

# **The General Administration of the Patrimonial Documentation of Belgium Turned Towards the Future**

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## **SUMMARY**

The General Administration of The Patrimonial Documentation (Cadastre, Registration, Public Property and Mortgage Service) of the "Federal Public Service Finance" of Belgium has now new organization charts, new structures and new assignments. The Integrated Data Processing of the Patrimonial Documentation manages efficiently the technical, functional and structural projects. The Integrated Data Processing has internal objectives like the rationalization of the data, an only collection of the data... and also external objectives like a faster updating of the data, the juridical security, the external needs.

The first step of the development of this process is the setting up of an only Database for the Patrimonial Documentation administration bringing together the data of the Cadastre, the Registration, the Public Property administration and the Mortgage Service. This Database is PATRIS (PATRimony Information System). The implementation of PATRIS is scheduled at the end of the year 2008. The Integrated Data Processing is developed around some concepts like the only file, the only office, the risk management, the authentic data, a juridical cadastre, the univocal identification of the immovables, the preliminary cadastration...

Some of the concepts concern also the Graphical projects (GIS). With CADMAP the digitizing of the 29.000 cadastral maps of parcels (composed of more of 9 million of cadastral parcels) has be made with the collaboration of the three Regions of Belgium. This is an important step to the continuous cadastral map of parcels and CADGIS (GIS) will permit the updating of the data of the patrimonial documentation by the integrated system. The objective of CADMAP is to consult the cadastral plan as an image. To transfer the data to our partners, as a file, not as an image, we use the Web Map Server. As a result, they can work this map.

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## **1. THE KINGDOM OF BELGIUM**

### **The Organization of the State**

#### **1.1.1 The Federal State**

Within the Federal State, the legislative power is exercised by the Federal Parliament on the one hand, consisting of two assemblies (the Chamber of Representatives and the Senate) and on the other hand the King. The King does not exercise any personal authority. His Ministers bear full responsibility by jointly signing the draft laws that are enacted by Parliament and Royal Decrees.

#### **1.1.2 The Regions**

Apart from the Federal State and the Communities, there are the Regions.

There are three Regions. The names of the three regional institutions are borrowed from the name of the territory they represent. So we refer to (from north to south) the Flemish Region, the Brussels-Capital Region and the Walloon Region.

Regions have powers in fields that are connected to their region or territory in the broadest meaning of the term.

So the Flemish Region, the Brussels-Capital Region and the Walloon Region have powers relating to the economy, employment, agriculture, water policy, housing, public works, energy, transport (except Belgian Railways), the environment, town and country planning, nature conservation, credit, foreign trade, supervision of the provinces, communes and intercommunal utility companies.

They also have powers relating to scientific research and international relations in these fields.

#### **1.1.3 The Communities**

In addition to the three Regions, the Federal State has three Communities. They are based on the "language". So we talk about the Flemish, French and German-speaking Communities.

## The territory of the Communities

The Flemish Community exercises its powers in the Flemish provinces and in Brussels, the French Community in the Walloon provinces, with the exception of German-speaking communes, and in Brussels, the German-speaking Community in the communes of the province of Liège that form the German language area.

### The powers of the Communities

Since the Communities are based on the concept of "language" and language is "dependent on the individual", a number of other powers are obviously associated with the Communities. The Community has powers for culture (theatre, libraries, audiovisual media, etc.), education, protection of youth, social welfare, aid to families, immigrant assistance services, etc.

#### 1.1.4 The Provinces - The Communes

The level of administration that is closest to the individual is the local authority or commune.

In Belgium there are 589 communes. The 308 Flemish cities and communes are spread over five provinces. The 262 Walloon cities and communes are spread over five provinces. The Brussels-Capital Region covers nineteen communes.

