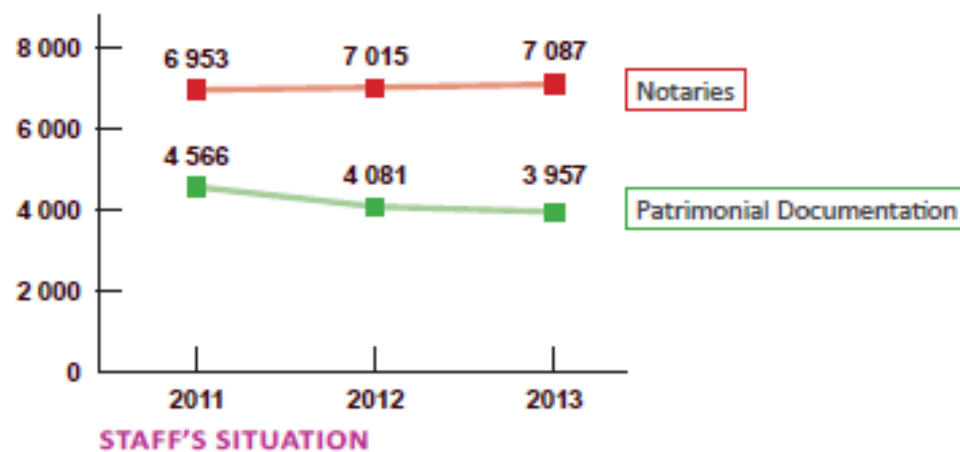


124 CIVIL SERVANTS LESS

On December 31st 2013, the Patrimonial Documentation employed 3 957 civil servants, that is to say 23 % less than nine years ago since 5 132 civil servants were being employed on December 31st 2004. The full time equivalents number also decreases: 3 576 in 2013 in comparison with 4 675 in 2004.

The maintenance claims department (SECAL) includes 93 civil servants, 29 of which are part of the Patrimonial Documentation and 64 of which come from other Administrations of the department.

The civil servants of the Mortgage Registry Office are not included in these figures; they lose 29 units in comparison with 2012, employing 1 231 civil servants on 31 December 2013, that is to say 1 097 full time equivalents.



3.2.1 Surveys and Valuations (Land Register/Cadastre) guarantees:

- the measurement of the parcels of land and the constructions;
- the determination of 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;
- the revision of the cadastral parcel plan on the basis of the land surveyors' plans;
- the determination of the different values of immovable property such as cadastral income in favor of the estimating authorities and the verification of the market values in respect of the registration duties and the inheritance taxes;
- the verification of the construction value in respect of VAT as well as the value of movable assets such as holdings of enterprises, works of art, etc.

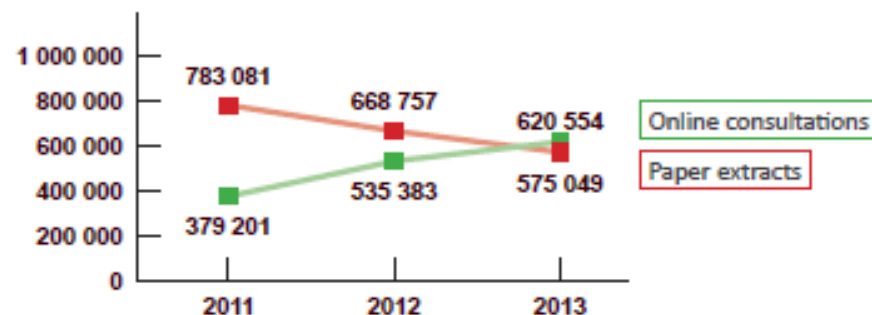


LESS REVENUE AND EXTRACTS, MORE CONSULTATIONS

The Patrimonial Documentation issues information extracts from its cadastral documentation against payment and under some determined conditions.

For several years the delivery of paper extracts has steadily fallen. This fall is caused among others by the possibility for the citizen to examine free of charge the data of land register via the e-services MyMinfin and CadGIS Viewer.

The Royal Federation of the Belgian Notaries has an online access to the cadastral data bank against a remuneration of 3.15 euros per consultation. These online consultations keep on increasing in comparison with previous years but this increase's impact on the total amount of revenue is limited because of the low costs of the online consultations.



NUMBER OF EXTRACTS AND CONSULTATIONS OF THE CADASTRAL DOCUMENTATION

REVENUE AS REGARDS THE ISSUE OF CADASTRAL INFORMATION *In euros*

Type	2013	2012	2011
Paper extracts	5 805 446	7 067 960	8 083 932
Online consultations	1 954 745	1 929 167	1 194 483
Total amount	7 760 191	8 997 127	9 278 415
- 13.75 %			

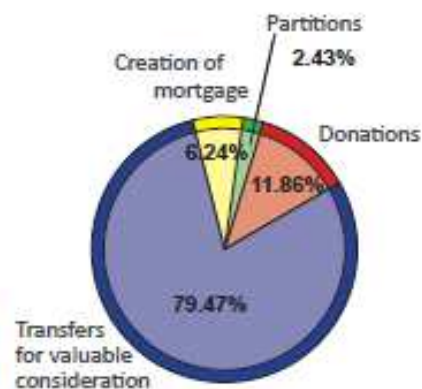
3.2.2 Legal Security (Registry and Mortgage) guarantees:

- the collection of the registration duties and the inheritance taxes (which are mainly transferred to the Regions), the mortgage duties, the court fees and other duties and taxes;
- the publication, by the Mortgage Registry Office, of the public officers' instruments;
- the update of our patrimonial documentation (registers).

