Country Report 2010

(Based on the PCGIAP-Cadastral Template 2003)

Czech Republic

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I. Country Report

A. Country Context

Geographical Context

The Czech Republic is a small landlocked country, lying in the central part of Europe. Its area of 78,866 square kilometres, population of 10,501,197 people, and population density of 133 inhabitants per square kilometre rank the country on the 21st, 12th and 13th places among European countries, respectively. The country has borders with Poland (762 km), Germany (810 km), Austria (466 km) and Slovakia (252 km). 67% of the country's whole territory can be found at an altitude of up to 500m, 32% between 500 and 1,000m, and only 1% above 1,000m. The average altitude of the Czech Republic is 430m.

The land fund according to land use is made up as follows:

- 54% of the total area is agricultural land (arable land 39%, gardens 2%, meadows and pastures 13%),
- 46% of the total area is non-agricultural land (forests 33%, waters 2%, buildings and yards 2%, other land 9%)

Historical Context

The former Kingdom of Bohemia (Golden Age under Charles IV of Luxembourg - the King of Bohemia and the Emperor of Rome and Germany) lost its independence after the battle of the White Mountain in 1620 and for the next 300 years became a mere province of The Habsburg Monarchy, later the most industrial part of the Austrian-Hungarian Monarchy. After World War I. in 1918 Czechoslovakia an independent and democratic state (republic) of Czechs and Slovaks was formed. During World War II. Czechoslovakia was occupied by Germany. After the war Czechoslovakia continued with its economic and democratic development until the communist coup in 1948, which stopped democratic development for the next forty years. After the so called "Velvet Revolution" in 1989 the process of liberation and economic restoration began. In 1993 former Czechoslovakia was democratically divided into two independent states: the Czech Republic and Slovakia. The Czech Republic joined the European Union in 2004.

Current Political and Administrative Structures

The political system in the Czech Republic is a parliamentary democracy based on free competition between political parties. According to the Constitution legislative power, executive power and justice are separated. The legislative power is carried out by the elected Parliament (two chambers). The central government consists of several ministries and other central administrative bodies with competencies and responsibilities defined by law. At lower levels of administration there are regional and municipal self-governments. The justice consists of a system of independent courts. The Czech Republic is administratively divided into 14 regions, each region consisting of several districts.

Historical Outline of Cadastre

Czech cadastre has its roots in the former Austrian cadastre and Land registry ("Grundbuch").The modern era of cadastre and Land registration is based on Cadastral law from 1819, Civil Code from 1811 and the Land registration Act from 1871. This cadastre based on new mapping was designed solely for the fiscal purposes of the state, but since 1871 (new Land registration Act) the description and presentation parcels in the cadastre were compulsorily used in land registration, later a copy of the cadastral map was a part of Land Registry. The Cadastre was administered and maintained by the Ministry of finance, Land Registry by Courts. Next cadastral development was heavily influenced by political events in the last century:

1914 -1918 ***W.W.I***. – Czechoslovakia formed in 1918

1919 – ***first land reform*** (confiscation and redistribution of all landed property greater than 250 hectares)

1927 – new cadastral law (new modern mapping started)

1939 - 1945 ***W.W.II.***

1945 – ***second land reform*** (confiscation and redistribution landed property of enemies, traitors and collaborators)

1948 – communist coup (***nationalization and collectivization*** process started)

1951 – new Civil Code (compulsory land registration was abolished)

1964 – new Civil Code, new simplified cadastre (registration of deeds within the new cadastre)

1989 – "velvet revolution" (fall of communist regime)

1991 – ***third land reform*** (mass process of restitution and privatization)

1993 – Czech Republic formed, new cadastral legislation, ***cadastral reform started***

New cadastre of 1993 (registration of titles) unified former Land Cadastre and Land Registry into one technically - legal tool administered solely by survey authorities ("legal cadastre" kept and maintained prevailingly by computer-based means).

B. Institutional Framework

Government Organizations

The supreme administrative body is the Czech Office for Surveying, Mapping and Cadastre (COSMC), which is a central governmental body with a president (not a minister) at its head. COSMC reports directly to the government. There are 7 Survey and Cadastral Inspectorates in the regions, 14 Cadastral Offices in the regions, which are subordinated directly to COSMC, and 105 Cadastral Workplaces in districts, which report directly to Cadastral Offices.

