

Lot 3 - Evaluation of ROP 2014-2020 interventions

EVALUATION REPORT

**Priority Axis 11. The geographic extension of the system
for property registration in the cadastre and land
registry**

April 2019

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FINAL REPORT

DISCLAIMER

This report is the result of an independent evaluation conducted by the consortium led by the Lattanzio Advisory Spa (Association Leader) and Lattanzio Monitoring & Evaluation Srl (Associate 2), under the Service Contract No 266 dated 19/09/2018 concluded with the Ministry of Regional Development and Public Administration in September 2018.

The opinions expressed herein are of the consortium and do not necessarily reflect the views of the Contracting Authority, namely the Ministry of Regional Development and Public Administration, nor of the Managing Authority for the Regional Operational Program 2014-2020.

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List of Abbreviations

CA	Contracting Authority
RDA	Regional Development Agencies
MA POR	Managing Authority for the Regional Operational Program
ANAP	National Authority for Public Procurement
ANCPI	National Agency for Cadastre and Land Registration
PA	Priority Axis
APL	Local Public Administration
BE POR	Office for the Evaluation of the Regional Operational Program
CCE	Evaluation Coordination Committee
CdS	Specifications
CM POR	Monitoring Committee of the Regional Operational Program
CNAIR	National Motorway and National Roads Company
CNC	National Cartography Centre
ELRA	European Land Registry Association
EAFRD	European Agricultural Fund for Rural Development
ERDF	European Regional Development Fund
ESFI	European Structural and Investment Funds
INS	National Institute of Statistics
IS	Systematic Registration
OCPI	Office for Cadastre and Land Registration
OI	Intermediate Body
OT	Thematic Objective
PME	Multi-Annual Evaluation Plan
PNCCF	National Cadastre and Land Registry Program
PNDR	National Rural Development Programme
ROP	Regional Operational Program
SICCF	Integrated Cadastre and Land Registry System
EUSDR	EU Strategy for the Danube Region
TAU	Territorial Administrative Unit

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1. Executive summary

As a result of the analyses carried out within the evaluation activity related to the PA 11 *Geographic extension of the system for property registration in the cadastre and land registry* carried out during the 6 months from October 2018 to March 2019 based on the analysed documents and the information obtained from surveys, interviews, focus groups, expert panels and case studies with the participation of a significant number of representatives of the institutions interested in the systematic registration of properties in the cadastre and land registry, the following main conclusions have been drawn:

1. Conclusions

- The systematic registration of the properties in the cadaster and the land book will have a positive impact and an essential contribution in unlocking the investments in the territory, but also in facilitating the access of the funds directly by the local communities, following the clarification of the property right on the real estate and land;
- The progress of PA 11 is relatively low at the time of writing this report, the performance indicators for 2018 have not been attained, and the major project requires a strong impulse to accelerate the implementation;
- The procurement procedures at centralized level ensure the standardization of the services, but they are not sufficiently personalized to the local needs, at the level of TAU (Territorial Administrative Unit). TAUs are a passive part of the process, which often generates a low level of interest and collaboration with OCPI and the service provider;
- After the modification of the Ordinance no. 114/2018 the final decision on the operational implementation of the new provisions in the field of ex-ante verification of the procurement documentation must be followed;
- Good collaboration with the providers is a key aspect of the major project implementation and must be taken into account through a change in the "paradigm", which shall focus on solving real implementation problems;
- The institutions involved shall provide their own specialized personnel in the cadaster field. At the level of the service providers, staff problems are closely related to the updating of the contractual provisions to the market conditions (the payment of the corresponding fees), as well as to the adequate professional profile of staff;
- There is the need to review the legal basis for the systematic registration, through a correlation that shall ensure the legality of the final cadastral documents through the appropriate involvement of all parties (i.e. land fund commissions);
- The bidder participating in the procurement procedure must take into account the specific territorial conditions and correlated methodological aspects since the moment of preparing the offer (implementation time, techniques and budget). The analysis of these aspects later on, at the start-up of registration works, may be a late measure to ensure that the implementation methodology is relevant to the context;
- There is the need to adopt administrative and procedural solutions (before reaching the court) to solve certain problems of form and substance, which are capable of blocking the registration procedures;

- The procedures for obtaining and verifying the documents necessary to carry out the systematic registration procedure (i.e. from city halls to the service provider) are inefficient due to the lack of interoperability of the information systems
- There is the need to strengthen the market for systematic registration services, in terms of reference prices and services' quality assurance.

2. Recommendations

- Continuing the dialogue with the service providers involved in carrying out the contracts (i.e. negotiating the revision of the contractual conditions, extending the timeline of implementation, ensuring the collaboration in relation with other public institutions and so on). Specifically, OCPI should develop unitary working procedures, that shall be adopted by the systematic registration service providers, in order to support the communication and monitoring process of the delivered services, the achievement of the performance targets, the observance of the implementation timeline and the effective realization of the works;
- Creating a technical group with the participation of ANCPI / OCPI in order to analyze the revision of the public procurement procedure for entrusting the works of systematic registration;
- Drawing up a SWOT analysis of the existing system and revising the public procurement strategy based on the lessons learned;
- Improving the capacity for inter-institutional cooperation and communication (ANCPI / OCPI) can strengthen the unitary cadastral system and optimize the systematic registration procedure. Information and involvement of local communities is needed to:
 - discuss the revision of the framework content of the procurement documentation and of the service contracts, increasing their adaptability to the local context (such as geomorphological conditions, pre-existing land book system, etc.);
 - identify relevant, competent reference persons with delegated tasks in the field of cadaster. In the absence of these, ANCPI / OCPI shall provide the appropriate support, specialized counseling, to solve the problems related to the collaboration with the suppliers or technical / legal problems that appear during the systematic registration process;
 - define an active role of local administrations in the systematic registration procedure.
- Establishing an interinstitutional committee for dialogue and exchange of experience with the participation of LPA associations, ANCPI/ OCPI system, prefectures, APIA and other relevant organizations for solving problems encountered in the systematic registration process. The Committee could act as the Major Project Coordination Committee;
- Organizing a campaign to publicize PA 11/ PNCCF at national level;
- Updating and customizing the information materials addressed to the mayors (more attractive and personalized, with emphasis on the benefits provided in the specific territory) for both the public administration and the local population.
- Supporting the providers in the initial stages by informing / raising awareness among the population in order to facilitate the obtainment of the documents that are requested in the process of systematic registration of the properties;

- Updating the tariffs applied to the systematic registration works in order to allow the recruitment of properly specialized staff;
- Revising the legislation in the relevant field, in collaboration with institutions and experts involved, such as prefects, legal experts, mediators, notaries and so on;
- Introducing the mechanism of administrative solution for simplifying the procedures for solving "secondary" errors (after defining them);
- Promoting the intervention of the Ombudsman institution to resolve disputes and appeals amicably, before reaching the court, thus reducing the time for resolution. This implies the insertion of the mediation in the procedures for solving the corrections, but also the clarification of the remuneration of the mediator (i.e. in charge of the ANCPI system / UAT / provider);
- Promoting the dialogue with the Ministry of Communications and Information Society and the MRDPA to accelerate Romania's Digital Agenda regarding the electronic public services;
- Development of a detailed price catalogue according to the specific tasks of the services provider, as per systematic registration procedure;
- The revision of the occupational standard of the cadaster technician, taking into account the evolution of the profession and the procedural needs deriving from the current legislation;
- Inserting in the procedure for the authorization of the cadastral services providers specific requirements regarding the specialized staff, taking into account the necessary competences and professional experience;
- Carrying out the ex-post verification of the real impact of the systematic registration process on the increase in the EU funds' absorption rate related to investments in transport, sewerage, and other infrastructure. The ex-post analysis should also include information related to increased access to agricultural funds from local communities.

2. Current situation

Introduction

This study analyses the stage and mode of implementation of the **PA 11 - geographic extension of the system for property registration in the cadastre and land registry.**

The study was drawn up under the service contract concluded by Lattanzio Advisory Spa with the Ministry of Regional Development and Public Administration on September 19, 2018. The project was officially launched on 9 October 2018.

The evaluation activities started immediately after the kick-off meeting, taking place in two stages, the first of which covered the theme related to Priority Axis 11 of the ROP 2014-2020, and was carried out until March 2019.

The overall objective of the contract is to carry out an analysis that highlights progress and performance in the management and implementation of interventions financed under the 2014-2020 Regional Operational Program (ROP) between 2018 and 2019. **The specific objectives** of the contract are defined as follows:

- Contributing to making decisions based on real information
- Establishing a source for acquiring new knowledge on the evaluation and implementation of interventions financed under the ROP 2014-2020
- Make proposals on the adequacy of the methodologies used and databases
- Strengthen progress reports according to Regulation No 1303/2013

With an ERDF financial allocation of EUR 253,430,885.00 (representing 3.69% of the total ERDF allocation for the entire ROP 2014-2020), PA 11 contributes to the achievement of the Investment Priority “Increasing the institutional capacity of public authorities and stakeholders and an effective public administration through actions aimed at strengthening the institutional capacity and efficiency of public administrations and relevant public services in ERDF implementation and supporting actions under the ESF to strengthen institutional capacity and the efficiency of public administration”.

Thus, PA 11 correlates with the *OS111 thematic objective of increasing geographic coverage and registration of properties in rural areas in the Integrated Cadastre and Land Registry System (SICCF)*.

PA 11 indicators are:

- **Output indicator 1S56:** ATUs in which all properties were recorded in the SICCF, with a starting value of 0.28% and a target value of 28%.
- **Target indicator 1S57:** Area of land registered in the SICCF, with target set at 5,756,387.00 ha

The objective of the study was to analyse the progress in the implementation of the Priority Axis, as well as to identify the obstacles encountered so far in the implementation process, including the factors of failure and success identified by stakeholders. The specific objective was the interrogation, on the one hand, of the involved institutions, ANCPI, the 40 cadastre and real estate publicity offices and the National Cartography Centre, as well as the ATUs involved so far, in order to analyse the lessons learned and with a view to defining the potential impact of property registration, in close connection with the start of EFSI investments.

Thus, the general and specific questions arising from the established objectives were defined as follows:

- To what extent has the ROP contributed so far and will it contribute in the future to the geographic extension of the system for property registration in the cadastre and land registration (progress analysis - the number of ATUs involved, the state of auction launch, etc.)
- To what extent will the ROP contribute to the integration of existing data and the expansion of systematic registration in rural areas? (problems encountered, success and failure factors materialized by the date of analysis)
- To what extent will the ROP contribute to the improvement of property registration services? (problems encountered, success and failure factors identified by the date of analysis)
- To what extent will it contribute to facilitating complementary EFSI investments? (NB: The ERDF support for cadastre aims to remove bottlenecks and delays in the implementation of investments, not the administrative capacity as such.)

Thus, this study analyses the stage and mode of implementation of **PA 11**, up to March 2019. Priority Axis 11 is implemented as a major project under a contract between the MA ROP - National Agency for Cadastre and Real Estate Publicity (ANCPI) aimed at the introduction of real estate in rural areas into the Cadastre and Land Registry Information System (SICCF). It aims at obtaining better information, better land management and better use of resources, leading to social inclusion. The need for the major project derives from the lack of cadastral records at national level (only 9% of Romanian properties are recorded), with legal implications for property rights, real estate market transactions or commitments under regional development projects involving real estates.

