Regulation of cadastral surveyors activity in Russia: new Federal Law

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General information

- Signed at 2015, December, 30th
- Entered in power at 2016, July, 1st

Earlier 01.07.2016 – the “old” rules:

“cadastral surveyor” – Russian citizen, having any university background, who passed special exam and have got the certificate;

The State (Cadastral agency) was responsible for the exams organization and preparation of the certificates;

Association membership was not obligatory for cadastral engineers;

National Chamber (Liaison group) creation was not obligatory.
The first Cadastral Engineers appeared in Russia in 2010.

- The number of cadastral engineers, who passed the exam is about 40,000 persons.

- About 30% of them had never worked in practice as cadastral engineers.

- The number of cadastral surveyors Associations is 27.

- The National chamber was created in 2012 and unite 17 Associations of them.

Both National chamber and all Associations should be re-registered by the State (Cadastral agency).
36101 persons have actual qualification certificates (01.09.17)

Among them:
Association members are 28386 persons (78%)

Among them:
4623 persons (16,2%) have their own cabinets
23463 persons (82,6%) are the companies staff members
On the territory of the Russian Federation are functioning 17 Associations.

National Chamber of Cadastral Engineers has 12 Associations as it’s members (70%)
The number of Cadastral Engineers in these Associations are 21419 persons (75.5%).
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Cadastral engineer</th>
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<tbody>
<tr>
<td></td>
<td>With “old” certificate</td>
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<tr>
<td>Russian citizenship</td>
<td>+</td>
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<tr>
<td>Professional University background/Professional University re-education (2 years)</td>
<td>C 01.01.2020</td>
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<tr>
<td>Professional practice (for pretenders) – 2 years</td>
<td>-</td>
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<tr>
<td>Exam</td>
<td>+</td>
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<tr>
<td>Absence of professional disqualification</td>
<td>+</td>
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<tr>
<td>Professional activity insurance (not less than 2.5 mln.rub)</td>
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Cadastral engineer (CE) assistant – new institution:
- Russian citizenship;
- Education according the new requirements;
- Absence of the professional disqualification;
- Has to be trained under the CE leadership.

The lead of professional practice can be CE:
- Experience as CE more then 2 years;
- Absence of professional punishments during the last 2 years.

Professional practice realizes on base of the contract

Professional practice duration
- For former Cadastral agency staff – 1 year;
- For the rest – 2 years.

Cadastral engineer Association is responsible for the organization of practice.
Exclusion from the Association

- Non payment of membership fees (3 months) – 6 months;
- Violation of membership conditions – 2 years;
- Has more than 10 negative decisions from the State Cadastral office during 1 year – 2 years;
- More than 10 decisions with cadastral mistakes during 3 years – 2 years;
- No activity at all during 3 years – 2 years;
- Disqualification – duration according to the decision
- On base of his own wish – without time-limit.
Company responsibility where cadastral engineer working:

- Need to have at least 2 cadastral engineers in its staff;
- Special archive organizing;
- Stop the job the cadastral engineer:
  - Not passed periodical retraining;
  - Excluded from the association;
  - According the court decision.
Requirements to the Associations

Association

- More 700 CE members
- Members solidary responsibility
- Professional standards
- Ethic rules
- Control, special, methodological depts
### Association functions

#### Basic
- Creation, maintaining of CE register
- Establishment of membership fees size and payment
- Organizing of pretenders professional practice

#### Regulation
- Development of professional standards & ethic rules
- Development of internal documents & rules

#### Control
- CE activity control
- Obligatory insurance control
- Periodical CE retraining control

#### Protective
- CE representing and lobbying
- Appeal commissions participation
- Methodological and juridical CE support
- Examination of cadastral jobs results
National chamber functions

Coordination
- Association of Associations
- Coordination Associations activity
- Level of quality and unification of cadastral jobs
- Interaction with the State, municipal bodies ext.

Regulation
- Development of Associations activity rules
- Development of the typical prof. standards & ethic rules

Protective
- Associations representing & lobbying
- Examination of cadastral jobs results (Associations)
- Improvement of cadastral activity proposals
- Manuals, instructions preparation

Control
- Exams organization
- Participation to appeal commissions
- Associations control
New functions of the State (Cadastral agency)

- State supervision for the Associations activity;
- State supervision for the National chamber activity;
- Maintenance of the Associations State register;
- Maintenance of the CE State register (as earlier);
- Appeal to the court for the purposes of exclusion of Association or National chamber if any of them have some fixed disturbance;
Main function:
- Appeal to the decisions concerning the registration suspending in out court manner

Appeal commissions members:
- National chamber (3 persons);
- State cadastral office (3 persons);

Duration of commission membership:
- 2 years

Commissions function in each Russian subject:
- 83 subjects of the Russian Federation.
2016, July, 1st to 2016, December, 1st:

- Acting cadastral engineers should adopt their activity to the new Law requirements;
- Associations should adopt their activity to the new Law requirements.