→ **Some Fiscal competences (registration duties & inheritance taxes) for the Flemish Region were transferred to this Region starting from 1/1/2015.**



6

PARTITION OF
REGISTRATION FEES

COLLECTED TAXES FOR THE REGIONS

About 97 % of the registration fees and the total amount of the estate duties are collected for the Regions. These are the regional taxes.

The tables below show the type of regional taxes as well as their proceeds (duties and the resulting interest and fines).

REGIONAL TAXES *In thousands of euros, on February 25th 2014*

Type of taxes	2013	2012
Registration fees	3 904 960.7	3 778 560.1
Estate duties and duties on the transfer of property mortis causa	2 903 295.1	2 280 139.5
Total amount	6 808 255.8	6 058 699.6
	+ 12.37 %	

DETAIL OF THE REGISTRATION FEES *In thousands of euros, on February 25th 2014*

Type of tax	2013	2012
Transfers for valuable consideration of immovable property (*) (**)	3 103 334.2	3 057 079.5
Creation of mortgage on immovable property (*)	243 791.9	247 890.5
Partial or total partition of immovable property (*)	95 045.2	76 888.7
Donations inter vivos of movable or immovable property	462 789.4	396 701.4
Total amount	3 904 960.7	3 778 560.1
	+ 3.35 %	

(*) Located in Belgium (**) Sales tax

DETAILED INFORMATION ABOUT ESTATE DUTIES AND DUTIES ON THE TRANSFER OF PROPERTY MORTIS CAUSA

Type of tax	2013	2012
Estate duties and duties on the transfer of property mortis causa	2 707 842.7	2 268 921.6
Tax regularisation measures	195 452.4	11 217.9
Total amount	2 903 295.1	2 280 139.5
	+ 27.33 %	



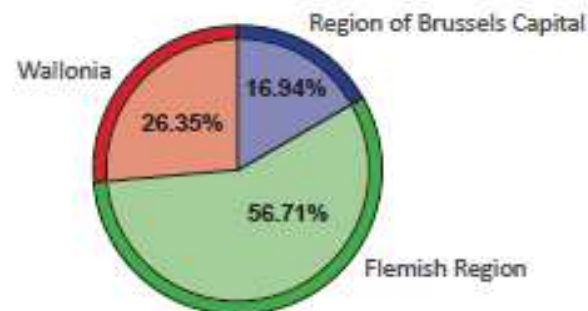
TRANSFER OF THE REGIONAL TAXES TO THE REGIONS

The regional taxes are transferred to the competent authority of the Region at the end of the month following the month during which the taxes were collected. The table below shows the partition of the regional taxes per Region.

REGIONAL TAXES PER REGION *In thousands of euros, on February 25th 2014*

Region	2013	2012
Region of Brussels Capital	1 153 649.0	912 971.0
Flemish Region	3 860 872.0	3 541 161.7
Wallonia	1 793 734.8	1 604 566.9
Total amount	6 808 255.8	6 058 699.6

+ 12.37 %



PARTITION OF REGIONAL TAXES

DEFINITIONS

In order to be brought to everybody's attention (to be enforceable against third parties) some instruments require that a specific procedure is carried out, that is to say the mortgage information, which can be carried out as follows:

- the transcription, that is to say the integral copy of the instrument in the mortgage registers, such as a building's bill of sale;
- the registration, that is to say the entry of an instrument's extract such as the statement of a mortgage registration;
- the marginal note, which represents an additional information mentioned in the margin of either a registration or a transcription. For instance, in the case of a garnishment as regards a real estate property.

These formalities, which were formerly carried out through the copying out by hand, are carried out by scanning the documents since a few years.

The transactions represent the number of legal conventions mentioned in an instrument. One instrument can contain several legal conventions, such as a sale and a donation.

WORK LOAD

Operations	2013	2012	2011
Transcriptions	293 590	303 892	308 568
Registrations	+ 193 947	+ 203 452	+ 220 194
Marginal notes	+ 141 617	+ 147 599	+ 136 489
Total amount of the mortgage procedures	= 629 154	= 654 943	= 665 251
Requests for information	+ 659 886	+ 650 191	+ 685 412
Total amount	= 1 289 040	= 1 305 134	= 1 350 663
	- 1.23 %		

COMMENTS

The real estate activity's weakening causes the decrease as regards the number of transcriptions and registrations.



3.2.3 Collection & Exchange of Information guarantees:

- the collection and exchange of the patrimonial information, both movable and immovable, on the natural or legal persons;
- the diffusion of this information to both the public and the private authorities or to the citizens. As a matter of course, this mission must be carried out in accordance with the provisions relating to the protection of privacy.



3.2.4 The Administration Patrimonial Departments guarantees:

- the acquirement, amicably or through expropriation, of immovable property that is useful or absolutely necessary to the realization of the infrastructures decided on by the public authorities;
- the sale of the immovable property of these authorities;
- in the capacity as "public notary", the drawing up of the authentic deeds relating to the acquisitions and the sales as well as certain special deeds on account of public enterprises;
- the management of the private immovable patrimony of the State, either by renting it out or conceding it, or by selling it;
- the recovery of the movables coming from various Administrations which have been put out of service;
- the selling, recycling or even destroying of the seized goods.