From the major project carried out by ANCPI, this Report focused only on Component 1, namely Carrying out systematic registration in rural areas involving 660 Territorial Administrative Units (ATUs), with a total of approx. 5,7 million hectares. **The report focuses on two main aspects: (i) analysing the state of implementation of the project and (ii) conclusions and recommendations on improving the implementation system, in terms of procedural, legal and technical aspects.**

To follow up on the two main aspects, the expert team carried out the following actions: (i) desk research, (ii) face-to-face or online structured interviews, (iii) on-line surveys on ATUs and Offices of Cadastre and Real Estate Publicity (OCPI), (iv) field visits, v) organizing group discussions and (vi) organizing an expert panel. All these actions resulted in a set of conclusions and recommendations and a number of three case studies. It is important to point out that the project is at an early stage and there are few results at the time of drafting this Report. However, we consider that the extent of the actions undertaken and the persons involved in these actions give an eloquent picture and conclusions relevant to the stage of project implementation and the issues to be improved for optimization and performance.

The context of the study

The necessity to carry out the works of systematic registration in the cadastre and land registry in Romania derives from the following contextual aspects, which are described more in-depth in the ROP 2014-2020:

- The sporadic character of property registrations following the restitution process that took place after 1989;

- The dual character of the cadastral regime in Romania, where, before the adoption of Cadastre Law 7/1996, registration used to be made in land registries in Transylvania, Banat and North Moldavia and in transcription registers - inscriptions based on ownership documents, in the rest of the country, a historical context which triggered the need to update existing registries with new measurements.

In this context, according to the data included in the ROP 2014-2020, the starting point of the program is that “less than 50% of the property and correlation rights are recorded in the cadastral and land registry records kept by ANCPI and only 18% of the properties are verified and registered in the electronic record system (eTerra)”. These rates are even lower in rural areas.

The situation of sporadic, non-existent, uncertain or incomplete cadastral registrations leads to uncertainties and delays in the achievement of investments in the territory, constituting real obstacles to the development of communities from several points of view, ranging from delays in the achievement of basic infrastructures (eg. roads, and other public utility networks), education and sanitation, to reducing opportunities for the development of the land and residential sector, and obstacles to accessing agricultural funds, where proof of ownership or right of use is a condition of primary access.

Thus, the view of the legislator and the political decision-maker that promoted the change of the paradigm of the land regime is based on the premise and assumption that **systematic cadastral work will facilitate the unlocking of investments, the accessing of funds directly by the population and, in general, the improvement of life for local communities.**

In this context, the National Cadastre and Land Registry Programme (PNCCF) was established pursuant to Article 9 par. (23) of the Cadastre and Real Estate Publicity Act no. 7/1996, and approved by the Government Decision no. 294 of 29/04/2015, detailing its activities and the amounts necessary for its achievement, borne from ANCPI's own fund and external grants. Thus, the PNCCF is financed from:

- ANCPI's own funds;
- External grants (ROP 2014-2020, Axis 11);
- Local budgets of Mayoralties.

The latest ANCPI reports on progress in the implementation of the PNCCF show that from the total of 3,181 ATUs in Romania, until 31/01/2019, systematic registration works were completed in 60 ATUs in their entirety as well as in cadastral sectors, with a total area of 824,160 ha. On 31/01/2019, systematic registration works were ongoing in 2,397 TAUs, with an estimated area of 5,065,327 ha.

PNCCF is run at the level of the entire ATU or cadastral sector, as follows:

1. Through works contracted by ANCPI/mayoralties, which ensure the progress of the systematic registration works:

- At the level of the entire ATU;
- At the level of the cadastral sector outside the built-up area, which may also include properties inside the built-up area, through the financing by ANCPI of the mayoralties that contract such systematic registration works.

2. By financing from non-reimbursable funds, through the Major Project included in Priority Axis 11 of the ROP 2014-2020, called “Geographic extension of the system for property registration in the cadastre and land registry”, approved by the European Commission in 2018, which will

ensure the free registration for citizens in the integrated cadastre and land registry system of all the properties of **660 ATUs in the rural area with a total area of 5,758,314 ha¹**.

Presentation of PA 11, progress and expected results

In this context, ANCPI concluded on 26/09/2018 the contract for financing the Major Project with MDRAP together with seven Intermediate Bodies (IBs) organized at the level of the Romanian development regions. The project addresses the registration of real estates located both inside and outside the selected ATUs' built-up area, according to the provisions of the Government Decision no. 294 of 29/04/2015 and ROP 2014-2020. The project will be implemented by ANCPI together with 40 cadastre offices and real estate publicity (Ilfov County is exempted, as it is located in a developed area and Bucharest City, as an urban area) and the National Cartography Centre.

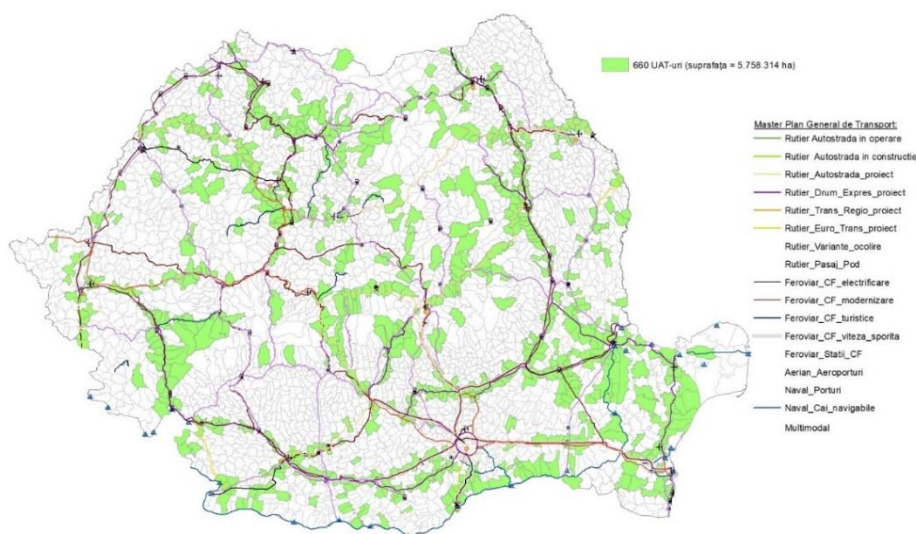
The general objective of the project is to increase geographic coverage and registration of properties in the integrated national cadastre and land registry system in the Romanian rural areas, and to complete the implementation of a national cadastral system in Romania allowing the mapping and digitization of land ownership in a national central cadastral database. The project involves the systematic registration of 5,758,314 ha of land in rural areas of Romania, which has a high priority for implementation due to their characteristics as exposed areas in the rural and social environment and due to their importance for infrastructure projects. The project also involves the systematic registration of approximately 7.9 million buildings, which will help ensure the legality of property transactions, simplify and streamline real estate transaction processes.

Systematic registration will be carried out in 660 rural TAUs located in the 7 least developed regions of Romania, the implementation being prioritized by their characteristics as socially exposed rural areas and their importance for infrastructure projects. The criteria underlying the selection of the 660 ATUs, according to the Common Order of MDRAP, MT, MADR and ANCPI of 2017, were:

- a) Administrative-territorial units which are subject to the development of the infrastructure projects stipulated in the General Transport Master Plan of Romania, approved by the Government Decision no. 666/2016
- b) Administrative-territorial units that implement or are included in infrastructure development projects under other programs, according to the law;
- c) Administrative-territorial units in which areas with particular social vulnerabilities regarding informal access to property are identified.

Figure 2.1: The area of 660 ATUs to be included in ROP 2014-2020 PA 11

¹ The area of the 660 ATUs is slightly higher than the target of the end performance target envisaged in the ROP 2014-2020 (latest version available in March 2019, at the time of this Evaluation Report). This difference may be because the 660 ATUs were defined by legislative provisions [Joint Order of the Ministry of Regional Development and Public Administration (MDRAP), Ministry of Transports (MT), Ministry of Agriculture and Rural Development (MADR) and ANCPI in 2017] at a later stage after setting the target of the indicator. Anyway, this value higher than the performance target is not a potential problem of implementation or non-achievement the target, on the contrary.



Source: ANCPI

For the 660 TAUs, systematic registrations will be done in three stages: (i) Stage 1 - 201 ATUs, (ii) Stage 2 - 300 ATUs and (iii) Stage 3 - 159 ATUs. In the first stage, the cadastres and records in the Land Registry for 201 ATUs will be prepared and drafted. For these, after the verification by ANAP/MDRAP, electronic auctions were launched and are uploaded to SEAP for the award of registration works.

The map below shows the location of the first 35 ATUs to be included in PA 11 in the ongoing registration Stage 1 (with procurement procedures in different stages of implementation, including on-going procurement procedures, signed framework contracts and subsequent contracts in progress), started as a pilot before the signing the contract for the major project, totalling 219,451.83 ha, representing about 11% of the total target for Stage 1 and 3.8% of the total area covered by the 660 TAUs. Out of these 35 ATUs, the selected localities for case studies are highlighted in red, as they are the most advanced in terms of the registration process.

Figure 2.2: Location of the 35 ATUs and case studies



Source: Consultant's processing, based on the database of the 35 ATUs provided by ANCPI.

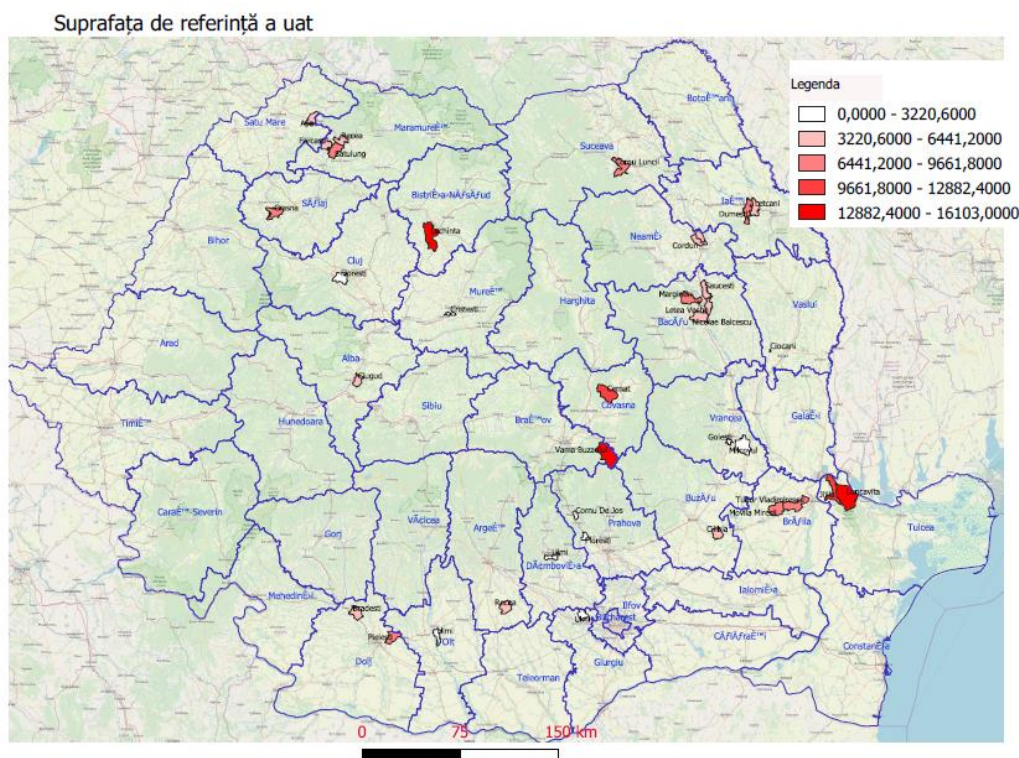
Table 2.1: Area of the 35 ATUs and case studies

Total suprafata 35 UAT-uri (ha)	219.451,83
% faza 1	11,32
% total	3,81
total faza 1 (ha)	1.938.692,00
% total	33,67
total 660 UAT-uri (ha)	5.758.314,00

Source: Consultant's processing, based on the database of the 35 ATUs provided by ANCPI.