Beside that there are two special institutions - the Land Survey Office (geodetic control, state map series) and the Research Institute of Geodesy, Topography and Cartography, both responsible to COSMC.

Private Sector Involvement

The private sector is involved in maintaining the cadastre. Private surveyors are solely responsible for preparing all subdivision plans for the cadastre and do all the setting out of boundaries (more than 100 thousand cases per year).

Professional Organization or Association

Some of the surveyors are associated in the Czech Union of Surveyors and Cartographers (about 550 members). Beside that there is the Chamber of Surveyors and Cartographers (with only about 150 members, there has been no practical reason for this membership yet).

Licensing

According to the Survey Act private surveyors are entitled to carry out survey activities on certain conditions. Enterprise in this field is bound by trade license according to the Trade Law. Education in surveying and praxis (5 years or 3 years in case of graduate surveyors) are basic requirements for obtaining this license.

Beside that all results of survey activities used for the cadastre and for the state map series must be verified by a person with official authorization. The Czech Office for Surveying, Mapping and Cadastre can give this authorization to a person fulfilling the following conditions: university degree in surveying in master's study programme, five years of working experience, passing a special examination.

Education

There are 5 technical universities offering degrees in surveying. There are three degrees of study programme - bachelor (6-8 terms), master (4 terms) and doctoral (6 terms) in two modes of study - full-time and combined. Average annual number of received students is about 250; the numbers who graduate is half of this.

C. Cadastral System

Purpose of Cadastral System

Present cadastral system works as a multipurpose tool (first of all for legal and fiscal purposes, but the cadastral data are generally used in planning, for making decisions by local government and for all land oriented information systems).

Types of Cadastral Systems

"The Cadastre of Real Estates of the Czech Republic" covers all the territory of the state. No other cadastre dealing with real estates exists. There are a great amount of special or local (towns, municipalities) information systems, but they all take and use data from the cadastre (because it is legally binding).

Problems with informal or illegal settlements are unknown.

Cadastral Concept

The main unit in the cadastral system is a parcel. A parcel is defined in law as a piece of land defined by its boundaries and represented on a cadastral map. Every parcel has its own unique parcel number within the so called "cadastral unit". Buildings with yards are usually individual parcels.

Cadastral unit is an area of original municipality defined by its boundaries and represented on cadastral map. The first cadastral mapping was done and documentation was arranged within these units. Every cadastral unit has its own unique name (usually the name of village or town). Bigger towns usually consist of more than one cadastral unit.

Property usually consists of several parcels (e.g. house and garden). Since the object of registration is a parcel, not a property as a whole, a property is registered as a set of individual parcels.

Content of Cadastral System

The present cadastre covers in one complex tool land cadastre (parcels with detailed information about types and areas of plots, building numbers, land use, tax information, selected information about preservation, etc.) and land registry (with detailed information about titles and other rights, owners and their identifiers and addresses).

The cadastre consists of a descriptive information file, geodetic information files (cadastral maps and their digital data, if any), survey documentation, collection of deeds, and summary surveys of the land fund.

The descriptive information file is fully computerized (100%), the geodetic information file (cadastral maps) are under digitization (about 40% completed).

Cadastral data are available via Internet through the service “Remote Access to the Cadastre of Real Estates”. Data are free of charge for public sphere. The Electronic outputs are signed by the electronic mark and have the same signification as the public documents issued by cadastral workplaces. Information from the Cadastre of Real Estates is available on contacts points of public administration (called CzechPOINTs).

Probably the best-known service for the public is free consultation of the cadastre. This Internet service was launched on 1.1.2004 and allows provision of selected data concerning ownership of parcels, buildings and building units (flats or non-residential space). By means of consultation it is possible to find information on the state of proceedings from the moment of submission to the cadastral office for the purposes of registering property and other rights to real estate or other data recorded in the Cadastre of Real Estates of the Czech Republic. The consultation application is very intensively used by a wide range of users and has contributed in a significant way to increase the transparency of the course of individual administrative proceedings.