Useful links:

- site of the Patrimonial Departments (www.servicesspatrimoniaux.be): *selling of movable and immovable properties, forms, specifications, contacts, etc.*
- site Finshop (<http://www.finshop.belgium.be>): *selling of movable properties, shop selling*

→ **Regionalisation : The Acquisition Committees will be transferred to the Regions (Flemish Region, Walloon Region and Brussels-Capital Region) + one Federal .**

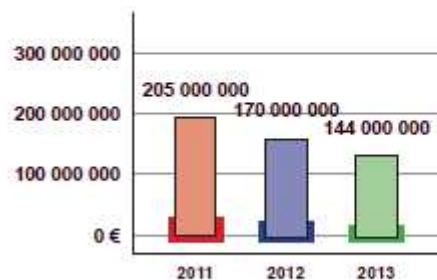


SALES ORGANIZED BY THE PATRIMONIAL DEPARTMENTS

IMMOVABLE PROPERTY

The acquisitions committees of immovable property sell:

- immovable property no longer used by the State;
- immovable property on behalf of public authorities such as Regions and Communities, departments which depend on Regions and Communities, autonomous public enterprises (mainly Belgacom, La Poste and SNCB), Defence.

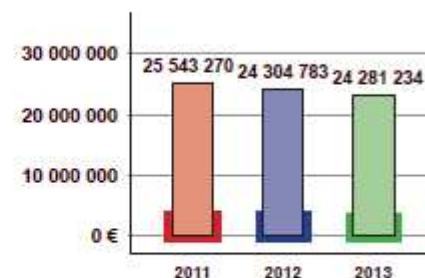


REVENUE OF THE SALES
(IMMOVABLE PROPERTY)

MOVABLE PROPERTY AND LOGGINGS

The public properties' offices sell:

- movable property no longer used by the public authorities (for instance office furniture, vehicles, computer hardware);
- movable property seized or confiscated by a sentence (for instance vehicles, various pieces of furniture, jewels, wine and spirits);
- loggings.



REVENUE OF THE SALES
(MOVABLE PROPERTY AND LOGGINGS)

PARTITION OF THE REVENUE (MOVABLE PROPERTY) *In euros*

Offices	2013	2012	2011
Brussels	2 181 240	2 973 045	3 912 386
Flanders	1 777 576	1 992 028	1 743 577
Wallonia	1 339 896	1 930 854	1 706 932
Total amount	5 298 712	6 895 927	7 362 895

PARTITION OF THE REVENUE (LOGGINGS) *In euros*

Offices	2013	2012	2011
Brussels	522 096	362 299	375 737
Flanders	3 554 485	5 871 825	4 587 808
Wallonia	14 905 941	11 174 732	13 216 830
Total amount	18 982 522	17 408 856	18 180 375



3.3 THE CADASTRAL DOCUMENTATION

3.3.1 The Cadastral parcel Plan

- Topographical representation of the immovable properties: the cadastral parcels and the buildings.
- Each parcel is identified by a unique identifier called CaPaKey.
- Initially established on drawing paper and maintained as-is (primitive plan).
- Firstly updated on strong white paper (additional parcel plan).
- It has been digitalized in collaboration with regions during 90's and 2000.
- The whole country is actually divided in cadastral sheets corresponding to a subdivision of the territory contained in a paper cadastral plan.
- Primitive plan is mostly at 1/1,250 and 1/2,500 scales.
- Sheets completely remeasured afterwards are at 1/1,000 and 1/2,000 scales and sometimes at 1/500.
- A snapshot of 1st january situation is archived each year.
- The Plan (1st january of the current year versions) can be consulted on CADGIS and is updated using CadMap.





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CLRKEN EuroGeographics 11-12 November BRUSSELS
Marc Vanderschueren