Due to the specificity of this priority axis, considering that the only relevant indicator for the evaluation activity is the area covered by the ATUs that are included in the various stages of the registration process, the geo-statistical analysis was based only on this indicator, being an expected outcome of the future implementation of AP. Therefore, the following map illustrates the grouping of ATUs by surface size classes to be included in the first registration stage under the ROP 2014-2020. The average area of the 35 TAU is 6,270.05 ha, with only 5 TAU having an area of over 10,000 ha and over half the total (19 TAU) with an area below average, consisting of small and very small localities

Figure 2.3: Area of the 35 ATUs by size classes



Source: Consultant's processing, based on the database of the 35 ATUs provided by ANCPI.

Performance framework²

The performance framework for PA 11 sets the following targets for 2018:

- Total amount of eligible expenditure in the accounting system of the Certifying Authority, certified by this authority: EUR 1,176,471, and
- Land area for registration in the SICCF according to the concluded procurement contracts: 2,395,470 hectares

² See Appendix 3 for the full table format of the performance framework.

3. Stages of the study

a. Literature review

European literature

The literature on cadastre and property registration is focused on the analysis of case studies as well as on the identification of the most efficient organizational and management solutions, under the market conditions, also taking into account aspects related to urbanism, justice, development of the real estate market and society based on knowledge, respectively on the development of *e-land* systems.

An interesting database of these studies and international exchanges of experience can be accessed on the website of the *Permanent Committee on Cadastre in the EU* (PCC) <http://www.eurocadastre.org/documents.html>.

The mission of the Committee is to create an adequate space to promote full awareness of the work done by the European Union and the Member States in the field of cadastre and, through this information, to develop strategies and propose joint initiatives to achieve greater coordination between the various European cadastral systems and their users.

To frame the issue and the debate at European level, it seems useful to mention the *Declaration of the European Land Registry Association (ELRA)*, launched on the occasion of the seventh annual ELRA publication, namely:

“Each Member State organizes its land registration and land management functions in a different way. The differences reflect the history of each state and its legal traditions.”

In the context of ELRA’s activities, we recall some of the main lessons learned from the experience gained at European level in the field of cadastre and land registry development:

- In each country, Land Registrars are the experts in their field. Their views should therefore be heard at an early stage of the process.
- Any proposal to move from a system of facts to a title or cadastral system must ensure the continuity of existing landowners’ ownership rights.

The pursuit of ELRA and ELRN (European Land Register Network) activities is very important for increasing the capacities of Romanian institutions involved in the systematic registration of properties as it ensures that the problem is addressed in the wider debate at European level to solve common and cross-border issues (such as the issue of real estate transfer at European level or the construction of interoperable cadastre systems), as well as knowledge of the development directions of training cadastral specialists, including on topics related to web technologies (as shown by the content of the latest ELRA Newsletter published in January 2019).

More details about ELRA’s activities, including exchange of experiences, surveys and comparative studies at European level, can be found at the following links (for illustration):

- <https://www.elra.eu/publications/elra-annual-publication/>
- <https://www.elra.eu/european-land-registry-network/workshops/>
- <https://www.elra.eu/facts-sheets/land-registry-proceeding/introduction/>
- <https://www.elra.eu/facts-sheets/avoiding-duplicities-when-opening-new-land-registry-file/3-errors-occurring-when-opening-new-land-registry-file/>

In particular, on the ELRA website there is a page dedicated to the responses provided by ELRA members from different EU countries on surveyed questionnaires conducted from the point of view of performing comparative analyses at European level described in “Fact Sheets” on certain topics of common interest, including: publicity of cadastral records, description of property registration systems, property registration procedure, European succession certificate, avoidance of duplicity when opening a new land registry file, and others.

In particular, taking into account the context of the land registry and the land register in Romania, it seems relevant to analyse some existing practices at European level, especially as regards the avoidance of double registration or the making of corrections for material errors in the registration stage.

In this regard, there is a common practice in various EU states, such as Estonia and Croatia, which states that errors that may have occurred during registration should be corrected ex officio, with the consent of the owner, and without going to court. In the UK, this correction is only made after consultation, that is, following a survey among interested owners, with the aim of solving the issue in a friendly manner between the parties before acting in court. The same applies in Spain, where there is a rule that in the case of total overlapping of records, the old file is kept and the new file is deleted, or in case of partial overlaps or errors, an agreement between the parties will be sought, as the case may be, and the legal way will only be chosen if no agreement is reached.

In Greece, the person making the records can only correct “minimal errors” ex officio, any other situation or problem occurred, such as the overlapping of records or errors, is settled in court.

In advanced states, with regard to the computerization of cadastral systems, such as the Netherlands, the issue of double registration cannot exist because each batch of property is registered with a single ID that allows its unambiguous identification as well as any other related information.

In other countries, such as Belgium, the issue of double registration does not exist for cadastre because it has a pure purpose of “publicity” (that is, it does not have the role of solving the legal problem of ownership). In the case of double registrations, what is important is the date of registration, and from the legal point of view the first record is retained and the second owner can challenge in court if no amicable solutions are found between the parties.

The comparative analysis of requirements for the profession of “cadastral surveyor”

Besides the procedural aspects related to the ways of solving certain legal and administrative problems and legal and administrative bottlenecks that can be encountered in the registration process and which necessarily and naturally differ depending on the cadastral history and administrative culture of each country, an aspect interesting for analysis in a comparative manner is related to the specific requirements existing for the profession of “cadastral surveyor”, i.e. persons authorized to carry out land cadastral registration works, according to national laws. In this respect, EuroGeographics (www.eurogeographics.org), the European Council of Geodetic Surveyors (CLGE) (www.clge.eu) and Geometer Europas (GE) conducted a study in 2007 entitled “European requirements for cadastral surveyor activities”³.

In this study, “cadastral surveyor” is defined as:

“a person (physical or juridical) entitled to officially execute cadastral surveying tasks, determining real estate property boundaries (and other data) and producing certain real estate

³ http://www.clge.eu/documents/reports/european_requirements_for_cadastral_surveyor_activity.pdf

property documents. They do so by taking national requirements into account, which are usually defined by law (regulations).”

The EuroGeographics and CLGE⁴ members from 25 European countries responded to the survey questionnaire.

The conclusions of the survey are summarized below:

- The number of persons authorized to carry out cadastral surveying differs from one country to another according to market size, cultural and legal conditions and the state of economic and political transition, the market being more developed in countries interested in property retrocession processes post-1989 (ex. Poland, Romania, Serbia, the Czech Republic, etc.);
- Laws and regulations describing cadastral survey works also typically define the requirements for the activities of persons authorized to carry them out;
- National Agencies/National Authorities for mapping and cadastral works typically play an important role in the activities of authorized persons, being responsible for their authorization as well as for the supervision and coordination of cadastral survey work;
- **The main tasks and responsibilities** of persons authorized to carry out land registration work in Europe include: the implementation of cadastral engineering measurements; marking the boundaries of parcels/cadastral lots; counselling owners; validating the information by obtaining the approval of cadastral plans by the relevant authorities;
- The common mandatory requirement for obtaining authorization to carry out land survey activities relates to: upper secondary education (upper secondary vocational school) or university studies in **geodesy** and related disciplines; a period of professional practice;
- **Professional training and specialized education** of persons authorized to carry out cadastral survey work are provided by the University and higher education schools, but the chambers and professional associations have a key role in organizing continuing vocational training courses and increasing qualification levels;
- The average length of education after the secondary school required to become a person authorized to carry out cadastral survey work is 4 years. Although education systems differ from country to country, there are recommendations issued jointly by Geometre Europas and professional associations at European level that establish the minimum level for quality assurance and professionalism, baccalaureate and 5 years of professional experience or long-term university studies (Master level) and 2 years of professional experience. However, there are also trends at European level, for example in the UK, to focus on continuing vocational training.

In Romania, there are both institutions specialized in geodesy that provide a level of university education, as well as the possibility of specializing under post-secondary education through vocational and technical training. In particular, we noted the existence of the Occupational Standard for Topography-Cadastre Technician (issued in 1997) with the following fields and units of competence:

Table 3.1: Domains and units of competence of the occupational standard for Topography-Cadastre Technician

Fields of competence	Units of competence
Site activities	Project application in the field Ensure compliance with occupational safety rules and PCI rules Monitoring the construction behaviour in time
Administration	Providing specialized services Preparation of general cadastre documentation

⁴ Geometry Europas was integrated into CLGE in 2010 as a Group of Interest - IG-PARLS (Publicly Appointed and Regulated Liberal Surveyors).

Fields of competence	Units of competence
Data, information	Managing information using computing Collecting and organizing information Performing specific measurements
Planning	Organization and coordination of team work Planning work
Design	Making topography-specific calculations Prepare topographic plans Prepare scale sketches and drawings

Source: National Authority for Qualifications <http://site.anc.edu.ro/>

Case study: tariffs for cadastral works carried out by “geometri” in Italy

In Italy, the Professional Associations established at county level for the profession of “*geometra*” and “*licensed geometra*” (with university degree, in addition to the basic technical training) have developed tariff plans applicable to the various typologies of cadastral works.

The rates applied vary depending on:

- The specific task requested (eg. cadastral measurements, preparation of building plans, updating of cadastral maps, redefinition of ownership limitations, field survey, etc.);
- The type of property to which the work is applied (eg. the tariff is divided by size classes of the building and after a certain limit, increases are applied to every 10 or 100 sqm extra);
- Typology of the place where the work is done (eg. in rural areas, costs are 30% lower);
- The typology of the land where the measurements are made (eg. there are up to 30% tariff increases for land in mountain areas or orchards) etc.

For example, fieldwork is considered, including (among others) the following tasks:

- a) preliminary study, acquiring the monograph of stable reference points of external orientation and support;
- b) the materialization of the stopping points, with possible drafting of the monograph;
- c) field activities to determine the station and detail points;
- d) making calculations;
- e) carrying out numerical mapping;
- f) making the drawing on appropriate computer support.

In Reggio Emilia province (Emilia Romagna region, Italy), the College of Land Surveyors has set the following benchmarks in terms of tariffs:

- up to 30 points to survey per hectare:

Fee per hectare, minimum 1 ha and up to 5 hectares: EUR 800.00;

For each extra hectare after the fifth: EUR 450.00;

For each extra point of survey: EUR 10.00;

- Up to 70 points per hectare:

Fee per hectare, minimum 0.70 ha and up to 5 hectares: EUR 1,200.00;

For each extra hectare after the fifth: EUR 750.00;

For each extra point of survey: EUR 6.00.

b. Data collection stage

The data collection phase took place between November 2018 and February 2019, the first two months focusing on collecting **quantitative data**, **documentary analysis** and, to a limited extent, on the application of qualitative methods, notably by interviewing representatives of the main institution involved, namely ANCPI. It is worth mentioning that the analysis of quantitative data presented in the monitoring reports prepared by ANCPI was a continuous activity throughout the evaluation process in order to provide the most up-to-date information on the state of the systematic registration procedure.

