The Legal Boundary Cadastre in Austria
1968-2018: The 50th Anniversary

PCC Conference, Vienna 2018
Toics

- Main Characteristics of Austrian Cadastre
- Legal Boundary Cadastre
- Transition from Tax Cadastre to Legal Boundary Cadastre
- The legal process
- Legal reliability- why?
- Changing role of the Cadastre
- Challenges
- Developments
Main Characteristics of the Austrian Cadastre

- Advanced cooperation private licensed surveyors and cadastral authority
  - Shared competences
- Fully coverage with digital information
  - Homogeneous dataset
  - High quality and accuracy
- Up-to-date information and services
- Digital applications
  - Electronic submission of surveying documents
- Permanent availability (24/7)
  - Public and open data- access to everyone
  - All changes documented since 1883
Changig Role of the Cadastre

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<th>Land as a Limited Resource</th>
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From the Fiscal (Tax) Cadastre ….

- Property Tax Act 1817
  - Basis for taxation of agricultural land
  - Surveying of all parcels by means of plane table
  - Graphic documentation in the cadastral map
... to Legal Boundaries Cadastre (1968)

- create legal boundaries of the parcels
- boundaries clearly defined and accurate
- avoid disputes over boundaries
  - cadastral office is responsible to solve the dispute
  - based on the original surveying documents
  - Signature by owners and surveying
- create a higher quality in the Cadastre
  - legally binding coordinates
Increasing Trust $\Rightarrow$ increasing use

- trust in the quality and reliability of the cadastral data/information/services
- increasing trust brings increasing use of the cadastre
- clear legal procedure to be able to guarantee
- to talk about legal reliability needs to talk about quality of data and cadastral procedures
The Legal Consequences

- boundaries are legally binding and secured
- Adverse possession is not possible for partial areas of a parcel
- ‘paper boundaries are overruling natural boundaries’
- Boundary disputes falls under the responsibilities of the cadastral authority
  - Tax Cadastre (legal courts)
  - stacking out of the legally binding coordinates
Transition from the Tax Cadastre to the Legal Boundary Cadastre

• Shared task of private licensed surveyors and the public cadastral authority

• Guarantee of boundaries by the state like in Land registry

• Clear legal procedure requires
  – Include the owners: discussion, agreement by signature
  – Surveying > document
  – Check by cadastral authority and certification
  – Results is legal coordinates!
Shared responsibilities

Owner

Order

Licensed Surveyors

Order to survey a Parcel

Negotiations with Owners, Survey

Surveying Document

Application

Formal and legal Check
Technical Content, DKM, KFS, Archive (Maps)

Cadastral Office

Certification

Julius Ernst
Facts and figures

• 2017:
  – 10.2 Mill. Parcels
  – ~ 16 % in Legal B. Cadastre
• 35000 cases/year
Cadastral information is...

- not only used for property transactions but in a multipurpose sense
- is an important infrastructure of a state and the public administration
- is a basic layer at Information Systems of public authorities
  - on municipality, provincial and state level
  - document the legal situation
    - e.g. public rights and restrictions
- Irreplaceable
Multipurpose use

- Increasing number of users and access to cadastral information
- Not only professional users (e.g. surveyors)
- Parcel based subsidies
- Spatial planning
- Property taxation
- Public administration
- Austrian Address Register
Legal procedures to improve the quality

- Quality improvement of Cadastral Map
  - Owners are included
  - Cadastral office ex officio

- Improvement of Legal Boundary Cadastre is a legal process
  - Agreement by owners
  - Finally an certification has to be issued to all owners
Challenges

- Historic based deficit in reference points
  - Differences ETRS89 - MGI-System
  - Homogeneous coordinates in ETRS89
  - Analyse deficits of Reference points
- Local homogenization of the cadastre
- Prepare transfer of the cadastre to UTM/ETRS89
Challenges

- Sliding movement of the ground
  - new law and regulations
- Consequences for boundaries of parcels
- No legal boundary cadastre possible
Recent developments

• Change of the law by focusing to strengthen the legal process
  – In case a signature of an owner is missing
  – Legal procedure including the cadastral authority
    • Invitation to border negotiations and
    • Assignation to court

• Optimizing cadastral process
  – Digital entry by “Structured surveying plan” from Surveyor to cadastral office

• Submit certifications in an automated way to the owners

• Digitize historic archive
  – “Close the gap”
  – 4-5 Mill. Surveying plans/documents to be classified and scanned (1883-2012)
Thank you!

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