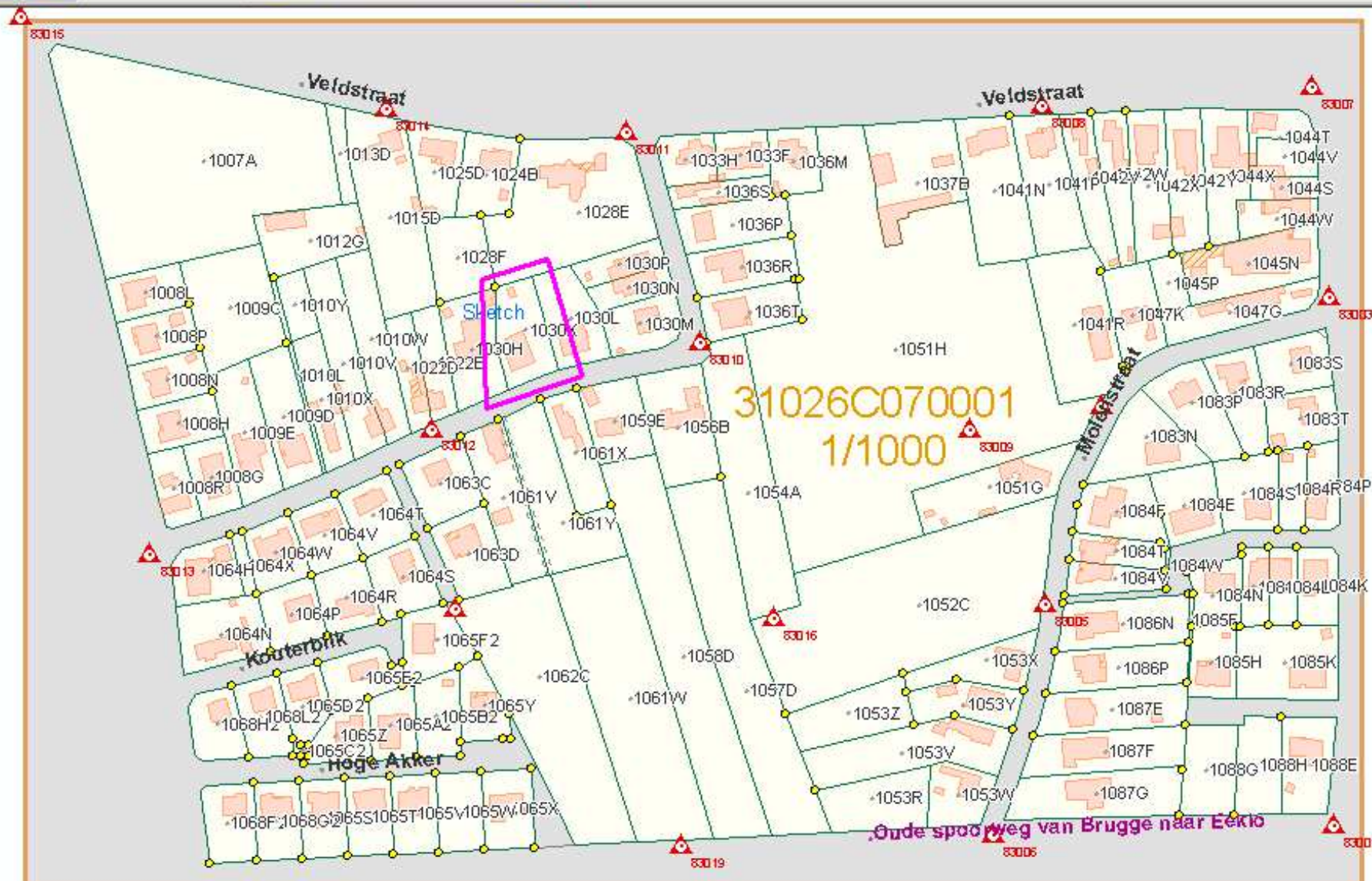




Feuille 1/1 000 Navigation 1/2 012

Croquis

New Sketch Outline



3.3.2 The Cadastral Matrix

- It is the big book of the immovable property.
- Established for each cadastral municipality.
- At the first beginning in 1926, it was established in tomes called 212, then in mobile cards since 1927 to the period 1966-1975.
- During 1966-1975, the cadastral matrix has been digitalized.
- Active situation was available on microcards 212 AM.
- Passive situation was available on microcards 212 PM.
- Now Matrix is consultable via CADNET, intranet and CD-rom.
- All the assets subject to the same property right in the same division are contained in the same article.
- Update for each ownership and/or immovable consistency change.
- A 1st january situation is archived each year.



3.3.3 The evaluation document

- Established for each built parcel.
- Gives the complete description of the building.
- Contains every element for the calculation of the cadastral income.
- Presented as a simple duplex card for the ordinary buildings or as a descriptive for the apartment buildings and the industrial or exceptional buildings (BIBE).



CLARKEN EuroGeographics 11-12 November
BRUSSELS Marc Vanderschueren



Federal
Public Service
FINANCE

233 E SP verso

2

Croquis coté, Plan et coupe. — Schets met meetlijnen, Grondplan en doorsnede.

2004- destruction ancienne + reconstruction sur les
H + anciennes mesures de 12m sur 2,15 m
sur l'axe la hauteur de la maison
+ carrelé c/c à 500

jardin = 19.36

15.83

12.53

5.10

Salle cuisine

manger WC

Salon

RECUL

RUE

10.9 ID - BAR 435

05 N 3 145

P.U.M.C.
L/m² : 15.11

K.D.O.
I.T.Z.
détail
châssis 10

Tot. : 110%

P.U.M.C. sans
Aangren. Buis : 16.62

V.L. BIL
HW gab : 2405.30

V.L. annexes
HW. BILS

V.L. Tce

Totale
DN. gab :