Thus, we analysed the documents, reports, studies published by ANCPI on the Agency's website <http://www.ancpi.ro/>, which is an up-to-date and very well-structured source of information on the progress made in implementing the PNCCF, including the contracts concluded with systematic registration service providers (which were analysed and used to prepare their database for the purpose of conducting the survey), graphs and statistics on the implementation of the programme, as well as monthly implementation reports and other relevant, complementary information, such as that related to the establishment of the National Infrastructure for Spatial Information in Romania (INIS), through which Romania contributes to the implementation of the Infrastructure for Spatial Information in the European Union - INSPIRE.

Other documents relevant to the systematic registration process are the current legislation, regulations and technical specifications that can be updated through Government Emergency Ordinances and orders of the ANCPI manager, including but not limited to:

- Government Emergency Ordinance no. 35/2016 regarding the amendment and completion of the Law on cadastre and real estate publicity no. 7/1996;
- Government Emergency Ordinance no. 31/2018 regarding the amendment and completion of the Law on cadastre and real estate publicity no. 7/1996;
- Technical specifications for the accomplishment of the systematic cadastre works at ATU and cadastral sector level, respectively, for the registration of real estates in the land registry funded by ANCPI, approved by GEOs no. 357/2018 and no. 1427/2017;
- Regulation for approval, receipt and registration in the cadastre and land registry, approved by GEO no. 700/2014, as subsequently amended and supplemented (consolidated in 2017);
- Order no. 1607/2018 amending and supplementing the Regulation on the authorization or recognition of the authorization of Romanian natural and legal persons, of another Member State of the European Union or of a state belonging to the European Economic Area in order to carry out and verify the works in the field of cadastre, geodesy and cartography on Romanian territory, approved by the Order of the General Manager of the National Agency for Cadastre and Real Estate Publicity No. 107/2010.

The following table illustrates the main topic, i.e. the specific importance of the document for the drafting of this evaluation study:

Table 3.2: The main legislative texts and regulations relevant for the systematic registration procedure under review

Legislative document	Topic/Relevance	Main recipient
Cadastre Act with further amendments	Description of the integrated cadastre and land registry system and ANCPI attributions Organization of systematic cadastral works	All system actors and stakeholders

	Description of the real estate publicity activity Description of the procedure for registration in the land registry	
Technical specifications for carrying out systematic cadastral works	List of the actors involved in the systematic registration procedure Description of the phases of the systematic cadastre works carried out by the accredited service providers Description of deliverables correlated with each stage	Authorized service providers
Regulation for approval, reception and registration in cadastral and land registry records	Description of the working procedures regarding the registration in the cadastral and land registry records of the buildings, the approval and the reception of specialized works.	OCPIs and authorized service providers
Regulation on the authorization or recognition of the authorization of Romanian natural and legal persons	Description of authorization requirements Description of the authorization committee Description of the documents related to the authorization procedure	ANCPI/OCPI Authorization Committee and service providers wishing to authorize

Source: Consultant's data processing from documentary analysis

Starting January 2019, we began the phase of **application of qualitative and quantitative research methods** in the territory by contacting the beneficiaries and other actors involved in the registration process at the local level, i.e. the OCPIs, ATUs and partner organizations of ANCPI, such as the Association of Romanian Communes, the Association of Romanian Towns, and the relevant professional associations.

The collection of quantitative and qualitative data was achieved by:

- Two surveys among key actors (OCPIs and ATUs) involved in the operational implementation of the procedure (see next chapter for results details and survey questionnaires in the Annexes);
- Carrying out two case studies covering the most advanced counties in the registration procedures, namely 3 ATUs from the top 35 that will be included in PA 11;
- Organizing a focus group with OCPIs, ANCPI and CNC, to present the results of the results of the investigation among OCPIs and to formulate conclusions and recommendations;
- Organizing an expert panel to validate conclusions and recommendations as well as to analyse in detail the systematic registration procedure highlighting the critical aspects and areas of improvement (please note that the expert panel included, among others, organizations specialized in geodesy, as well as three systematic service providers, which represent some of the operators with most service contracts concluded with ANCPI across the country, within the framework of the PNCCF);
- Conducting three interviews with the relevant actors - ANCPI (face-to-face), service providers (online, by completing the questionnaire prepared for the Survey Monkey study), partner or involved institutions (CNAIR, telephone interview).

c. Description of the methodology

Expert evaluators focused on interrogation of the involved institutions, ANCPI, the 40 cadastre and real estate publicity offices and the National Mapping Centre as well as the ATUs and systematic registration service providers involved so far to analyse the lessons learned and to define the potential impact of property registration on the rural population, closely related to the start of EFSI investments.

In practice, from the perspective of providing comprehensive answers to evaluation questions, the documentary analysis of PNCCF implementation reports and the legislation applicable to systematic land registration work in the cadastre and land registry have been complemented by interviews, case studies and surveys among the bodies involved, i.e. OCPIs and ATUs, while the collected information addressed two main aspects:

- The organizational methods and the procedures for implementing the systematic registration of property, and
Benefits and potential impact of these works from the perspective of the local government.

The following matrix defines the evaluation model, illustrating the correlation between the purpose of the evaluation, evaluation questions, key concepts, judgment criteria, sources of information, analysis indicators, relevant actors and applied analysis methods.

Table 3.3: Evaluation matrix

Purpose of the evaluation	Evaluation questions	Keywords	Criteria used to express the opinion of the Valuer	Sources	Correlated indicators	Stakeholders	Methods
<p>Possible ways to improve the implementation of Axis 11, taking into account the factors identified in the studies conducted as factors of success or failure;</p> <p>The concrete foreseen impact on the absorption capacity of EFSI funds among the beneficiary TAUs interviewed, given the investment intentions - this aspect can even be quantified and included as a possible impact indicator of the priority axis</p> <p>Existing and necessary coordination mechanisms to ensure efficient and effective implementation of the priority axis.</p>	<p>To what extent has the ROP contributed so far and will it contribute in the future to the geographic extension of the system for property registration in the cadastre and land registration (progress analysis - the number of ATUs involved, the state of auction launch, etc.)</p>	<p>Progress in the procedure implementation</p> <p>PA delivery methods</p>	<p>The master project has begun and auctions for the award of systematic registration services are in progress</p> <p>The method of delivery is clear, and responsibilities are distributed and agreed upon</p>	<p>Primary sources: Quantitative information provided directly by OCPIs and Administrative-Territorial Units involved in systematic registration procedures so far collected through surveys and interviews</p> <p>Secondary sources: ANCPI Reports</p>	<p>ATUs where all properties were recorded in the SICCF (number)</p> <p>Land area for registration in the SICCF according to the concluded procurement contracts (hectares)</p>	<p>ANCPI OCPI ATUs involved Service providers</p>	<p>Documentary analysis</p> <p>Inquiry among ATUs</p> <p>Interviews with OCPI, service providers</p> <p>Case studies</p>
	<p>To what extent has the ROP supported the integration of existing data and the expansion of systematic registration in rural areas? (problems encountered, success and failure factors materialized by the date of analysis)</p>	<p>Expansion of systematic registration:</p> <p>Encountered problems</p> <p>Factors of success and failure</p>	<p>The systematic registration procedure helps to clarify the state of land ownership by creating a unitary, precise and computerized system</p>	<p>Primary sources: Quantitative and qualitative data collected from the consultation of: ANCPI, OCPI, CNC ATUs involved in systematic registration procedures so far, registration service providers</p>	<p>Additional indicator 1 Degree of inter-institutional cooperation in the property registration process* (Perceived level)</p>	<p>ANCPI OCPI ATUs involved Service providers Experts in geodesy</p>	<p>Inquiry among OCPIs</p> <p>Inquiry among ATUs</p> <p>Interviews with service providers and other relevant actors</p> <p>Case studies</p> <p>Focus group</p> <p>Panel of experts</p>
	<p>To what extent will the ROP contribute to the improvement of property registration services? (problems encountered, success and failure factors</p>	<p>Improvement of property registration services and cadastre system as a whole:</p> <p>Encountered problems</p> <p>Factors of success and</p>	<p>Systematic registration is based on a close collaboration between the actors involved and helps to strengthen this collaboration.</p>	<p>Primary sources: Quantitative and qualitative data collected from the consultation of: ANCPI, OCPI, CNC ATUs involved in</p>	<p>Additional indicator 1 Degree of inter-institutional cooperation in the property registration</p>	<p>ANCPI OCPI ATUs involved Service providers Romanian Commune</p>	<p>Inquiry among OCPIs</p> <p>Inquiry among ATUs</p> <p>Interviews with service providers</p> <p>Case studies</p> <p>Focus group</p>

Purpose of the evaluation	Evaluation questions	Keywords	Criteria used to express the opinion of the Valuer	Sources	Correlated indicators	Stakeholders	Methods
	materialized by the date of analysis)	failure		systematic registration procedures so far, registration service providers	process* (Perceived level)	Association Chamber of Notaries	Panel of experts
	To what extent will the ROP contribute to facilitate complementary EFSI investments? (NB: The ERDF support for cadastre aims to remove bottlenecks and delays in the implementation of investments, not the administrative capacity as such.)	Facilitate investments The potential impact	Systematic registration will help unlock investments in the territory and facilitate the attraction of resources for the public and private sector	Primary sources: Qualitative and quantitative data collected from consulting OCPIs and ATUs Secondary sources: Analysis of relevant legislation (ATUs selection criteria)	Additional indicator 2 Number of investment projects envisaged under the EFSI in the immediate future/ATU (increase of EFSI absorption rate)	ATUs involved Romanian Commune Association	Inquiry among ATUs Case studies Panel of experts

Thus, given the analysis of the priority axis evaluability, respectively the low progress in the implementation of interventions, the adopted analysis model was of the **interpretative and participative type** based on the following main methods:

- **Matrix-based analysis.** The **external coherence matrix** allows verification of the level of synergy/complementarity and/or overlapping of actions provided by two development programs, in the case of the present study represented by ROP PA 11 and PNCCF.
- **Methods of geo-statistical analysis.** The geo-statistical analysis was applied to view the location of the ATUs involved in the initial ANCPI project phase (35 ATUs) and the case studies selected, as presented in Chapter 1 on the initial situation. In the absence of other relevant indicators at this stage of the priority axis, only a map could be drawn up for the purpose of presenting case studies and the main indicator, represented by the area of ATUs included in the first phase of systematic registration through ROP 2014-2020, by size classes.
- **Quantitative and qualitative methods** to collect qualitative data and information on the potential impact of systematic registration work in the territory, as well as on the problems encountered and possible suggestions for improving the mechanisms in place:
 1. **Performing two surveys on OCPIs and ATUs so far involved in the implementation of the axis.** The inquiries addressed all OCPIs involved in the PNCCF implementation, as well as the first 35 ATUs to be included in the major PA 11 project and aimed to identify the problems encountered in conducting the systematic registration procedure and the potential benefits perceived by the administrations concerned.
 2. **Analysis of case studies.** The selection of case studies was carried out following the analysis of the progress in the application of the property registration procedures at the level of the 35 ATUs to be included in the major project, in close consultation with ANCPI. Thus, the main selection criterion was the advanced stage of the proceedings, which allowed for the identification of three ATUs, namely TAU Cilibia (OCPI Buzău) and Sântimbru and Ciugud (OCPI Alba) ATUs.
 3. **Consultation of property registration service providers** through a structured interview ((focused on procedural and technical aspects of the implementation of service contracts, issues identified as problematic as a result of previous analyses) and by participation in the panel of experts.
 4. **Organizing a focus group to validate the results of the survey among OCPIs.**
 5. **Organizing an Expert Panel** to validate conclusions and recommendations for future PA 11 implementation.
- **Change management and process analysis techniques** (to analyse the program implementation system, taking into account the results of the survey among the institutions involved, as well as the analysis of the processes carried out on the basis of the legislation in force and the results of the focus group);
- **Self-evaluation** (through group discussions held in the focus group organized with the main beneficiaries, namely ANCPI, OCPI/CNC, to deepen and discuss the results of the OCPI survey).

d. Limitations, constraints and resolution methods

Due to the fact that the systematic registration procedures are under implementation, as well as to the lack of monitoring data uploaded in the SMIS with reference to the areas for which the procedure has actually been concluded or the areas covered by the ongoing service contracts (information not actually included in SMIS, but available at ANCPI), the main limitation and constraint of the evaluation was the impossibility to analyse the direct and actual effects of systematic registration work on the degree of absorption of European funds. Thus, the analysis focused on the elements of the potential impact and the hypothetical benefits, with the support of the ATUs involved in the procedure.

