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1

Abandoned Swedish joint facilities and utility easements - A case of “legal pollution”

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Research scope

- To investigate inconsistencies in the legal framework for legal and physical liquidation of *joint facilities* and *utility easements* no longer in use and left unattended by the right holders
- Initial research presented in two B.Sc. theses by A. Eriksson/E. Hedlund and M. Juric



A **joint facility** is a legal right (and physical construction) beneficial for two or more real property units, e.g. a common parking lot, roads or green areas



An **utility easement** is a legal right for acquisition of land for a physical utility in the form of pipelines (e.g. for water supply) or cables (e.g. for telecommunication)



What can happen with abandoned *Joint Facilities* and *Utility easements*?

- The right is removed, but the physical construction is left unattended
- The physical construction is removed, but the right is left unattended

- ❖ Who has the legal responsibility?
- ❖ Who has the financial responsibility?
- ❖ Who has the environmental responsibility?



Joint facilities

Rules for removal of legal rights are in place

Lack of transparent rules for non-voluntary physical demolition

Lack of transparent rules for non-voluntary division of removal costs



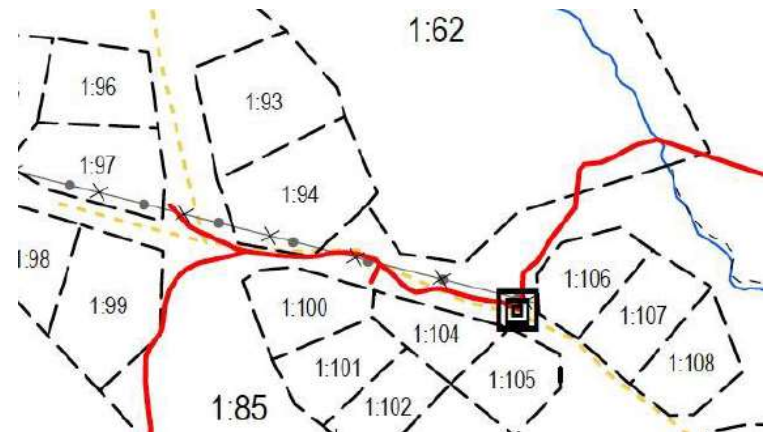
Utility easements

Problems with dissolved companies (e.g. due to bankruptcy)

Problems with company fusions, take-overs, etc.

Need for some modernization of legal statues

Hindrance of a smooth planning process



Several laws and ordinances interact

Not always transparent content and procedures

Joint Facilities Act [Anläggningslag]

Utility Easements Act [Ledningsrättslag]

Land Code [Jordabalken]

Certain Joint Facilities Act [Lagen om vissa gemensamhetsanläggningar]

Real Property Formation Act [Fastighetsbildningslag]

Joint Property Units (Management) Act [Lag om förvaltning av samfälligheter]

Real Property Register Ordinance [Förordning om fastighetsregister]

Act on Changes in the Utility Easements Act [Lag om ändring i Ledningsrättslagen]

Renewal Act [Lag om förnyelse av vissa inskrivningar i fastighetsregistret]



Conclusions

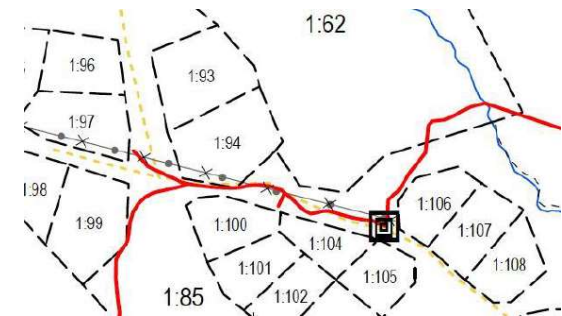
No transparent processes for liquidation give raise to different legal solutions for liquidation of use rights

Ineffective and non-transparent rules for demolition of abandoned physical constructions

Extra costs for new real property formation on affected properties

Hindrance to effective land use

The bill may end at the landowner



Proposed solutions

Better information to involved parties

Improved guidelines concerning real property procedures for removing physical installations

Agreements between parties about future responsibilities

Improved updating procedures between the national real property register and e.g. the national business company register

Thank you!