R.E. BIL
R.E. gab
Q.E. min. héli
K.L. angab

R.E.
K.I. : 1445 - 6

sidene par n° 2005

3

3.4 SOME MAJORS PROJECTS

3.4.1 STIPAD – PATRIS

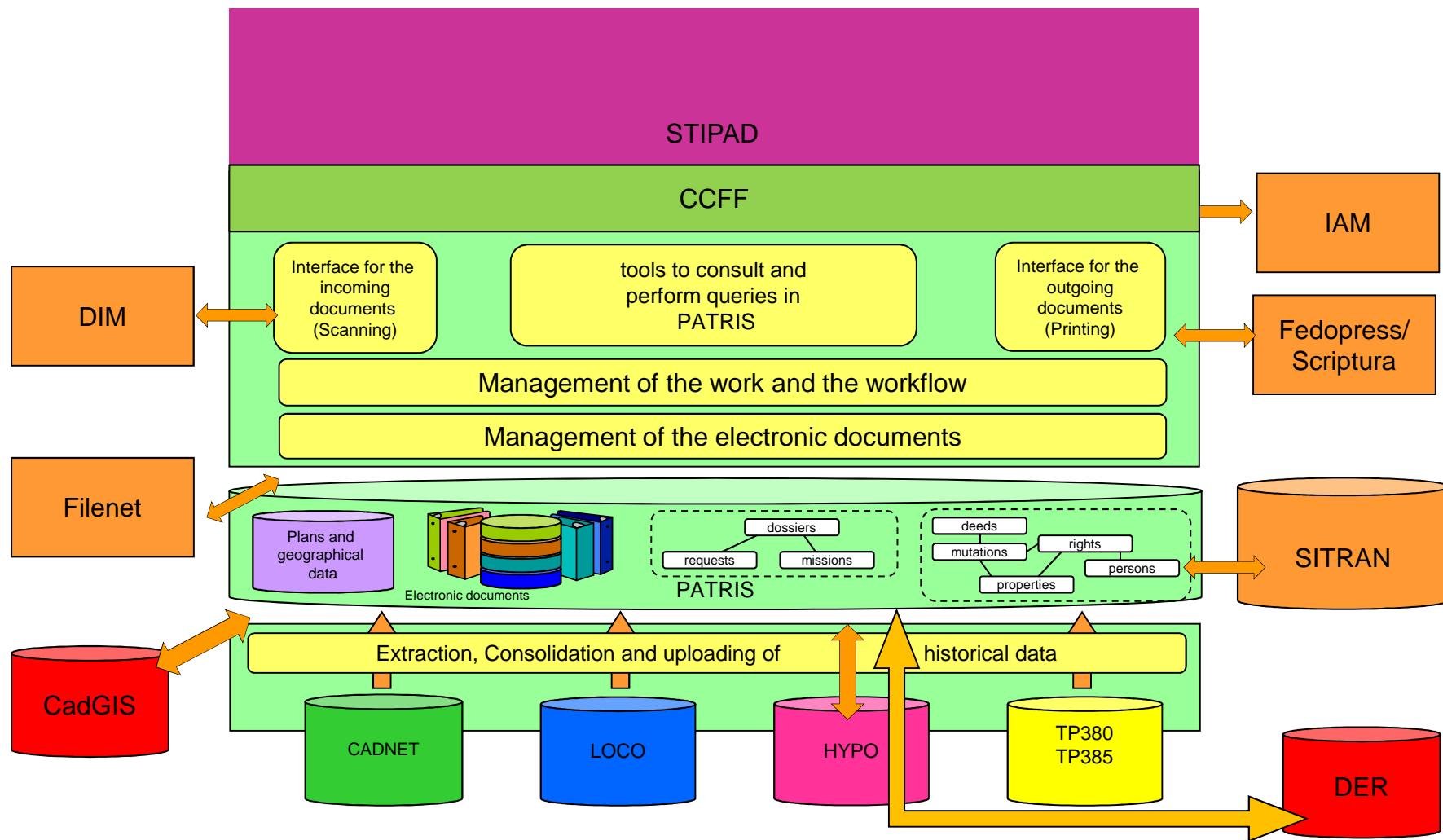
- the central element of STIPAD is the patrimonial database, called PATRIS (PATRimony Information System).
- the main objectives are :
 - to collect, to manage, to update and to communicate all the information related to a natural person or legal entity (active and passive situation);
 - to ensure the juridical security of data.
- An other objective is to create connections with other existing databases concerning the same areas, managed by other management levels.
- This application manages the different folders for the update of this information by the communication between the different stakeholders respecting procedures.

3.4.2 DER

- Project developed by GAPD with the collaboration of the Belgian Notaries' Royal Federation (BNRF) and the Agency for the Administrative Simplification (AAS);
- Notaries can send online deeds and annexes to Registry and Mortgage registry;
- The receivers of Registry and the registrars of Mortgages can send back online to the notaries the deeds with the registry relationship/formal mortgage relationship;
- DER means «Document Electroniquement Reconnaissable » (Electronically Recognizable Document) and is known as « E-enregistrement » by notaries;
- This annihilates substantially the « blind spot » period of legal insecurity which is the period between the signature of the authentic deed and its receiving at the Mortgage registry for the formal transcription.