## 1.2 The Kingdom of Belgium is also in brief ...

Population:	10,396,421 inhabitants (2003)
Surface area:	30,528 km <sup>2</sup>
Federal capital:	Brussels also Capital of the European Union
Head of State:	King Albert II
National Day:	21 July
National languages:	Dutch, French and German
Currency:	the euro (EUR)
National product:	283.7 billions of EUR (2004)
Annual growth rate:	2,7 % (2004)
Time zone:	GMT + 1 hour
Summer time, from the last Sunday of March to the last Sunday of October:	GMT + 2 hours
Weights and measures:	metric system
Domestic electricity:	220 volts
Population density:	339 inhabitants per km <sup>2</sup> (2003)
Maximum distance between two points:	280 kms
Geographical centre:	Nil-Saint-Vincent
Peak:	Signal de Botrange (694 m)

Average temperature:	9,8 ° Celsius
Precipitation:	780 mm (annual average)
Sunshine:	1,555 hours (annual average)

## **2. THE "PATRIMONIAL DOCUMENTATION" ADMINISTRATION OF BELGIUM**

### **2.1 The New Chart Organization**

The "Coperfin Reform", the reform of the Ministry of Finance of Belgium has led to the creation of new organization charts and new structures.

The Ministry of Finance became the "Federal Public Service Finance".

The "Federal Public Service Finance" is now composed of three general administrations:

1. Taxes and Tax Collection;
2. Patrimonial Documentation;
3. Treasury.

The general administration of the Patrimonial Documentation (previously the "Coperfin Reform": Cadastre, Registration, Public Property administration and Mortgage Service) is composed of five general departments:

1. Legal Security;
2. Surveys and Valuations;
3. Patrimonial Services;
4. Not fiscal Tax office;
5. Collect and Swap of information.

Three Directorates support these five operational Departments:

- "Functional Expertise and Support", which is entrusted with devising the working methods as well as with analyzing and writing the texts and the instructions,
- "Provision of Services, Strategy and Implementation", which is entrusted with the relations with the citizens,
- "Program Management Office", which is entrusted with the change processes.

### **2.2 The Origin of the Belgian Cadastre**

In the beginning, the Belgian cadastre should have been a legal and juridical cadastral system where the immovable files were updated by civil servants. These immovable files should be

the proof of the property. The civil servants should have an active updating. But it wasn't so because it was not possible to consult all needed titles.

The Belgian cadastre is a "personal cadastre". When we say that the Belgian cadastre is not a juridical cadastre, it doesn't mean the Belgian cadastre has not any juridical quality. Indeed, the Belgian cadastre doesn't give a title, but without title, the Belgian cadastre can give a presumption. The title proof only comes from the notarial deed. The proof for the third party is possible only if the notarial deed is transcribed in the mortgage service.

The Belgian system consists on assuring the publicity of the immovables which is in fact the ownership during thirty years (titles). The publicity is made by the Registration and the Mortgage Service.

## **2.3 The new assignments of the "Surveys and Valuations" administration (before the Reform: Cadastre)**

### **2.3.1 Surveys and Valuations**

The "Surveys and Valuations" administration determines and verifies the different values of immovable property (the cadastral income, the market values in respect of the registration duties and the inheritance taxes, the rental value), measure the parcels of land and the construction, determine 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. In the future, the "Surveys and Valuations" administration will also be entrusted with verifying the construction value in respect of VAT as well as the value of movable assets such as holdings of enterprises, works of art, etc.

### **2.3.2 Improvement of the Mathematical Models**

On the basis of the fundamental principle of the hedonistic approach that claims that consumers take advantage not of the properties strictly speaking but from the characteristics of these properties, we can assert that it is necessary to:

- -admit that these characteristics "account for", statistically speaking, the property price;
- analyze the value of the properties within the market which they are part of (segmentation of markets), in this case, the housing sector.

The theory of hedonistic prices assumes the existence of a numerical function that links each characteristics combination to the price that an individual has to pay to obtain the said combination. By integrating the economic laws of the price formation (equation of supply and demand), the mathematical model existing could be improved by a provisional modeling covering not only competitive markets but also monopolistic markets.

The characteristics applied on the housing sector can be shared out in two categories of explanatory variables:

