



# XXVII FIG CONGRESS

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## A Framework for Appraising the Legislation and Implementation of Expropriation for Public Utility in Post-transitional Countries: Full Compensation and the Role of the Valuer (11576)

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## Is the expropriation regime a hindrance to the development of new infrastructure? (Romania Case Study)

- What are the causes of unsatisfactory outcomes in the expropriation process?
- How do valuation professionals engage with the expropriation processes?
- How can the legal mechanisms be improved to avoid delays to the delivery of new infrastructure while ensuring satisfactory outcomes for stakeholders?

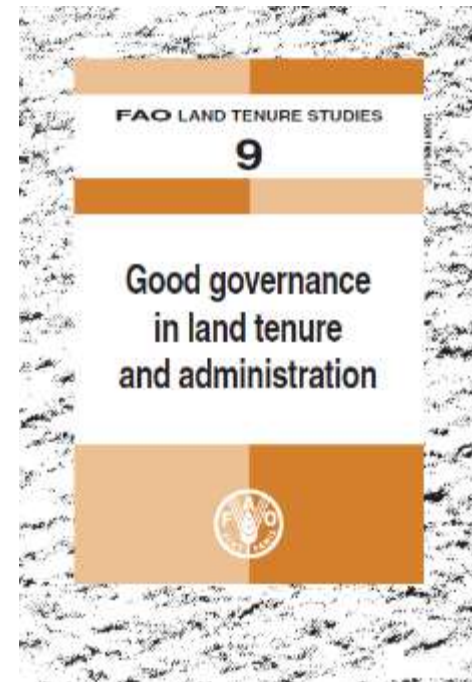
**The resulting framework uses five qualitative indicators**



## Issues with existing literature



European Investment Bank  
**Environmental  
and Social Standards**



## Surveyor Interviews

- Several surveyors invited to participate
- Other participants:
  - a sitting judge
  - a civil servant working in the expropriation and
  - an infrastructure NGO representative
- Surveyor reasons for lack of engagement:
  - fear of legal consequences
  - opportunity cost
  - not time effective



Source: Bing Maps (2021)



## Equivalence:

*“This is the principle that people whose land is acquired compulsorily should be left neither better nor worse off financially as a result of their land being acquired – being entitled to compensation which is neither more nor less than the value of their loss”*

Compulsory purchase and compensation: guide 2 ([www.gov.uk](http://www.gov.uk))

## Full Compensation

1. Calculating compensation
2. Adequacy of compensation
3. Title issues
4. Loss due to severance
- 5. Robustness of Process**



Source: [glasul-hd.ro](http://glasul-hd.ro)



## Robustness of Process

- Consistency in compensation calculation
- Court system overwhelmed
- Stakeholders unaware of rights
- Valuation surveyors reluctant to participate



Source: [albaiuliainfo.ro](http://albaiuliainfo.ro)

## Conclusions & Recommendations

- Surveyor roles obscured by the obtuse mechanisms
- Corruption was not detected in the research, but processes be open to abuse
- Use of notary grid means compensation may not reflect market value
- The law does not expressly cover its implementation - improvement of the existing expropriation mechanisms would reduce unsatisfactory outcomes
- Many professionals call for legal reform as per other countries in the region



## David Hunt MRICS



- Over 12 years commercial real estate experience
- Worked in several countries in Central and Eastern Europe
- Working with University College of Estate Management since September 2015
- Programme Leader for access and foundation-level courses
- Teaches property valuation on UCEM's BSc and MSc Real Estate programmes