During the next 9 months after the National chamber State re-registration:

- National chamber should adopt the activity to the new Law requirements and develop all the internal documents they need.

Before 2020, January, 1st:

- Cadastral engineers having acting certificates to the 2016, July, 1st, should adopt their education background to the new Law requirements.
European requirements for cadastral surveyor activities

June 2008
Annex 3. Questionnaire on national cadastral surveyors activities (country template)

<table>
<thead>
<tr>
<th>Questions</th>
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<tbody>
<tr>
<td>General</td>
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<tr>
<td>Title of cadastral surveyor in native language</td>
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<tr>
<td>Operate as individual or within juridical person?</td>
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<tr>
<td>Coordinating organization for the work of cadastral surveyors</td>
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<td>No of licensed (i.e., authorized) cadastral surveyors in the country</td>
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<tr>
<td>No of surveyors that execute cadastral survey in the country</td>
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<td>Tasks/duties of a cadastral surveyor</td>
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<td>Advice/consultancy for the landowner</td>
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<td>Cadastral (technical) field measurements</td>
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<td>Mapping of parcel registers</td>
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<td>Validation - getting approval on cadastral plans from relevant authorities</td>
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<tr>
<td>Preparation (correcting) of technical planning documents</td>
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<td>Registration of updated cadastral data to Cadastral database</td>
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<td>Land price valuation</td>
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<td>Defining limitations on land use</td>
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<td>Other (as mentioned above)</td>
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<tr>
<td>Main responsibilities (roles) of upper level surveyor (surveyor or surveyor-expert) if such exist</td>
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<td>Legal framework</td>
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<td>Which law describes cadastral surveying?</td>
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<td>Which law regulates a permission or responsibility for person executing cadastral survey?</td>
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<td>Which law (regulated) describes control and supervision of cadastral surveyors?</td>
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<tr>
<td>Which law (regulated) describes liability of cadastral surveyors?</td>
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<tr>
<td>Licensing (authorisation)</td>
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<td>Types of licensed cadastral surveyors</td>
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<td>Organization, which grants a licence (certificate)</td>
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<td>Licensing (authorisation) conditions for applying to a licence of cadastral surveyor</td>
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<td>Period of licence validity for a cadastral surveyor</td>
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<td>Internal requirements for education to ensure satisfactory mission for applying to a licence of cadastral surveyor</td>
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<td>Minimal duration of education after the secondary school for applying to a licence of cadastral surveyor</td>
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<td>Acceptable disciplines after the secondary school for applying to a licence of cadastral surveyor</td>
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<td>Are requirements for a minimal number of hours (credits) of the acceptable disciplines for applying to a licence of cadastral surveyor?</td>
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<td>Requirements for additional qualification for applying to a licence of cadastral surveyor</td>
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<td>Organization(s), which are responsible for training and education of cadastral surveyors</td>
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<td>Cadastral surveyors certification levels (license types)</td>
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<td>Compulsory period for professional practice applying to a licence of cadastral surveyor</td>
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<td>Requirements for improving qualification of licensed surveyors</td>
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<td>Does compulsory insurance apply to cadastral surveyor as a requirement for a licence?</td>
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Supervision:

- Organization (s), which is responsible for control of quality of cadastral surveyors deliverables and/or supervises cadastral surveyors activities
- Frequency of controlling cadastral surveyors activities
- Procedures in case of inadequate cadastral surveyors work quality

Liability:

- Is cadastral surveyor fully responsible for quality and correctness of cadastral data?
- Max. amount, which could be charged to cadastral surveyor against compensation to third parties?
- Minimum requirements for compulsory insurance of cadastral surveyors activities
- Max. refundable period amount of insurance against compensation because of cadastral surveyors activities
- The period while insurance covers indemnity because of cadastral surveyors activities
- Max. period while cadastral surveyors is liable for the produced cadastral documents (data)
- By whom cadastral surveyors could be insured?
Thank you for the attention!