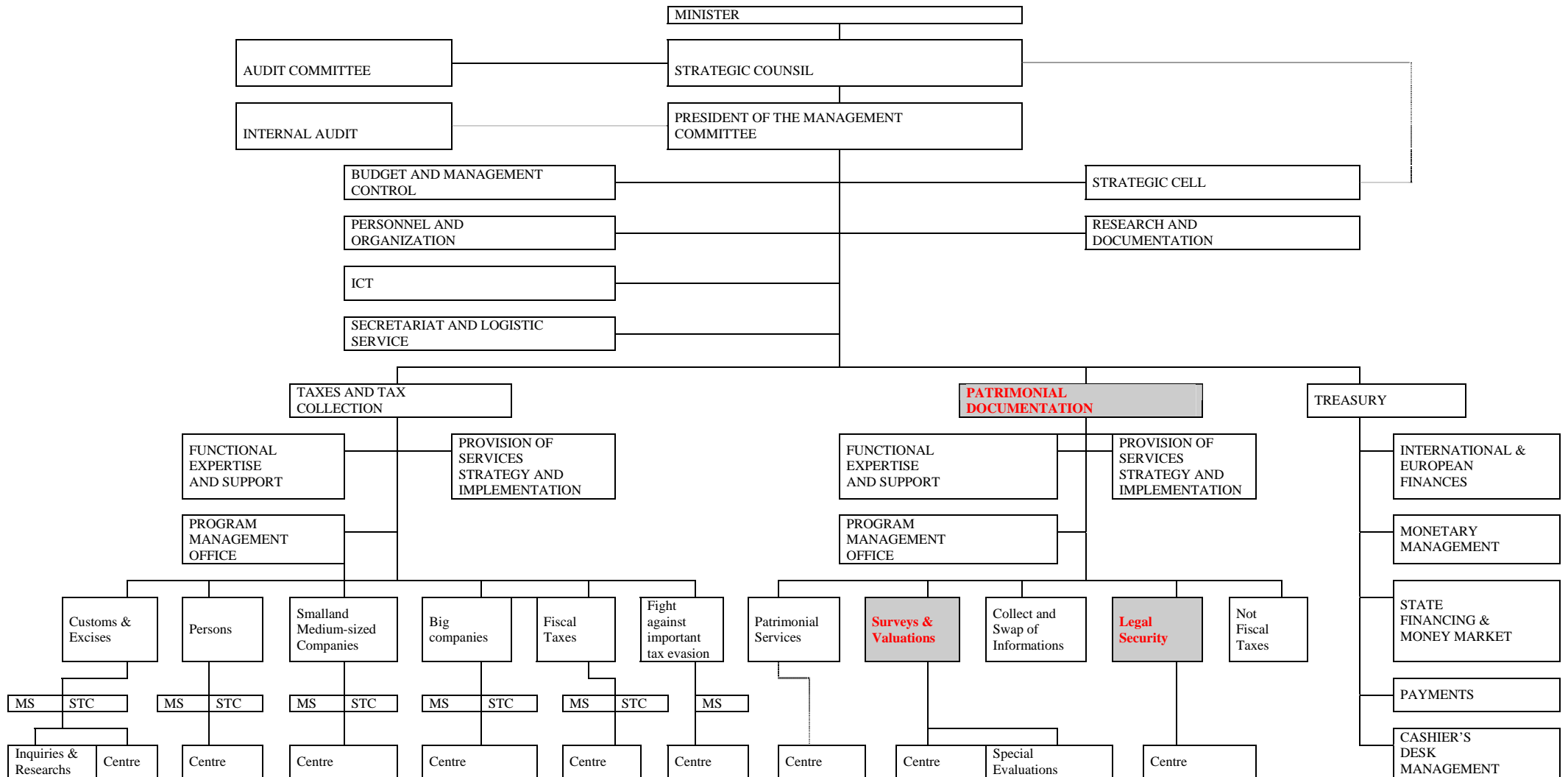
- the structural variables concerning the housing itself: number of rooms, surface, comfort, etc;
- the variables concerning the location, that is to say:
- the accessibility attributes: distance from the city centre, distance from different secondary poles;
- the quality of the neighbourhood: social increase in value of areas, accessibility to local public premises, quality of the physical environment, vicinity of green equipments.

The location should be more attached to the notion of the labour market area or of the everyday nature, not only with respect to the accessibility by determining a global variable on the basis of social and economic parameters but also with respect to the life quality. Other exogenous variables that account for the value ground-support would be created this way.

#### **2.4 The new assignment of the "Legal Security" administration (before the Reform: Registration)**

"Legal Security" administration collects the registration duties and the inheritance taxes, which are mainly transferred to the Regions, the mortgage duties and the court fees. But beyond the tax mission of this administration, "Legal Security" administration adds an essential legal piece to the puzzle of the immovable property's picture: the publication, by the Mortgage Registry Offices, of the public officers' instruments, with respect to which we have verified the correctness of the data. "Legal Security" administration updates the documentation in the light of these instruments in order for the information to correspond to reality as soon as possible.