In this context, we encountered some constraints, which we describe below, along with the solutions adopted.

1. Considering that the major project was signed by the European Commission in January 2019, the concrete and financial achievements have not yet been recorded and there is no monitoring data in SMIS.

In order to solve this problem, the team of evaluators worked closely with ANCPI to collect updated data on the PNCCF, which provided updated data and information according to the evaluation project's need for information. ANCPI owns a constantly up-to-date website with all the information about the PNCCF, where, among other things, updated information materials are published in a permanent, up-to-date format (with a monthly maturity).

2. The existence of the PNCCF, which runs parallel to the major project, facilitates the procedure as it constitutes an organizational and procedural learning base, but on the other hand it is likely to reduce the level of understanding and involvement of actors in the territory. They are informed about the national program but, as they are not directly involved in the management or implementation of PA 11 of the ROP 2014-2020 (nor as beneficiaries of the funding), they do not understand very well what is the link between what they do locally and what PA 11 of ROP 2014-2020 involves. In general, the level of cooperation with ATUs regarding the cooperation and effectiveness of the actions taken was highlighted as low by OCPIs, which obviously is a major problem, not only for the evaluation process, but in general for the good development of the PA 11.

In order to increase the level of participation from selected ATUs, local interviews with public administrations characterized by a more advanced stage of implementation of systematic registration procedures were mediated by the OCPIs to which these ATUs are assigned. With regard to involvement in the inquiry, the project team telephoned each ATU to which an invitation had been sent and sent two returns to the initial invitation message (thus extending twice the deadline for reply). Another useful element, from the perspective of ATU involvement and overcoming the reluctance of local communities, is to raise awareness of the benefits of systematic registration in a stronger manner, which can also be achieved - in addition to national and local information campaigns - by the involvement of representative bodies of the communes, respectively the Association of Communes of Romania, as mediators/facilitators.

3. In general, the systematic registration of properties and buildings raises a series of technical and legal issues (see details in the chapter on data analysis), which are related to the specificity of rural settlements, topographical and geomorphological features, and demographic and social features of local communities. These problems can create delays and reluctance in working with local governments and rural populations, while reducing the effectiveness of the work done by service providers, independent contractors/legal

entities authorized by ANCPI, which negatively affects the process itself and the specific assessment activity.

It is not the responsibility of the Evaluator to solve the technical and legal issues encountered in the systematic registration procedure; however, the Evaluator may notify them and make recommendations for solving them. Considering these issues, however, the Evaluator has guided the methodology to collect quantitative and qualitative information from all actors operationally involved in the process in order to provide useful and timely recommendations for addressing these technical and legal issues with the key actors in the territory (ATUs and OCPIs) and partner organizations ANCPI/OCPI (among which, it is worth mentioning the Association of Romanian Communes, the Romanian Architects Order, the Chamber of Notaries, etc.), who have the capacity to propose feasible and acceptable solutions for the institutional actors involved.

4. Analysis and interpretation

a. Data collected

The purpose of the evaluation was to analyse:

- Possible ways to improve the implementation of Axis 11, taking into account the factors identified in the studies conducted as factors of success or failure;
- The concrete foreseen impact on the absorption capacity of EFSI funds among the beneficiary TAUs interviewed, given the investment intentions - this aspect can even be quantified and included as a possible impact indicator of the priority axis
- Existing and necessary coordination mechanisms to ensure efficient and effective implementation of the priority axis.

Thus, the general and specific questions arising from the established objectives are coded in the following table and are correlated with the sources of the data collected, the collection methods and the purpose of such collection

The analysis of the collected data is presented in the following section.

Code of evaluation question	Evaluation question	Interrogated data sources	Collection methods used	Typology and purpose of collected data
EG 3			systematic service providers and other relevant actors Office research	The interview with the service provider and their contribution within the panel of experts allowed triangulation of information and confirmation of the existence of certain obstacles/success factors for systematic registration activities. Among the relevant actors are ANCPI and CNAIR, which provided additional qualitative information on the opportunity to successfully complete the systematic registration procedure. Finally, desk research is mentioned, which, at this stage, focused on analysing relevant legislation, re-establishing the systematic registration procedure, identifying key actors for each phase, macro-process, and related documents. Also, desk research was conducted towards the end of the evaluation work, to gather useful benchmarking information from the perspective of providing recommendations.
T11.1	To what extent will the ROP contribute to facilitate complementary EFSI investments? (NB: The ERDF support for cadastre aims to remove bottlenecks and delays in the implementation of investments, not the administrative capacity as such.)	Secondary sources: Analysis of relevant legislation Primary sources: Quantitative and qualitative data collected from the consultation of ATUs	Office research Group interviews (with OCPI and ATU) as part of the case studies Inquiry among ATUs	Desk research collected information on selection criteria established for identifying the 660 ATUs to be involved in the ROP 2014-2020 PA 11. Thus, it has been found that those criteria already contained the capacity to respond to that evaluation question as they have also included the locality in infrastructure investment plans under European funds. Obviously, the extent to which systematic registration will have a real effect on unlocking investments can only be assessed ex-post. These impacts-related aspects and potential benefits were also addressed in the interviews conducted in the case study analysis as well as in the survey among ATUs.

b. Data analysis

Matrix-based analysis: identified complementary and relevant interventions

In general, interventions for the systematic registration of properties and buildings are of extremely high relevance and are complementary, as they are preliminary actions necessary for the proper implementation of regional and rural development policies.

The most important complementary national program is the **National Cadastre and Land Registry Programme**, which directly finances the main categories of interventions to ROP/Axis 11, respectively the systematic registration of properties for all properties and real estate in Romania. Local information and awareness measures have been highlighted separately for local communities, which are relevant for both ROP and PNCCF, with strong synergies especially related to online information and training channels (eg. information material and guides published on the ANCPPI site).

The following table shows the correlation between the main phases of the systematic registration, which are common to the two programs, according to the technical specifications adopted by ANCPPI.

Table 4.2: Matrix of complementarity PNCCF/ROP 2014-2020

Complementary program/relevant correlated actions	Information and raising awareness among local communities on the registration procedure	Preparatory activities	Systematic registration activities	Reception of works	Informing the population on the results of the registration
National Cadastral Survey and Land Registry Program	√	√	√	√	√
ROP 2014-2020 Axis 11	√	√	√	√	√

Source: Evaluator's processing

PA 11 also has strong synergies with **local development strategies** and, in general, with local budget programming, as the systematic property registration procedure can be funded either from the PNCCF or from the 2014-2020 ROP or from the local budgets. At the same time, by means of the local budgets the General Urban Plans of the localities at all administrative levels in Romania, according to Law 350/2001 on town planning, with subsequent amendments and completions, and related guides are drawn up and updated.

Furthermore, it is worth mentioning the particular relevance of the interventions in PA 11 to facilitate the absorption of investment funds in the high-interest national infrastructure (**POIM 2014-2020**), as well as the funds allocated under the **Regional Operational Programme 2014-2020** for the development of transport infrastructure of regional and county interest (PA 6), as well as other investment typologies aimed at local development, diversification of the economy and tourism promotion, cultural heritage preservation (PA 5) and development of the infrastructure necessary for sustainable tourism promotion (PA 7).

Finally, addressing rural administrative units, PA 11 is of particular relevance to various measures of the **National Rural Development Programme (NRDP) 2014-2020**, from direct agricultural payments for agricultural land to basic infrastructure investment in villages. For example, for area direct payments, the Agricultural Payments Agency (APIA) requires proof that the agricultural land is at the disposal of the applicant, and proof of ownership or land use is provided to show compliance with this requirement.

The following table (which is not an actual matrix of complementarity) illustrates the types of interventions that will indirectly benefit from systematic registration work, following clarification of the situation of land and property

Table 4.3: Correlation table, programs that will benefit from systematic registration

Correlated relevant programme/actions that will benefit from systematic registration work	Updating General Urban Plans at ATU level	Investment in major transport networks (large infrastructure)	Investments in public utilities and roads of regional importance	Other infrastructure investments at local level (eg. patrimony, tourism)	Investments in public utilities and roads of local interest (basic infrastructure in the rural area)	Direct payments in agriculture
Development strategy at local/local budget level	√					
Large Infrastructure Operational Programme 2014-2020		√				
Regional Operational Programme 2014-2020 (AP 6, AP5, AP7)			√	√		
NRDP 2014-2020					√	√

Source: Evaluator's processing

In-depth interview with ANCPI

Following the semi-structured interview conducted at ANCPI, the following conclusions were drawn:

- The systematic registration procedure financed from ROP 2014-2020 PA 11 is in fact at an early stage, as there is only one locality that, by December 2018, had completed its systematic registration procedure, and two others with nearly completed procedures. This aspect was considered for the selection of case studies.

b. Public procurement procedures for systematic registration are centrally managed and PA 11 will be carried out in stages, corresponding to the implementation of these procedures at county level through OCPIs, which will be a bridge between ANCPI and TAUs. In December 2018, there were many procurement files in the ex-ante evaluation phase.

c. Selection criteria for the 660 ATUs to be included in ROP 2014-2020 PA 11 included an important component related to the prioritization of localities included in infrastructure development plans, so that the potential impact of PA 11 on other axes of the same program and other investment programs is, on the one hand, expected, although this can only be assessed ex post, and taking into account other factors likely to block or unblock infrastructure investment (eg. public procurement procedures, co-financing capacity, strategic planning capacity and project drafting, etc.).

Analysis of selected case studies

Case studies have been selected taking into account the state of implementation of the systematic registration procedure after consultation with ANCPI. Thus, **the OCPIs in the Buzau and Alba counties were selected**, with in-depth analyses of their subordinated ATUs.