STIPAD

Architecture

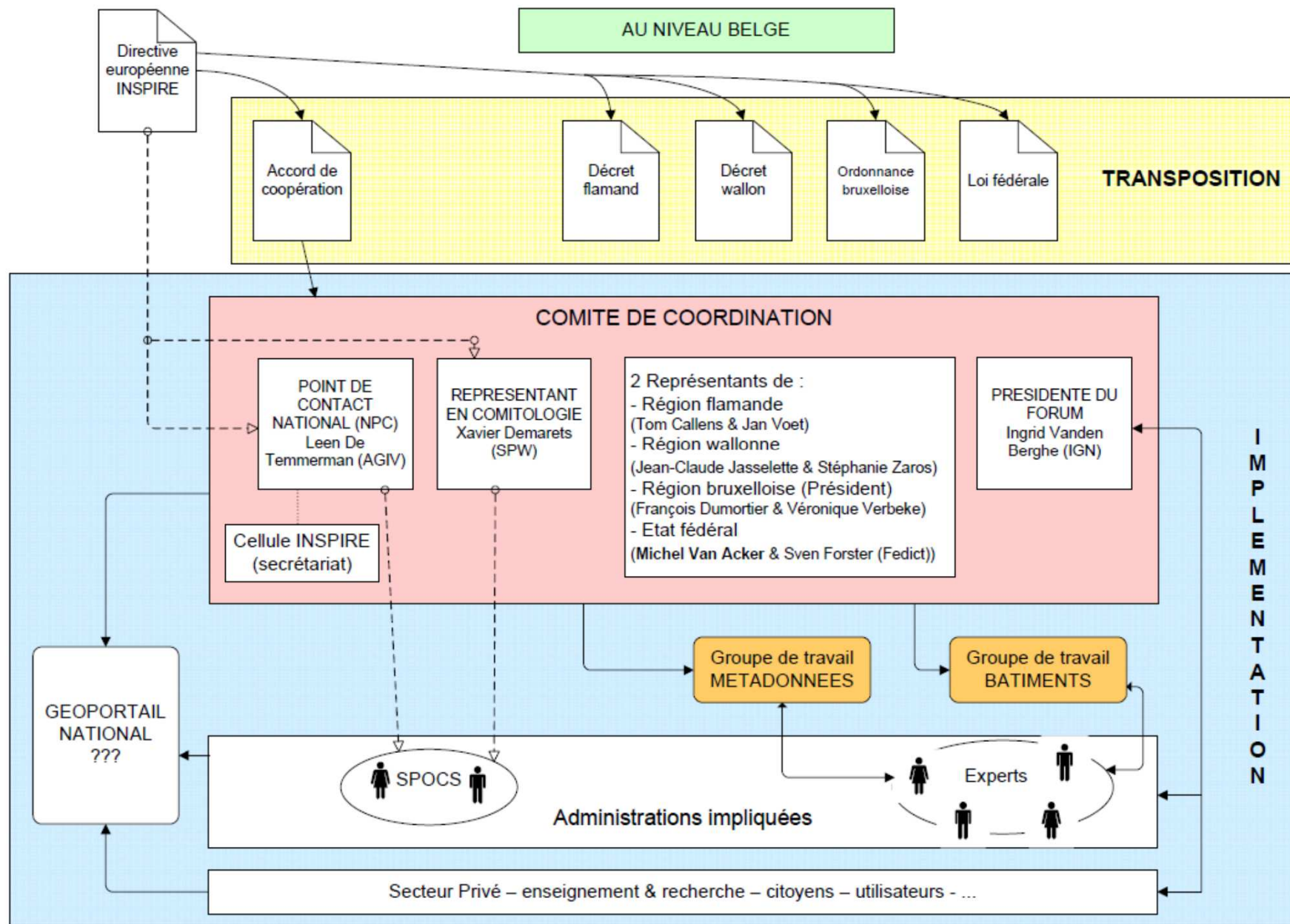


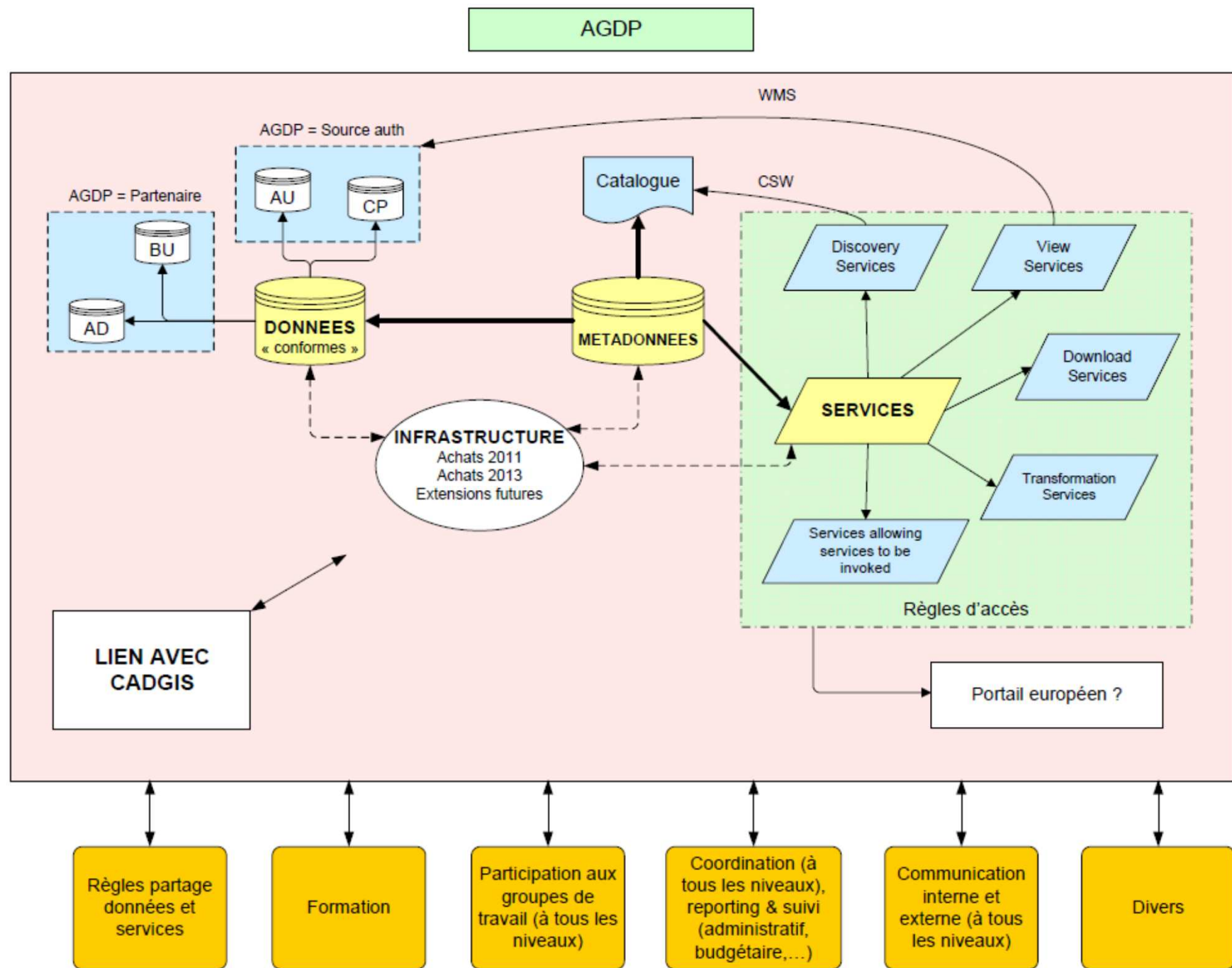
3.4.3 INSPIRE

INSPIRE : legal aspects

- As a reminder, the directive 2007/2/EC of the European Parliament and the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) was published in the official Journal on the 25th April 2007. The INSPIRE directive entered into force on the 15th May 2007. The Directive also requires that common Implementing Rules (IR) are adopted in a number of specific areas such as Metadata, Data Specifications, Network Services, Data and Service Sharing and Monitoring and Reporting.
- In Belgium, the INSPIRE directive has been converted in a Flemish decree and a Walloon decree, a Brussels ordinance and a federal law.
- Between the three Regions and the federal government, there exists a cooperation agreement to coordinate the implementation between the different governments in Belgium.
- Each entity provides his own databases for INSPIRE and partnerships are planned for data themes that are common between regions and federal as addresses and buildings. There is a geoportal for each entity.
- The federal participation is led by NGI in order to provide a geoportal and share the different services from the federal administrations.