The cadastre co-operates with several other public registers, e.g. with the Register of Citizens (ID numbers and addresses of natural persons) and the Register of Economic Subjects (ID numbers, and addresses of legal persons).

D. Cadastral Mapping

Cadastral Map

Currently, there are two kinds of cadastral maps in use: a) old maps on plastic foils at historical scale 1: 2880 (covering about 70% of land) and b) newer cadastral maps at scale 1:1000 or 1:2000 (30%). Both types of maps are being digitized (about 40% completed).

Old graphical cadastral maps 1:2880 in old geographic system (origin from 1835-1855) have been re-drawn on plastic foils. Newer cadastral maps 1:1000 or 1:2000 in present national system (after 1927) have been practically digitized and are kept and maintained by computer-based means.

Contents of cadastral map: geodetic control, boundaries (administrative boundaries, boundaries of cadastral units, boundaries of ownership, land use and preservation areas, perimeters of buildings), parcel numbers, land use symbols, numbers of geodetic control, cartographic symbols, place and local names.

Example of a Cadastral Map

Fig. 1: A specimen of the old graphical cadastral map 1:2880.

Fig. 2: A specimen of newer map 1:1000 - digital cadastral map.

Role of Cadastral Layer in SDI

Cadastral data including cadastral maps are widely used in national, municipal, local and specialized information systems. Cadastral layer is a part of nearly all land oriented information systems. In some cases (when digital cadastral maps are not available) a simple digitization for the purpose of the IS has been carried out.

Example of a Cadastral Map

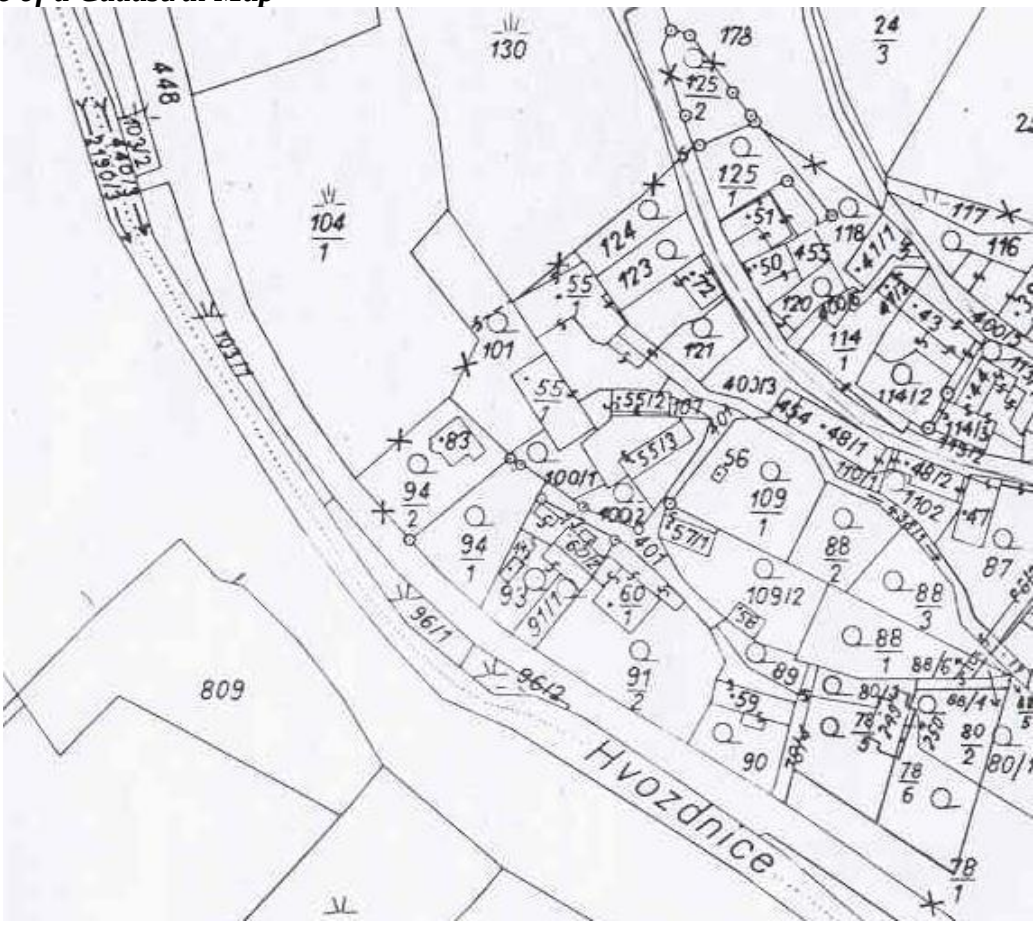

Fig. 1: A specimen of the old graphical cadastral map 1:2880.