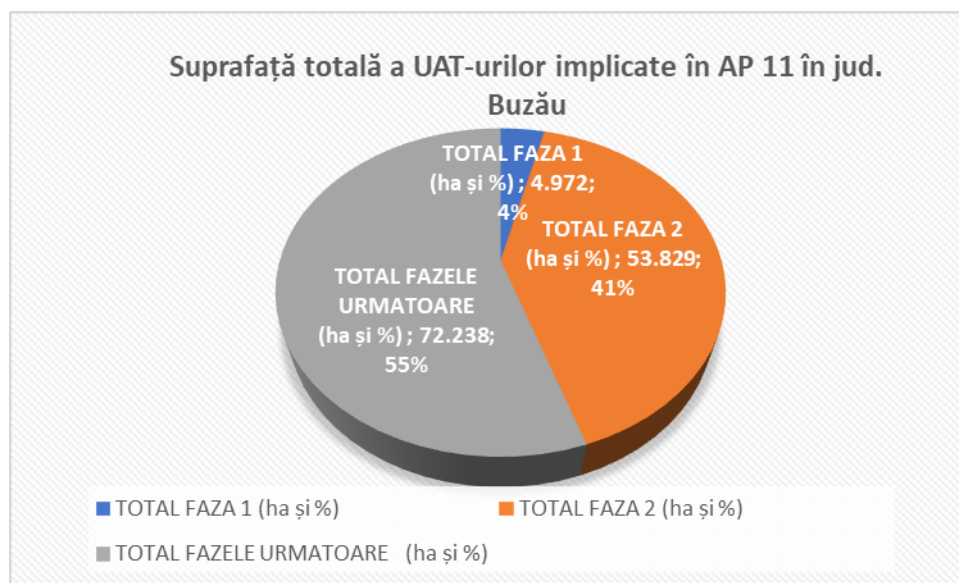
Case study on OCPI Buzău

The first group interview held in Buzău was attended both by the representatives of OCPI Buzău and representatives of Cilibia TAU, this being the only Territorial Administrative Unit in Buzău County included in the first 35 TAUs, which will be included in the major project through the ROP PA 11.

In terms of procedural progress, systematic registration at the Cilibia TAU level was completed, while the award procedure for the registration work contracts in the remaining selected ATUs of the county, related to the second stage, is under way.

The area of Cilibia TAU included in the systematic registration procedure so far is of 4,972 ha, which represents about 4% of the total area covered by the major project under the ROP/PA 11. The breakdown of ATUs assigned to OCPI Buzău, out of the 660 ATUs according to the Joint order on ATUs selection, with the areas targeted for systematic registration work is found in the table enclosed in the annex to the case study.

Figure 4.1: Total area of ATUs involved in PA 11 in Buzău County



Source: Consultant's data processing from documentary analysis.

As regards the **organizational, procedural and/or financial issues** that delayed or even blocked the proper conduct of the procedure, the participants mentioned the ability of the service providers to fulfil the contract (focusing on the change of employed staff) and the inadequate level of training and the low number of employees with specializations in the fields relevant to the registration procedures at ATU level.

On the other hand, the **procedural technical aspects** that have hindered the proper conduct of the procedure include:

- Name errors or other errors related to owners, errors that can be remedied within a legal term of one year;
- Difficulties in collecting data: 1. The real estate is not only owned by locals, many of them have left the locality; 2. The population is aged and difficult to move; 3. Citizens do not trust the field operators; 4. There is reluctance to participate in the registration procedure when citizens know or believe that the land in their property will diminish.

With regard to the opportunities and key aspects to **facilitate the registration process**, the participants mentioned the following:

- Authorities, both ATUs and OCPIs, must provide the necessary technical staff (which, at least ATUs level, is actually missing)
- Authorities (ATUs and OCPIs) must provide adequate information and training for citizens. The information component is very important because it is likely to prepare and facilitate the activity (this is a very important lesson learned by the participants in the meeting);
- In the local communities information campaign it is very important to focus on the benefits of free insurance of unsolved successions up to the moment of registration as a result of the registration works, as well as of the positive implications deriving from the joint land working with regular documents ;
- Good collaboration with service providers is essential to the smooth running of the procedure.

As regards the **potential benefits** of registration work, the participants mentioned, in particular, issues related to facilitating the relationship with APIA for agricultural payments.

Case study on OCPI Alba

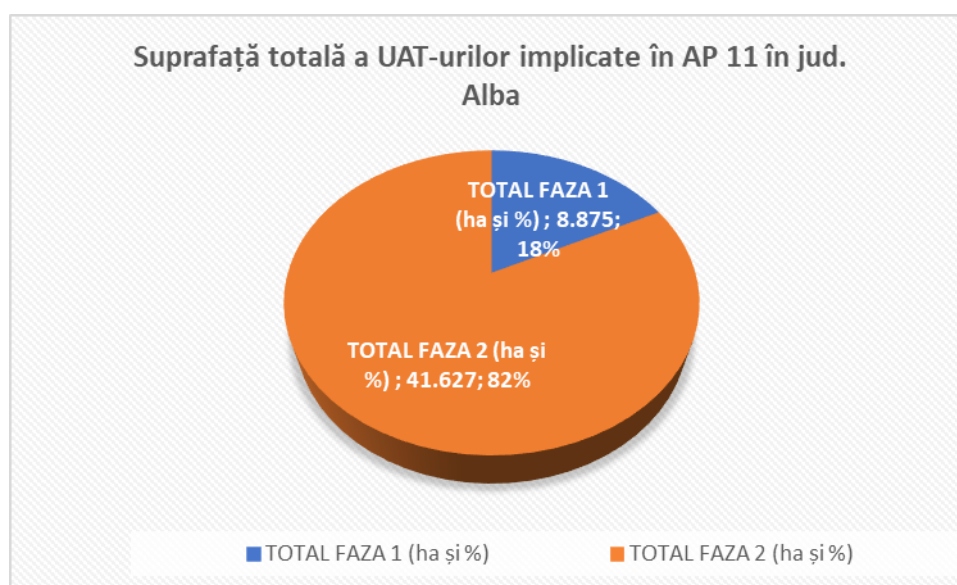
The second group interview held in Alba was attended both by the representatives of OCPI Alba and representatives of Ciugud and Sântimbru TAUs, which are the only Territorial Administrative Unit in Alba County included in the first 35 TAUs, which will be included in the major project through the ROP PA 11.

From the point of view of procedural progress, Sântimbru and Ciugud are in the process of resolving the complaints submitted by the beneficiaries, as there are 2379 rectification requests, standing for 17% of the 13,429 properties interested in the registration procedure.

For localities such as Mihalț, Rădești, Mirăslău, Unirea, Lunca Mureșului, Lupșa, which will be involved in the second stage, there is a tender in progress for registration works organised by ANCP.

The total area of Sântimbru and Ciugud TAUs included in the systematic registration procedure so far is of 8,875 ha, which represents about 17% of the total area covered by the major project under the ROP/PA 11. The breakdown of ATUs assigned to OCPI Alba, out of the 660 ATUs according to the Joint order on ATUs selection, with the areas targeted for systematic registration work is found in the table enclosed in the annex to the case study.

Figure 4.2: Total area of ATUs involved in PA 11 in Alba County



Source: Consultant's data processing from documentary analysis.

With regard to **procedural aspects**, similarly to the case of OCPI Buzău, the participants at the meeting held at OCPI Alba highlighted the need for close collaboration between OCPIs, ATUs and service providers in order to ensure adequate information for the local community. In this regard, the participants pointed out that, in the absence of participation in the organized conventions, the representatives of ATUs went at the addresses of the residents to explain in more detail all the benefits of the registration procedure, as the printing of written information materials was not effective in convincing local people on the benefits of the initiative.

Moreover, ATUs have collaborated with service providers in conducting the information campaign, and it emerged that the effectiveness and timing of the initiative was essential for the proper conduct of the registration work.

Similarly to Buzău, another aspect highlighted as a substantive difficulty in conducting the registration procedure is the fact that in case of errors, they can be solved within a year, which obviously prolongs the period of completion of the registration procedure over the relatively short time interval allocated according to the technical specifications.

Thus, there are specific cases where the procedure could not be completed by making all the foreseen entries. For example, 17% of the real estate has remained unsolved after the completion of the registration process by the OCPI under the National Programme. The reasons are different: the persons in question were not present in the locality (on average 10% of the owners are not in the locality) or did not have the certificates that had to be issued by the City Hall (100 cases of persons not having such a certificate). Moreover, it is worth mentioning that if some areas or real estate were not recorded in the systematic registration process (either on PNCCF or under the ROP or local sources), the owners will have to hire a cadastral expert/professional to solve the individual registration, but because all of the surrounding properties will already be registered and will have a fixed position on the map, no changes can be made except by changing all properties in that sector. This cannot be done individually by an owner, and therefore OCPI suggested to assign this role of making measurements and changes on larger sectors to the cadastre office by completing the Law.

Finally, the participants also highlighted the difficulties of movement of older people.

Moreover, the participants pointed out as problematic certain **specific technical aspects**, related to the land registry system according to Decree 115/1938 in force in Ardeal area, which the service providers have to face in the registration works, as well as technical aspects related to the geography of the land, which require additional time and specialized staff for more accurate measurements. Generally, the time available to perform the work is considered too short, especially for measurements in hilly and mountain areas, compared to plain areas, posing less technical difficulties.

With regard to the key aspects to **facilitate the registration process**, the participants mentioned the following:

- According to OCPI's experience, the active participation of ATUs is important. There are various elements that can prevent a proper progress of the process, because for the data recording the service provider has to collect documents, information and talk with the owners. In order to overcome these difficulties it is necessary to involve the local public government (LPG) to mediate the relationship and communication with the owners and to ensure proper information of the population;
- Adequate information on the benefits deriving from the free inheritance following registration work is likely to facilitate the population's interest in the registration procedure.

With regard to **potential benefits** of registration work, the participants mentioned in particular:

- Facilitating tax collection;
- Facilitating construction works by creating conditions for the issuance of building permits;
- Aspects related to facilitating the relationship with APIA for payments in agriculture.

The following conclusions can be drawn from the analysis of case studies:

- The opportunities and key issues to facilitate the registration process are:
 - Adequate information of the population on the benefits of the systematic registration process
 - Close collaboration with the involved ATUs, especially for attracting and raising awareness of the local population
 - Good collaboration with service providers
- The perception of final beneficiaries (ATUs) on the benefits of registering in the SNCIF focuses on the following:
 - Facilitating the collection of local taxes
 - Facilitating the acquisition of building permits (thus easing investment in infrastructure)
 - Facilitating the relationship with APIA when requesting information to clarify the situation of a property
- The issues that block or delay the procedure are:
 - The absence of the owners (residing in other localities and even abroad)
 - Rural population aged and difficult to move
 - Technical difficulties related to land geomorphology
 - Technical difficulties related to the pre-existence of a Land Registry that needs to be checked
 - The occurrence of errors that require additional time to solve, even by legal means (administrative action is not possible and amicable methods are not used)
- Measures identified for problem solving:
 - Conducting an appropriate information campaign among the population
 - Ensuring adequate technical staff within City Halls and OCPIs

Inquiry among OCPIs

During the evaluation, the team of experts conducted an inquiry among OCPIs with the purpose of collecting information on how to implement the PNCCF, from the point of view of providing recommendations for improving the implementation procedure of Priority Axis 11 in the next period. The inquiry, conducted in close collaboration with ANCPI, was conducted through the CAWI (Survey Monkey) system.

