

Country Report 2003

(Based on the PCGIAP-Cadastral Template 2003)

Lithuania

Country/state for which the indications are valid:	Lithuania
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I. Country Report

A. Country Context

Geographical Context

Lithuania is located at the western end of the East European Plain, on the shores of the Baltic Sea. It borders Latvia, Belarus, Poland and the Russian Federation (Kaliningrad district) and is the biggest of the three Baltic States. The total area is 65,300 sq. kilometers making the total of 1273 km land boundaries and 99 km of coastline bordering the Baltic Sea. The geographical centre of Europe (54°51' north and 25°19' east) lies in Lithuania, 20 kilometres north of Vilnius, the capital city of Lithuania. There are 758 rivers and streams longer than ten kilometers. The longest river is the Nemunas at 937 km in length (475 km through Lithuania). The country boasts more than 2800 lakes covering 1.5% of the country's area. Lithuania is a low-lying country, its highest point rising 292 meters above the sea. Forests make up about 30 % of the total area. Agricultural land makes 53%.

The population amounts to about 3.46 million (83% of ethnic Lithuanians; 6,7% of Polish origin; 6,3% of Russian origin; 4% Latvians, Jewish, Belarus and others) of which 68% live in the cities and towns.

Historical Context

The first recorded mention of Lithuania was in 1009 AD in the Quedlinburg Annals. The Lithuanian state was founded in the middle of the 13th century by Duke Mindaugas, who was crowned as a king in 1253. By the beginning of the fifteenth century, Lithuania was one of the largest countries in Europe and its territory extended from the Baltic Sea up to the Black Sea. From 1648 onwards, the state faced attacks from the Russians and from Sweden. These wars critically weakened the state and, in the partitions of Poland, which took place between 1772 and 1795, Lithuania was largely annexed by the Russian Empire. These pressures helped to encourage the development of a national movement. Independence was declared on 16 February 1918. After the outbreak of the Second World War, Lithuania was annexed to the USSR and the occupation lasted till 1990. The restoration of independence was declared on 11 March 1990.

In 2000 Lithuania started negotiations for EU membership and in late 2002, was accepted for membership in both the EU and NATO (effective 2004).

Current Political and Administrative Structures

Lithuania is a parliamentary democracy based on a free competition of political parties. The country is headed by the President elected by popular vote for a five-year term. The legislative branch is represented by the Parliament or Seimas composed of 141 members of Parliament serving for the period of four-years. The Central Government consists of 13 ministries, each responsible for its own specific area.

Administratively Lithuania is divided into 10 counties and 60 municipalities, which have relatively broad powers of self-governance.

Historical Outline of Cadastre

The roots of the Lithuanian cadastre date back to the early medieval ages when the land was considered as a primary symbol of wealth and resources. At that time land-based relations were defined by the customary law; some time later they were subject to the regulation by Grand Dukes' privileges and finally, in the 16th century, by the Statute of Lithuania.

In 16th century, the Grand Duchy of Lithuania performed an important land administration reform resulting in the separation of lands in terms of their ownership (possessed by noblemen, peasants and the Grand Duke). The size of the land parcels allocated to peasants was based on valakas (measurement unit equal to 21 ha). A descriptive inventory of all public lands was formed. Soon after mapping activities started.

The update of those cadastral data was made in the 19th century when after the abolition of the serfdom peasants were entitled to the ownership of a land parcel. Such re-parceling of lands allowed to improve land use, establish boundaries of villages and, consequently, update mapping material.

At the beginning of 20th century, all land was subject to a new cadastral surveying leading to the re-parceling of former estates to the new owners. The cadastral identification was used to support the land ownership and land transfer system. The conception of the cadastre system as a measure for land sale and marketing strengthened ever since.

In 1940, after Lithuania was announced a Soviet Republic, all the land was declared as state ownership however the buildings and flats remained in private ownership. During the Soviet period the Bureaus of Technical Inventory administered and registered buildings, flats and construction.

After the reestablishment of state independence (in 1990) the Republic of Lithuania adopted the laws, which legalised private ownership in land, forest and other immovable property. The restoration of ownership rights to land started and in 1992 the computer-based registration of land was launched. In 1997 a new institution the State Land Cadastre and Register (from 1 April 2003 named the State Enterprise Centre of Register) was established, which merged the registration of land and buildings (flats and other immovable objects) and rights thereto in one organisation. A demand for complex information in the field of land management, environmental protection, business, housing, etc. promoted the establishment of a multi-purpose cadastre and register system.