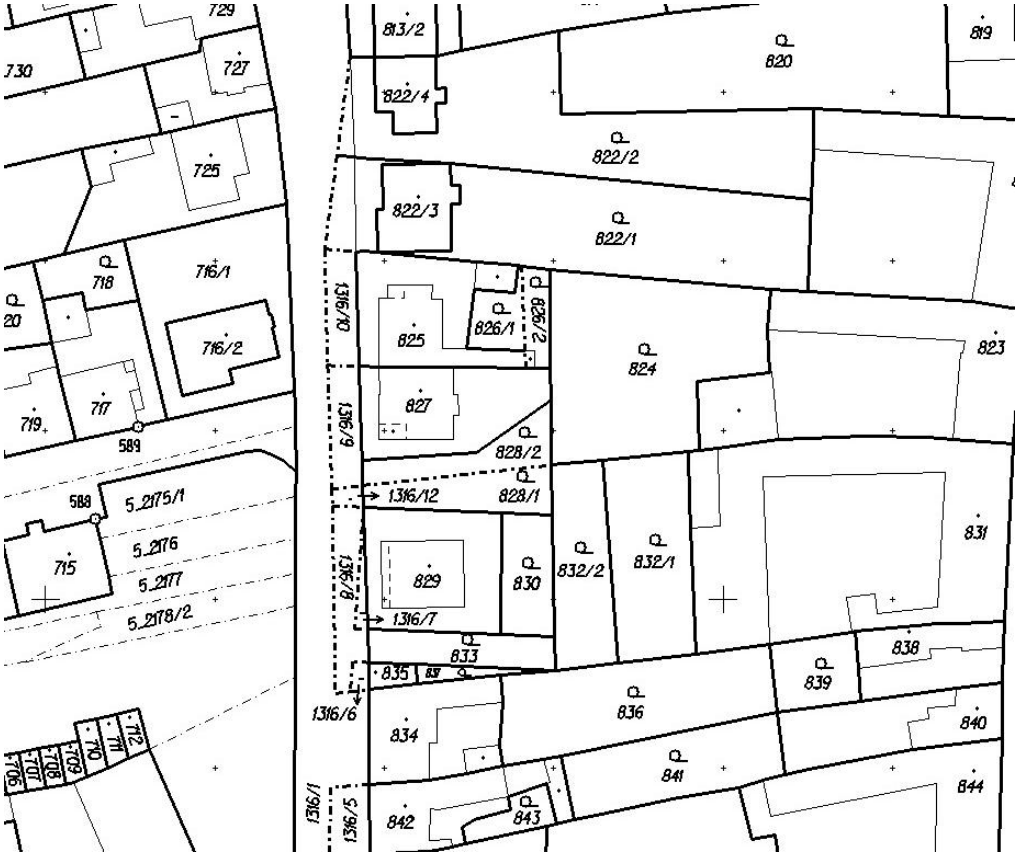

Fig. 2: A specimen of newer map 1:1000 – digital cadastral map.

E. Reform Issues

Cadastral Issues

The main problem of the cadastre - digitization of old graphical maps - still remains. The graphical maps represent about 60% of cadastral maps. Technology of their reworking enabling further maintaining as a digital cadastral map has been developed and the deadline for digitization is year 2015.

The Never ending story is, of course, financing the cadastre. Present state is sufficient and enables further indispensable development, but problems are in planned income. Income of the cadastre is an income from the state budget.