The questionnaire (attached as Annex 2) included a set of multiple-answer questions related to the following aspects:

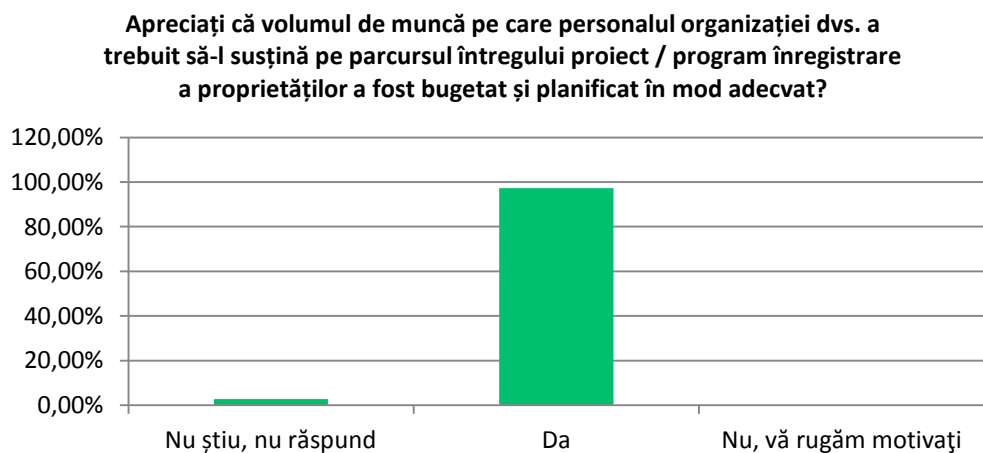
- The financial and human resources allocated to the implementation of the program;
- Informing the beneficiary ATUs and the administrative simplification measures adopted;
- Working with relevant institutions to conduct the procedure.

The invitation to participate in the inquiry was sent to all 40 OCPIs at the county level, plus to the ANCPI. The response rate was very high, with a total of 37 valid responses, two of which were from ANCPI staff and the rest from the OCPIs.

The main results of the survey are summarized below.

As regards **organizational aspects and internal resources**, the answers show a majority opinion that the workload of staff and the allocated budget are adequately planned for the needs of the implementation of the systematic property registration program.

Figure 4.3: Work volume and budget allocated to the property registration project/programme

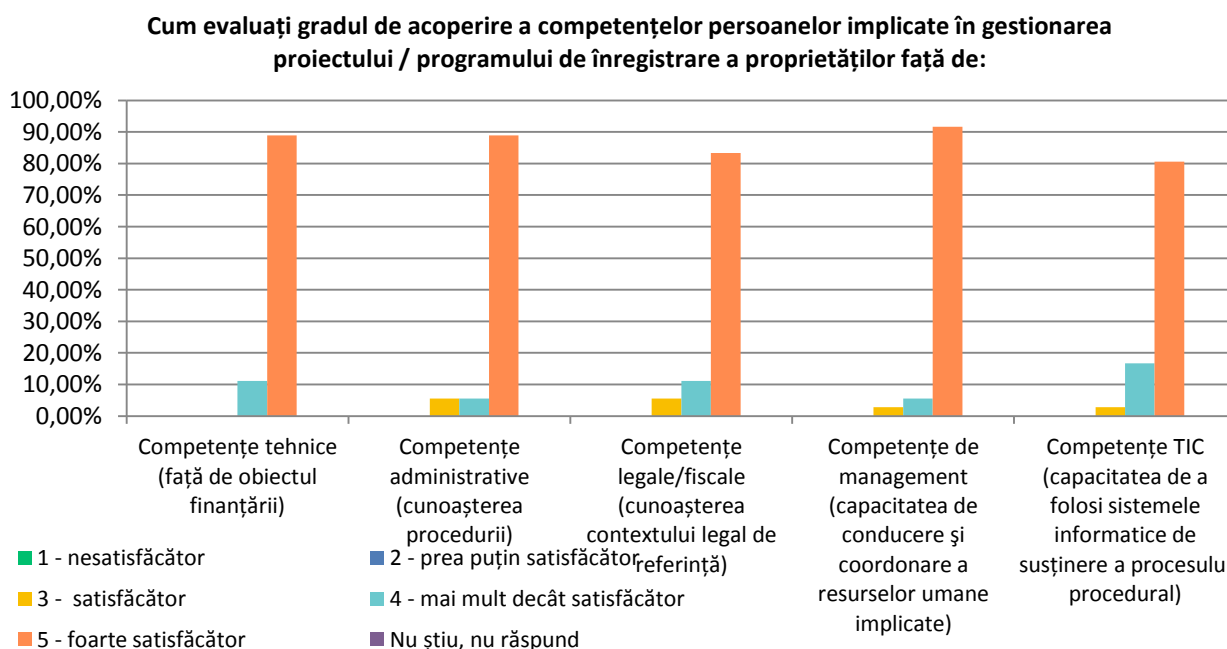


Source:

Consultant's processing of survey results.

Likewise, about 86% of respondents consider “very satisfactory” the level of technical, administrative, legal/tax, management, and IT skills of the internal staff involved in monitoring the systematic property registration procedures. In particular, management skills have been judged to be the most appropriate (over 91% of respondents find them very satisfactory).

Figure 4.4: Degree of coverage of OCPI/ANCPI staff skills

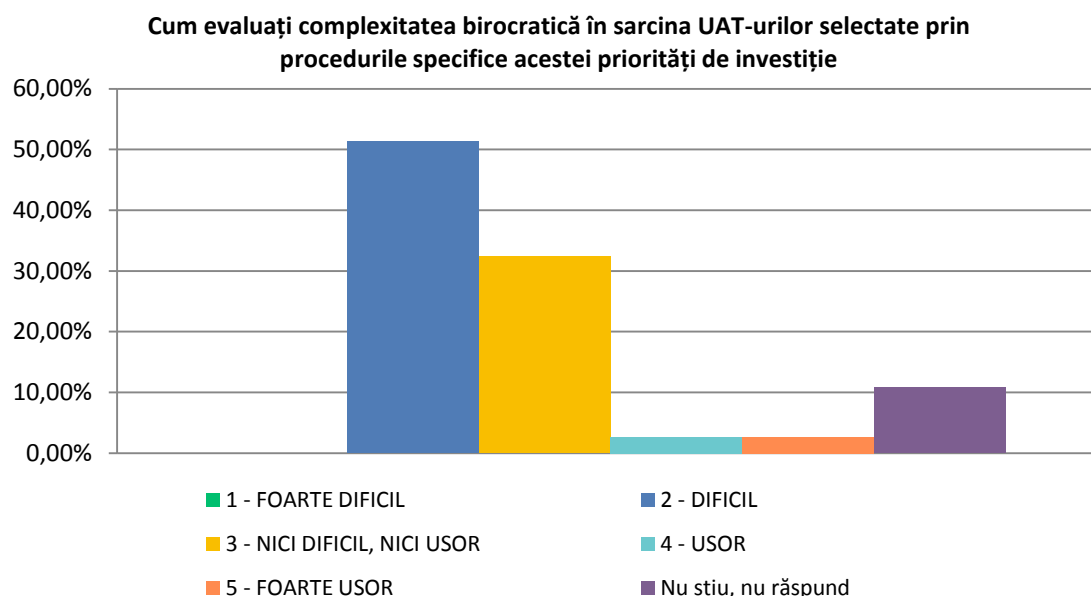


Source: Consultant's processing of survey results

As regards the red-tape complexity level of ATUs, about 51% of respondents find it difficult and about 32% find neither difficult nor easy. Thus, over 86% of respondents said they had adopted solutions to reduce the administrative burden on beneficiaries, and most respondents adopted

“tools” to facilitate participation in the property registration program/Axis 11 by ATUs, such as informative material (brochures, leaflets, articles in specialised magazines) (over 97%), meetings in the field (86%), guides and operative textbooks (89%), PNCCF website and videoconferencing (75%).

Figure 4.5: Red-tape complexity burden on ATUs

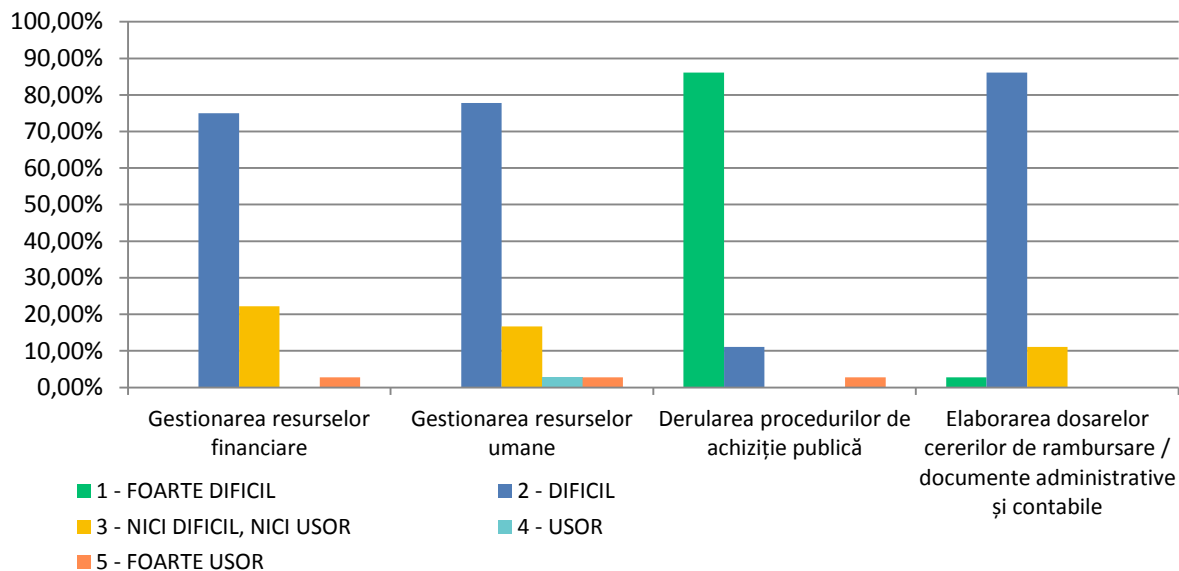


Source: Consultant's processing of survey results

As regards the complexity in the management of the property registration procedure, 86% of respondents considered the most complicated (very difficult) the public procurement procedures, followed by the preparation of reimbursement applications/administrative and accounting documents (considered difficult by 86% of the respondents), managing human resources (considered difficult by about 78% of respondents) and managing financial resources (considered difficult by 75% of respondents).