B. Institutional Framework

Government Organizations

Real property cadastre and registration activities are carried out on the national level, this task being delegated to the State Enterprise Centre of Registers (Centre of Registers). The Centre of Registers is a governmental agency under the Ministry of Justice engaged in the following main activities: administration of Real Property Cadastre and Register, the Register of Legal Entities, the registration of real property objects and rights in them, the registration of legal entities, the appraisal of real property, cadastral surveying and providing official information on registered real property and rights to it, and about legal entities, also is responsible for addresses, and maintenance of the Register of Administrative Units, Settlements and Streets and cadastral map. Today the State Enterprise Centre of Registers has its central office and 11 Branch Offices with their local divisions.

The land reform and restitution is carried out by private and state surveying companies, this process being administered by County Manager Administration and the National Land Service, where the latter provides methodical guidance and supervision of the land reform process.

Cadastral surveying of land and buildings is carried out by the public sector and the private sector represented by licensed surveying companies, supervised by the National Land Service under the Ministry of Agriculture. The matters related to buildings, flats, engineering utilities, etc. are coordinated with the Ministry of Environment.

Lithuania has a private notary system supervised by the Ministry of Justice. Registration of mortgages is in charge of the Central Mortgage Office, which is subordinate to the Ministry of Justice.

Private Sector Involvement

The private sector represented by the licensed surveyors in private practice is involved in the cadastral surveying of land and buildings. Private surveying companies are also engaged in the topographic, geodetic, designing and etc. licensed activities. Requirements for the private surveyors are set forth by the licensing regulations, also the order on cadastral surveying of real property objects.

Professional Organization or Association

The Lithuanian Surveyors Association was established in 1994; it is a member of FIG. The association unites the engineers in geodesy, cartography, land surveying, scientists and other professions and aims at discussing the land reform and management, real property cadastre and register, geodesy and cartography, and other similar issues. The number of members amounts to about 250 of physical persons.

Licensing

Only licensed surveyors are entitled to conduct cadastral surveying of land and buildings. The National Land Service under the Ministry of Agriculture issues the licenses to legal entities, the head thereof have relevant university or college education and the duration of theoretic and practical course on geodesy and cartography within the studies makes at least 200 hours. The specialists working with cadastral surveying should also have university or college education and relevant qualification. The companies should have proper surveying equipment, hardware and tools for processing surveying data. On 1 December 2003 the number of issued licenses was 204.

Education

At the university level the Lithuanian Agricultural University offers the education in real property cadastre, register and surveying. In the year 2002 about 50 BSc and about 28 MSc graduated the university. The Vilnius Gediminas Technical University offers the education in real property cadastre, geodesy and cartography for the BSc and MSc level courses, where in 2002 about 50 BSc and 20 MSc graduate the university.

At the college level the Kaunas College, the Kaunas College of Forestry and Environment Engineering, the Vilnius College of Construction and Design and the Kretinga Higher Agricultural School offer education in land management, cadastre, geodesy and engineering. Studies last for 3 years and in 2002 about 100 students graduated these colleges.

C. Cadastral System

Purpose of Cadastral System

The Real Property Cadastre and Register in Lithuania, including cadastral map, is an integrated multipurpose system administered by one institution. It secures the registered rights to real property; supports lawful conveyance of real property; serves for fiscal purpose, i.e. land taxation; it is also an instrument for national real property policy and a supporting tool for real property and credit market development in the country. Nowadays the real property cadastre and register data are becoming more and more important in other fields of public life including real

property administration, valuation, territory planning; fulfillment of municipal tasks, the development of e-society and information infrastructure etc. An increasing use of information by different market participants, such as banks, notaries, real estate agencies, insurance companies, citizens and other entities puts new demands on the quality of data and easy access to information as well as on efficient dissemination.

Types of Cadastral System

Lithuania has one cadastral system covering the whole territory of the country and it is an integrated Real Property Cadastre and Register system. The system covers the urban and rural areas, the privately and state owned property, the land, houses and apartments.

The system features comprehensive data on all specified real property objects including all kinds of land uses (urban, rural, protected areas, public places), inland water bodies, roads, buildings (houses, apartments), engineering utilities, etc.; also provide data on legal possession of real property objects, encumbrances on the rights, servitude, mortgages and legal facts. There is a direct link between the cadastral map and the real property register. The real property cadastre and register system uses the necessary information from other public registers and cadastres, such as forestry cadastre, entrails cadastre, cadastre of protected areas, register of cultural heritage and others.