Current Initiatives

In July 2007 it was decided to speed up the digitalization by creating suitable conditions, which would enable the completion of digitalization of cadastral map on 100% of the state territory by the end of 2015. It means the speed of 1200 completed cadastral districts yearly, which represents 9 % cadastral districts yearly. To manage this task COSMC cooperates with private geodetic companies.

A brand new task is the creation of a particular register for sharing data of the Public Administration. The Register of Territorial Units, Addresses and Real Estates („RTUARE") is based on a special Bill.

The RTUARE should content

- Data on base territorial elements (e.g. regional statistical units, region, district, municipality,…, cadastral unit, parcel, construction object, address point).
- Data on territorial evidence units (part of municipality, Postal Office, street).

The RTUARE will keep on each territorial unit its name and code and links to the other territorial elements.

The RTUARE will keep on each construction object data on its type and usage, protection and some technical and economical attributes including their ownership.

The RTUARE will provide on each parcel a data on its type and usage, protection and its area including their ownership.

References

1. Pesl, I., 2000. Five years of Cadastral Reform in the Czech Republic. *Survey Revue,* 35(276): 398 – 411.

2. Pesl, I., Slaboch, V., 2002. Ten years of Cadastral Reform in the Czech Republic: From defective cadastre to Internet access to reliable cadastral and land registry data. *Proceedings of the XXII FIG International Congress, April 19-26, 2002, Washington D.C., USA*

3. http://www.cuzk.cz

4. http://www.czso.cz

II. Questionnaire

1. Cadastral Principles

Deed or title registration

1.1 Is your cadastral system based on deeds registration or on title registration ?

- ☐ deeds registration
- × title registration
- ☐ other: …….

Registration of land ownership

1.2 By law, is registration of land ownership compulsory or optional ?

- × compulsory
- ☐ optional
- ☐ other: …….

1.3 If felt necessary, please, comment on the actual practice and the legal consequences.

Approach for the establishment of the cadastral records

1.4 Are landowners required to register their properties systematically during the initial establishment of the cadastre or is registration sporadic, i.e. triggered only by specific actions (such as for example sale) ?

- ☐ systematic
- ☐ sporadic
- ☐ both
- × all properties are already registered
- ☐ other: …….

2. Cadastral Statistics

Population

2.1 What is the **population** of your country ?

10.5 million

2.2 Please, estimate the **population distribution** between urban and rural areas.

urban: …74… %

rural: …26… %

total: …100… %

Number and distribution of land parcels

2.3 Please, estimate the approximate **total number of the smallest uniquely identified land units**, often called "land parcels" in your country, including urban and rural areas ?

The total number would include all freehold and state owned land, regardless of registered, non-registered or informal holding.

18,142,660

2.4 What is the approximate **total number of registered strata or condominium units** ? This number would be in addition to the number of land parcels indicated in 2.3 ?

5,785,977

2.5 For **URBAN areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

legally registered and surveyed:
…100… %

legally occupied, but not registered or surveyed:
…0… %

informally occupied without legal title:
…0… %

total: …100… %

2.6 For **RURAL areas**, please, estimate the **distribution between the smallest uniquely identified land units, often called "land parcels"** (i) that are legally registered and surveyed, (ii) that are legally occupied but not registered or surveyed, and (iii) that are informally occupied without any legal title (this may include illegal occupation or squatting).

If the estimation is too difficult or complex using land parcels, you may base your estimation alternatively on the number of people occupying these forms of land parcels.

legally registered and surveyed:
…100… %

legally occupied, but not registered or surveyed:
…0… %

informally occupied without legal title:
…0… %

total: …100… %

Number of professionals

Please estimate the total number of *academic professionals* that are active within the cadastral system and the proportion of the time that they actually commit for cadastral matters (as opposed to work outside of the cadastral system) ?

2.7	Total number of **professional land surveyors**, such as licensed surveyors active within the cadastral system:	1500
2.8	Proportion of the time that these land surveyors commit for cadastral matters:	60%

2.9	Total number of **lawyers/solicitors** or equivalent active within the cadastral system or land market:	??
2.10	Proportion of time that these lawyers/solicitors commit for cadastral matters or land market:	??

Remarks and Comments

Please, identify the best aspect of this questionnaire ?

Please, suggest the area in the questionnaire that could be improved ?