3.4.4 CADGIS

- Launched in 2003, the objective of the project is to manage the cadastral data in a GIS;
- Three essential stages:
 - Continuous cadastral plan: cadastral sheets have to be assembled together
 - Establishment of a spatial database
 - Integration of every cadastral information (ownership register)
- Two releases:
 - Consultation and e-services
 - Update and management of the cadastral parcel plan



CADGIS release 1

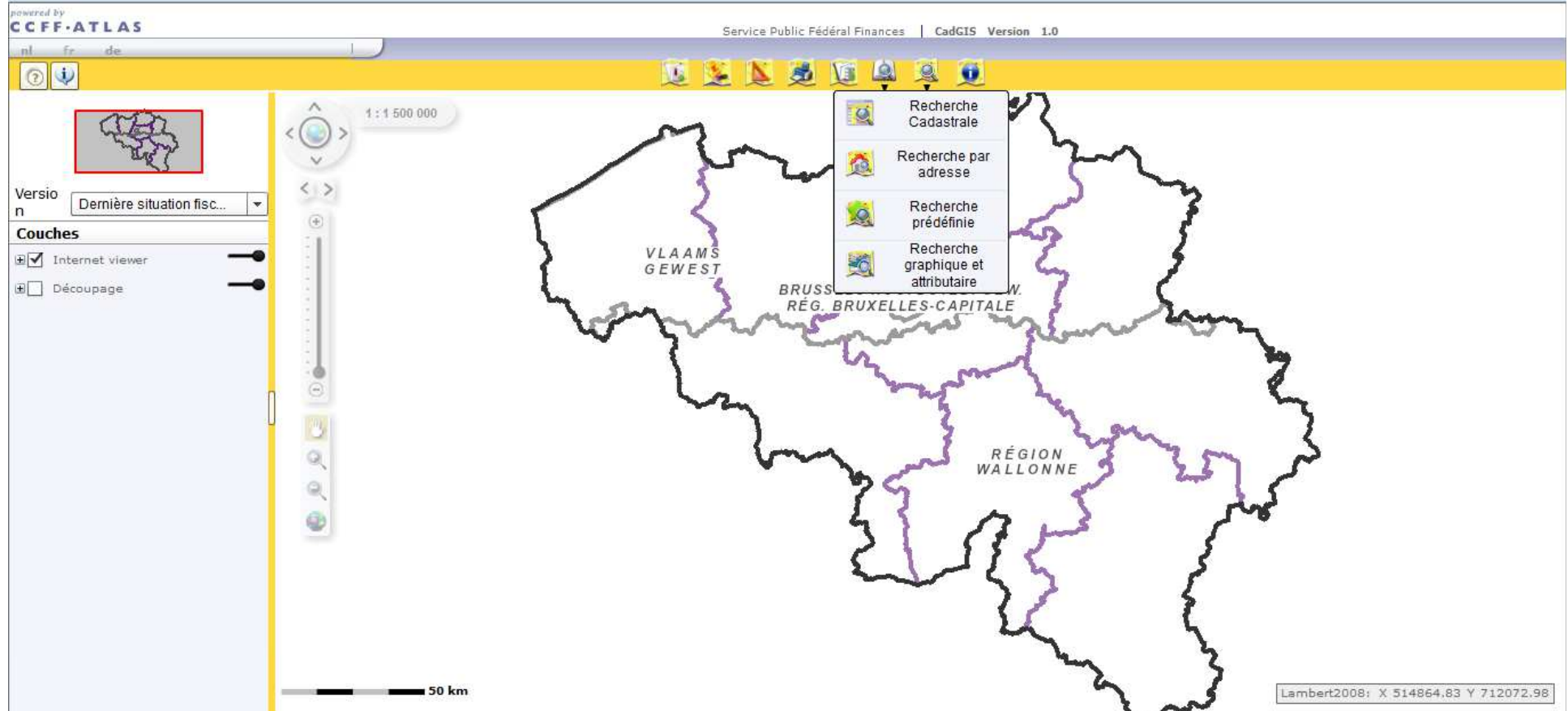
- The user can freely navigate on the cadastral map by using a viewer;
- Search for a specific cadastral parcel according to different criteria (by address, by cadastral number, by coordinates) available;
- Application basic mapping functionalities (measurement, identification, print, ...);
- A legal cadastral extract document or a digital data copy can be ordered online;
- Two different access modes are offered to public: a public access (limited by laws and standards related to personal data protection and privacy) and a privileged access for the holders of an electronic identity (eid) card (or a token)
- Conventioned surveyors authenticated with the help of their eid card, can also directly download a vectorial data copy of an area of the cadastral map in order to integrate it in their own survey or GIS.
- 3 services available: two view services concerning the INSPIRE themes "cadastral parcels" and "administrative units" and a discovery service;
- Another WMS (view service) containing all the cadastral map layers is also accessible.





Link with CadGIS

In November 2012, the GAPD has launched its new CadGIS system that enables on-line visualization of the cadastral map.



CADGIS release 2

- This part focuses on the update and the management of the continuous Cadastral parcel Plan as a geodatabase;
- CAD tools will be provided in order to draw and edit graphic objects;
- Topological rules controlled after each update;
- This will replace the actual application (CadMap).