Cadastral Concept

The cadastral system of Lithuania is based on surveyed land parceling and records graphical and attribute data pertaining to real properties. Main unit within the real property cadastre and register, that is surveyed and registered, is a real property object. Real property object means land parcel and other properties that are related to land (buildings, premises, flats, engineering facilities, and other properties, which are intended to serve and to be used as immovable property). Only formed and surveyed real property object may be recorded in the Real Property Cadastre and Register, and only registered property may be transacted. Data on surveying of the real property object and other cadastral data are recorded in the Real Property Cadastre in accordance to the location of the real property object. Every real property objects (including land parcels, buildings, flats, premises, constructions and engineering utilities) have a unique identifier.

The Lithuanian integrated Real Property Cadastre and Register distinguishes the following main segments:

- Descriptive data, i.e. description of a real property object, its location and main qualitative and quantitative characteristics, type of use; the value and price of a real property unit;
- Legal data, i.e. records who is an owner, possessor or manager of a property object and specifies the type of possession (ownership, lease, trust and other right), also indicates the encumbrances on the right of possession and other relevant data;
- Legal facts, i.e. transactions certified by notaries;
- Graphical description, i.e. cadastre and register map.

Content of Cadastral System

Lithuania has a unified Real Property Cadastre and Register system containing the registration of real property objects, rights to these objects and legal facts.

The Real Property Register records real rights to real property objects, such as ownership, and encumbrances on these rights, and keeps information on mortgages.

Real Property Cadastre contains information on qualitative and quantitative characteristics of real property objects as well as its value.

Cadastral maps demonstrate all properties graphically corresponding to the registered title and linked to it through the unique identifiers.

The unified Real Property Cadastre and Register system is fully computerised.

D. Cadastral Mapping

Cadastral Map

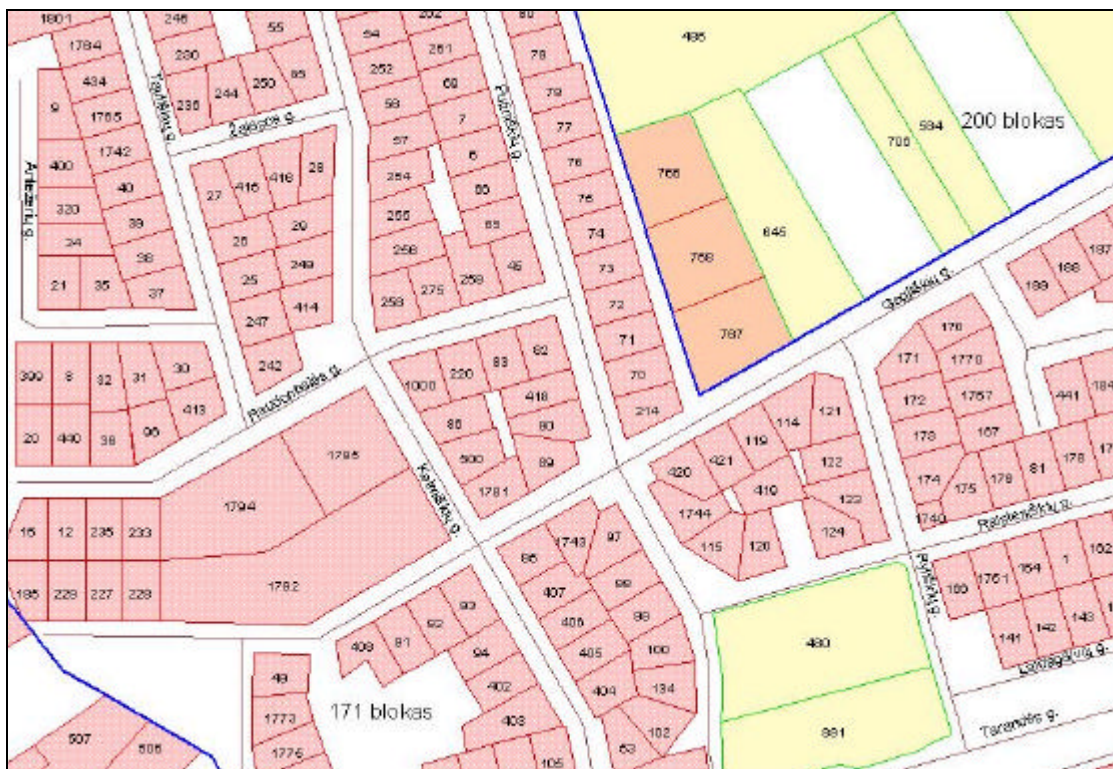
Digital cadastral map represents graphical contents of the cadastral system specifying the geometric components (location and the boundaries) of the real property objects by means of national coordinate system. Cadastral map consists of the graphical layer (object plans) and descriptive layer (numerical data), inter-linked together.