"Legal Security" administration is at the service of the general public world (notaries, bailiffs, lawyers, credit institutions, citizens). "Legal Security" administration makes sure to maintain the quality of the service in order to deserve its complete confidence.



MS : MAGEMENT SUPPORT

STC : STRATEGY OF THE TARGET CLUSTERS

Figure 1 : The chart of the Federal Public Service Finance

### **3. THE INTEGRATED DATA PROCESSING OF THE "PATRIMONIAL DOCUMENTATION" ADMINISTRATION OF BELGIUM (STIPAD)**

#### **3.1 The answer of the "Patrimonial Documentation" Administration to the new assignments is the Integrated Data Processing of the "Patrimonial Documentation" Administration**

The Integrated system of the Patrimonial Documentation manages in a rational and regular way the portfolio of projects having the same common objective.

This program includes 3 important aspects:

- The technical aspect: modification of the computer infrastructure to adapt to the new technologies;
- The functional aspect: modification of working process in order to rationalize and improve the services;
- The structural aspect: organizational restructuring (new organization chart and new functions) in order to adapt to the technical and business evolution.

#### **3.2 Objective**

STIPAD has the ambition to provide to the numerous potential users, as well public as private, the movable and real estate data, but also data about the value of the patrimony of all natural persons and legal entities according to agreed authorizations and with ensured protections of privacy.

At present, the administrations of the general administration of the Patrimonial Documentation have each one, their own redundant information supported by different and incompatible information processing systems.

The level of computerization is also very different according to the administration (some data are still manual managed, often redundant data with on the other, hand computerized data in other administration). The data exchange happens mostly manual, which makes it slower, difficult sometimes, impossible in certain cases.

This structure, or better said non-structure, creates multiple data updates with the consequence of inconsistency a non-reliability of data.

There are many interactions between the different services of the Patrimonial Documentation administration but also many interactions with the external partners like the Private surveyors, the Notaries, the Architects, other Public Services, the Cities, the Regions, the local authorities,...

For a better interaction, the Patrimonial administration must rationalize the data and the updates.



The Objectives of STIPAD are:

- to computerize process and documentation
  - to process and to distribute data computerized
  - to permit quick and easy consultations which are connected to a completeness of information;
- interactive collaboration with the external partners;
- to respond to the evolution and needs of those partners;
- to adapt and to evolve according to the new social, economic and environmental elements;
- to improve service delivery;
  - to reduce deadlines;
  - to improve juridical security;
  - to improve accessibility and availability of information;
  - to guarantee confidentiality of information.

### **3.3 The functional objective of STIPAD**

- to implement the COPERFIN process established due to the BPR (Business Process Reengineering)
  - collect taxes;
  - acquire, manage and transfer goods;
  - evaluate goods;
  - write and draw up an authentic deed;
  - update the patrimonial documentation;
  - deliver patrimonial information;
  - handle discrepancies;
  - process “Non-fiscal taxes”.

### **4 PATRIMONY INFORMATION SYSTEM (PATRIS)**

- the central element of STIPAD is the patrimonial database, called PATRIS (PATRimony Information System).
- the principal 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);
  - 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.

### 3.4 The processes

Around PATRIS, different processes have been developed. The assignments of the "Patrimonial Documentation" Administration have been elaborated in seven generic processes.

- Process 10: to ask duties;
- Process 11: to purchase, to manage and to alienate immovables;
- Process 12: to value im(movables);
- Process 13: to draw up and to come up deed;
- Process 14: to retain and to update the data of the Patrimonial Documentation included the cadastral map of parcels;
- Process 15: to deliver patrimonial data;
- Process 16: to settle the disagreements.

### 3.5 The thought processes of the Integrated Data Processing have been developed around new concepts within the framework of e-Governance

#### 3.5.1 The only file

All the fiscal and non-fiscal information will be available in an only file generating a fiscal balance integrating all the taxes and all the information needed to charge. This only file including the fiscal balance is accessible to the citizen.

#### 3.5.2 Single counter

Abolishing the geographical spreading of the documentation; allow any natural person or legal entity to obtain any information or to deposit a document in any office of the country; a few professionals (notaries, bailiffs, etc) will remain localized for judicial security reasons; the portal will also be integrated in the concept.