3.4.5 PRECAD AND THE PLAN ENCLOSED WITH THE DEED

Scope of the decree

- The new decree applies in every case as regards the creation of a new cadastral parcel.
- The creation of a new cadastral parcel is necessary in the following cases:
 - a land allotment;
 - an exchange between parcels to be registered in the cadastral parcel plan;
 - a parcel to create in public property;
 - a privative batch to create in an immovable property;
 - an expropriation of a part of the properties;
 - a land reparcelling;
 - a right to tenancy as regards a part of the parcel
 - ...

Two stages

- Since January 1st 2014 the implementation of the principle of the previous submission of the delimitation plan.
- Since a later date, which must be still determined by the Ministry of Finance, implementation of the principle of prior request of parcel identification numbers.

Previous submission of the delimitation plan (PreCad) – Principles

- In case of the creation of a new parcel the notary must know the reference number of the delimitation plan in order to draw up the deed.
- At the request of the notary or on his/her own initiative the surveyor-expert submits (preferably by email) his/her plan
- The Administration Surveys & Valuations registers the plan in the database of the delimitation plan and gives it a reference number. That number will be sent to the applicant within the time period of twenty calendar days.
- The surveyor passes on the reference number to the notary. He/She can examine the plan online through www.MyMinFinPro.be. The notary can also examine it online.
- The notary draws up his/her deed mentioning the reference number of the delimitation plan.
- The deed is afterwards transcribed and registered pursuant to the usual procedures, without any handling of the plan.
- The Administration Surveys & Valuations (Cadaastre) updates the cadastral parcel plan on the basis of the plan registered in the database of the delimitation plans.

3.4.6 CADBUILD

Internal objectives :

- Digitalize the evaluation documentation;
- Encoding and editing tools (Calculation, drawing, traceability);
- Flexible, polyvalent and evolutive application;
- Exchange format with STIPAD (XML, PDF documents in Filenet);
- Evaluate all property types (offices, Industrial and enterprise buildings, commerces, ...);
- Create an evaluation sketch and link it with pictures (5), plans, ...;
- Statistics tools (workload - performances);
- Fulfill ICT standards (Server – Java – db2 – LDAP – ...)

External objectives :

- Create an identity card for buildings (details, summary);
- Taking account standards used by external experts;
- Make diffusion easier (PDF, Export Db, ...)
- Providing exchange possibilities (plans-surfaces-...)

3.4.7 URBAIN

- Enables digital provision by the municipalities to GAPD of 220 lists containing the delivered building permissions, plus the modifications to properties.
- Information can be completed using information complements available for communicated permissions and modifications, eg. start and/or end date of work, date and result of a conformity control.
- Encoding realized either globally with a XML file containing all the permissions and work of a determined period, or individually for each permission using entry screen available in URBAIN.
- The application is available for municipalities via Internet.



The identification of the municipalities' users is realised by using the electronic identity card (eID) or the « citizen token »

> CCFF AUTHENTIFICATION

Veuillez choisir votre méthode d'authentification parmi les choix présentés ci-dessous.

> MÉTHODES D'AUTHENTIFICATION



[Authentification par carte d'identité électronique](#)



[Authentification par Token citoyen \(Portail Fédéral\)](#)

> MÉTHODES D'AUTHENTIFICATION SPÉCIFIQUES



[Authentification par Token fonctionnaire \(Portail Fédéral\)](#)





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Service Public Fédéral Finances

Urbain Version 3.0.14

16/07/2010, 15:35

nl fr de

URBAIN I

-RECHERCHES

ACCUEIL

DÉCLARATION

Introduction par fichier

Introduction par écran

Recherche

DOCUMENTATION

RECHERCHE

RECHERCHER

CRITÈRES DE RECHERCHE

PROVENANCE

Numéro INS de la commune administrative *

Nom de la firme qui a généré ce fichier ou COM (si commune) ou CAD (si cadastre) * *

Déclarant + -

Date de déclaration De : A :

PERMIS

Référence unique du permis de bâtir ou travaux sans permis *

Référence attribuée par la commune +

Numéro division cadastrale

Nom de rue de l'immeuble * *

Code nature de la demande

Administration qui a visité l'immeuble

Résultat du contrôle de conformité

Date d'octroi du permis De : A :

Date fin des travaux ou occupation de nouvelle construction dès que connue De : A :

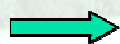
Date de la visite sur place De : A :

Afficher les dossiers supprimés ☐

PERSONNES

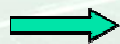


3.5 SOME PARTNERSHIPS OF THE GAPD



Partnership with the Belgian National Geographic Institute (NGI)

- two of its representatives are members of the Management Committee and have voting rights.
- In July 2004 the two institutions also signed a co-operation agreement in the context of the development of a federal platform for geographical information.



Collaboration with the Private Surveyors

Before 2014 :

- an agreement with about 1500 private Surveyors
- the private surveyor makes his maps in accordance with the standards and directly provides the Cadastre with an original copy of the map
- the private surveyor has a free access to some cadastral data or files
- the Cadastre has set up a Databank of the maps of the surveyors

Since 2014 :

→ *Precad*



→ Collaboration with the three Regions and the towns in Belgium

- URBAIN
- BuNI
- BestAddress

→ Collaboration with Notaries

- DER

→ Collaboration with Architects

Two mainlines:

- testify the implantation of a new building
- testify the consistency of the building



Public restrictions

- The main public restrictions are the praedial servitude.
- A servitude on a land parcel in favour of a second parcel.
- The owner of the second parcel benefits from the servitude.
- When the second property is transferred, the benefit of the servitude passes to the new owner.
- Organized By Federal regulations : the civil Code and the Rural Code (the Countryside Code) .
-
- The other public restrictions are organized by the Regional Territorial Planning .
- The rules are different in the 3 REGIONS.
- There are also restrictions organized by the Provinces, the Towns or Villages.....



Conclusion & Questions ?

Thank you

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