Cadastral map consists of the following main layers:

1. geo-referential data: vector-based or raster cartographic material; coordinates of the national and local geodetic base points and other information describing these points;
2. boundaries, names and codes of administrative units;
3. boundaries, names and codes of settlements;
4. boundaries, names and codes of cadastral areas;
5. boundaries, names and codes of cadastral blocks;
6. boundaries of land parcels in the coordinate system, and their unique and cadastral numbers;
7. coordinates of central point of buildings in the national coordinate system and unique numbers;
8. coordinates of central lines of engineering facilities in the national coordinate system and unique numbers;
9. market values, zones, names and codes of immovable object.

Example of a Cadastral Map

Extract from the digital cadastral map in urban area.



Role of Cadastral Layer in SDI

Cadastral map forms a layer of the georeferential system. It is used for:

- land reform and restitution on the national level;
- cadastral works, i.e. formation of land parcels;

- concluding real property transactions;
- territory planning in urban and rural areas;
- different designing activities, i.e. for roads, engineering utilities;
- land consolidation.

E. Reform Issues

Cadastral Issues

The Real Property Cadastre and Register system underwent many developments over the last decade. Its development started in 1992, when the digital registration of land was started from scratch. In 1997 the responsibility for registration of land and buildings (flats, premises) was merged into one organisation.

Main problems nowadays in Real Property Cadastre and Register System are as follows:

1. First, inadequacy of surveyed land parcel boundaries. In the course of the land reform in Lithuania there are two types of surveys: simplified (by using cartographic material) and precise (by using geodetic instruments). Due to this sometimes it is difficult to match the boundaries of parcels, what results in gaps and overlapping of parcel boundaries. This leads to inaccuracy of cadastral map and sometimes to boundary disputes.
2. Second, separate registration of one real right to real property, i.e. mortgage, which is registered in the Mortgage Register. Such a situation makes the mortgaging and conveyance process slower, more expensive also it is not convenient for clients.
3. Third, the previously existed separate registration of land and buildings on it resulted in the fact that some buildings are not integrated with land, and it happens that the land and the buildings on this land have different owners and addresses.
4. Fourth, the absence Address Register that needs to be developed and may serve a cross-reference register for the exchange of data pertaining to real property.

Current Initiatives

1. The overlapping parcels and those with gaps are adjusted during the development and improvement of the cadastral map.
2. In 2003, an international project on strengthening the state registers was initiated and will start in 2004. It will address the issues on improving the technological links between the Register on Real Property and the Register on Mortgage.
3. In 2003 the Centre of Register is implementing a new version of the information system of Real Property Register, which aims at integrating the land and buildings on it.
4. The issue of Address Register has been touched upon while implementing international projects that made analysis of the current situation and lodged proposals for its establishment, including the legal, technological and technical aspects. Also a pilot project in Trakai district was implemented, which addressed the issue of addresses. At present the Government of the Republic of Lithuania passed a resolution and delegated the Centre of Registers to establish Address Register. An initiative is taken and a new project is under preparation, which will focus on the establishment of Address Register.

References

- www.kada.lt
- www.std.lt

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: ...mixed system...

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.

Registration of ownership is not compulsory, but non-registered properties or non-recorded titles may not be conveyed or transacted, also the fact about the transaction registration may not be used against the third persons in legal proceedings.

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 ?

3.46 million

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

urban:	...68...	%
rural:	...32...	%
<hr/>		
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 ?

over 2 million

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

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 ?

over 4 million *

* It is estimated to have more than 4 million of registered buildings, including flats, engineering utilities, premises. Flats and premises are considered as separate real property objects and have a separate legal registration of ownership rights to them.

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:	...~70...	%
legally occupied, but not registered or surveyed:	...~30...	%
informally occupied without legal title:	...no data...	%
<hr/>		
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:	...~65... %
legally occupied, but not registered or surveyed:	...~35... %
informally occupied without legal title:	...no data... %
<hr/>	
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:

~550

- 2.8 Proportion of the time that these land surveyors commit for cadastral matters:

80%

- 2.9 Total number of **lawyers/solicitors** or equivalent active within the cadastral system or land market:

no data

- 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 ?