#### 3.5.3 Risk Management

In view of the decreasing of the civil servants and the increase of the assignments of the "Patrimonial Documentation" Administration, the systematic and complete controlling of each registration, deed or formality is anymore possible. It is also no possible to check each declared values. The objective of the Risk Management is to establish pertinently the files that must be controlled or verified.

#### 3.5.4 Authentic source

Increasing the value of our data and their treatment: we accept therefore the authenticity of the coming products (for example, the national registry) and we deliver outgoing authenticated products.

### 3.5.5 Unified formality

Making all the formalities on the basis of a single request.

### 3.5.6 Priority of the patrimonial mission

Updating the patrimonial documentation independently of the collection of duties, taxes, salaries that are connected with the transfer or with the constitution of real right.

### 3.5.7 Regulation

Draft of a bill concerning the integration of the conservation of mortgages in the public service and concerning the previously surveying and registering of properties.

### 3.5.8 UNIDENT

Identifying immovable properties in an univocal way in order to improve the establishment of the relationship between persons, duties and properties.

### 3.5.9 Preliminary cadastration

The search for a better security for the signing of the deeds and a better reliability of the Public documentation impose on the administration a perfect understanding of the realized acts.

In view of the Freedom of the parties allowed by the Civil Code are sometimes difficult to transfer the acts in the Public documentation.

In the matter of transfer of immovable titles, a substantial improvement is planed in compliance of the article 141 of the Mortgage Law of December 16<sup>th</sup>, 1851. The project is that the new article will impose for the deeds a precise designation of the immovable and a recent cadastral extract. So there is no confusion possible with other immovable.

The second phase is a law taking in compliance of the Mortgage law that will impose the preliminary cadastration before the act transferring the immovable property and also a map when new boundaries are created.

The third phase will be a law that will impose for each act transferring the immovable property, a “boundary marking plan” made by a surveyor. This “boundary markings plan” will identify the cadastral parcels.

**The last concepts run naturally to the graphic projects within the context of the integrated data system**

**3.6 Digitizing of the cadastral map of parcels - CADMAP  
- CADMAP Extension  
- CADGIS**

The changeover to digital maps offers numerous perspectives:

- centralization of the geographic information (before, the maps drawn on film were distributed among the regional directorates);
- provision of the cadastral maps to the municipalities, first on cd-rom and later through the network;
- creation of a continuous map assembling the 30,007 digitized sheets (CADMAP realized project : the cadastral map is now continuous);
- creation of links between the data of the map and those of the land register; currently a geographic information system is under construction, namely the CADGIS project;
- implementation of a future integrated system of the Patrimonial Documentation, STIPAD: the geographic information system is essential for this project;
- improvement of the quality of the maps thanks to their being in line with more precise systems of reference (orthophotos, regional referential plans, NGI) and thanks to the integration of the plans drawn up by the contracted private surveyors-experts;
- creation of a large-scale national referential map that will serve as a basis for numerous internal and external applications; various firms already have indicated that they wanted to get the digital maps;
- creation of a referential map for the subsoil cadastre; each participant will keep its powers and its responsibilities but the respective information will be pooled through a computer platform to be implemented by FEDICT (e-government);
- start of the Best Address (Belgium Street Address) project.

## **CHANGE MANAGEMENT TEAM**

A project like STIPAD-PATRIS needs a particular care with the legal aspect and the regulations but also an accompaniment with the changing and this with the Change Management Team.

## **CONCLUSION**

The richness of the data of the "Patrimonial Documentation" Administration coupled together the new IT Technologies bring a better juridical security and a better accessibility of the patrimonial data for the citizens and the partners of the administration.

## BIOGRAPHICAL NOTES

### Francis Gäbele (62)

Studies : Surveyor certificated by the Belgian State

Town Planner qualified by the Town Planning Institute

Practice : - General Auditor, Section Head at the “Federal Public Service Finance” – Patrimonial Documentation (Cadastre, Registration, Public Property, Mortgage Service)

- In charge of the general inspection of the services of the cadastre for Brussels and the Walloon Region

- In charge of the International Relations for the Patrimonial Documentation

- Belgian Delegate to the PCC

- Member of the National Council of the Belgian Association of Surveyors

- Editor of the review “Surveyor”

- Professor of property law (Engineer Surveyor)

- Scientist Adviser at the University of Liège (Geomatic Engineer Department).

FIG : - Delegate of the “Patrimonial Documentation administration” of Belgium (member Affiliate FIG)

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