Figure 4.6: The complexity of managing the property registration procedure

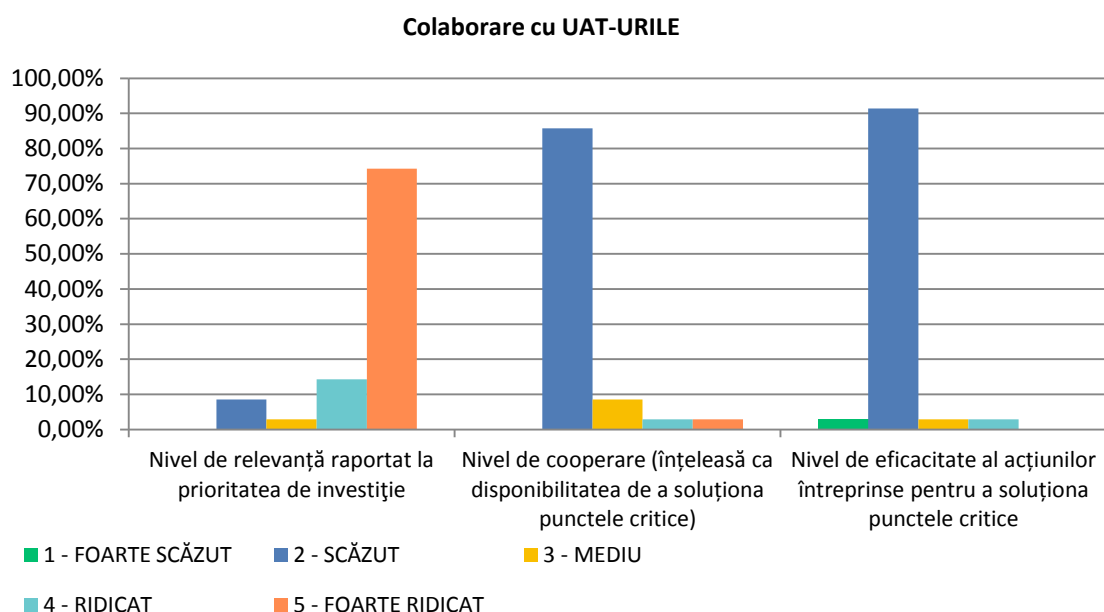
Cum evaluați complexitatea gestionării procedurii de înregistrare a proprietăților în ceea ce privește următoarele aspecte:



Source: Consultant's processing of survey results

Another interesting aspect observed in the OCPI/ANCPI inquiry is the perception of relevance, cooperation (availability to address critical points), and the effectiveness of actions taken to address the critical points of the various categories of organizations involved in the systematic registration procedure. Thus, the first aspect is that ATUs are considered the most relevant actor ("very high" for 74% of respondents and "high" for another 14% of the total), but the level of cooperation is considered "low" by 86% of respondents and the level of effectiveness even lower (over 91% of respondents).

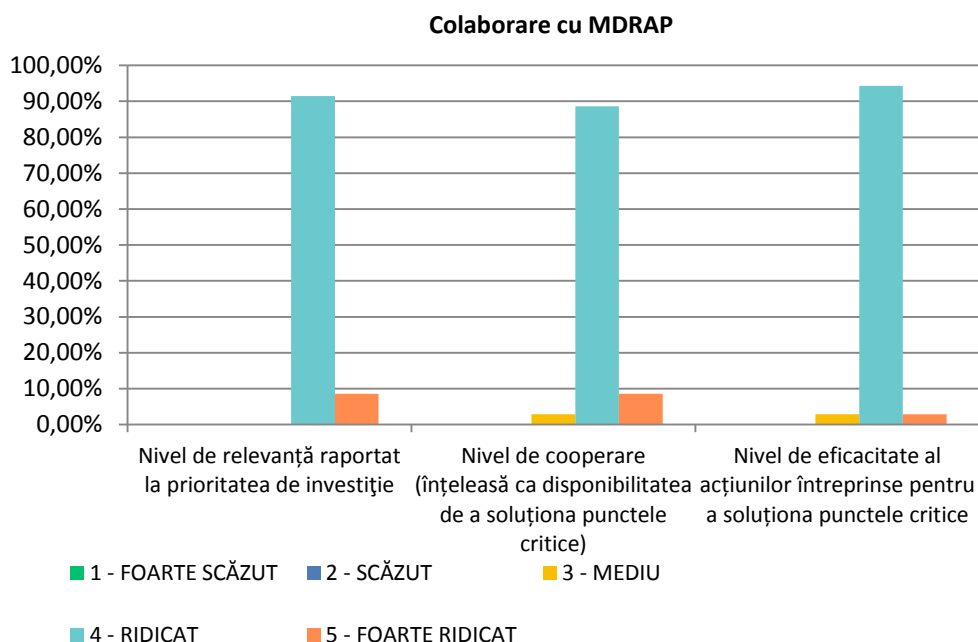
Figure 4.7: Level of relevance, collaboration and effectiveness of ATUs' action



Consultant's processing of survey results

In contrast, the level of relevance, cooperation and effectiveness of the collaboration with MDRAP is considered high (and even very high) by an average of over 91% of respondents.

Figure 4.8: Level of relevancy, collaboration and effectiveness of MDRAP action



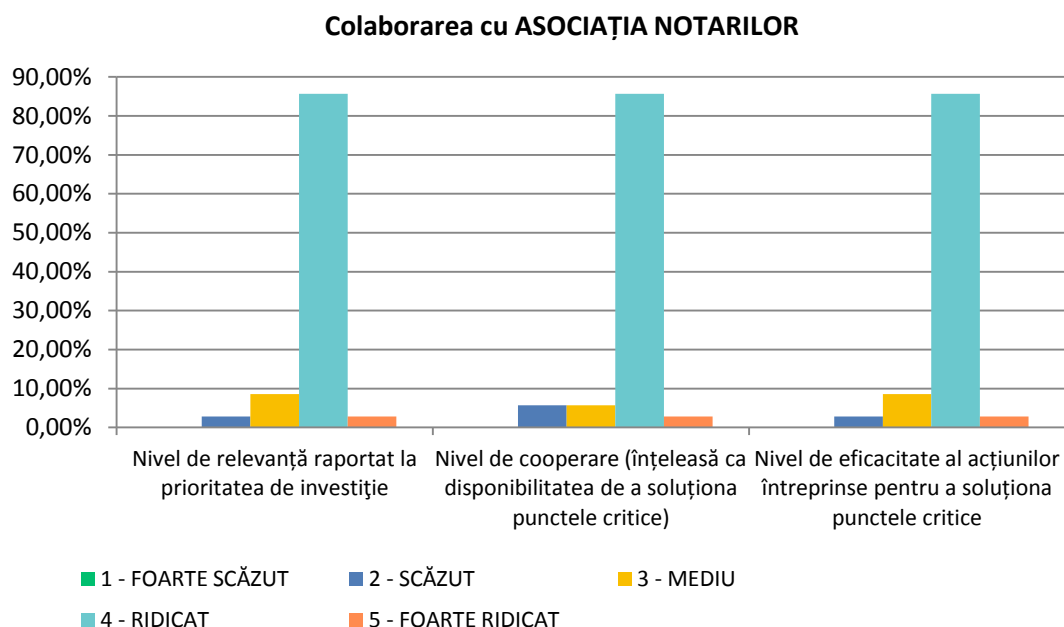
Source:

Consultant's processing of survey results

Also, a very good relationship, with a high level of relevance, cooperation and efficiency for about 86% of the respondents (on average on the three dimensions) is also noted with the

Notaries Association (although in this case there were also some answers towards the medium and even low level for all the three aspects concerned).

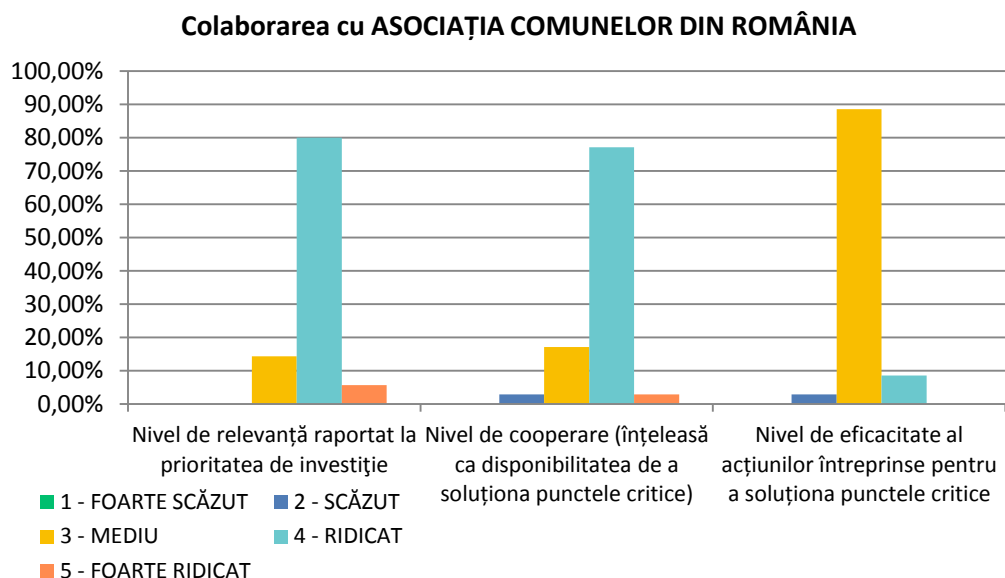
Figure 4.9: Level of relevancy, collaboration and effectiveness of the Notaries Association's actions



Source: Consultant's processing of survey results

On the other hand, the relevance of the Romanian Association of Communes and the level of cooperation was considered high by 80% and 77% of the respondents, respectively, but the effectiveness level of the actions was deemed medium by over 88% of the respondents, which suggests the existence of a margin for improvement of this aspect.

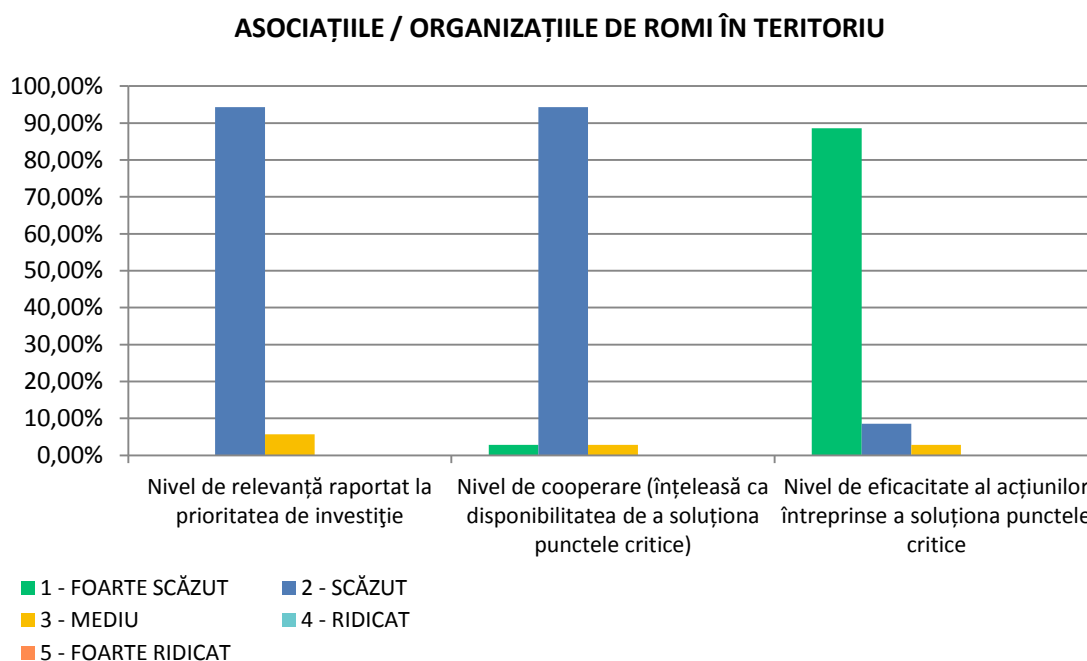
Figure 4.10: Level of relevance, collaboration and effectiveness of the actions of the Romanian Association of Communes



Source: Consultant's processing of survey results

On the other hand, the smallest weights were registered in relation to the Roma associations/organizations in the territory, which, on the one hand, were considered little relevant and cooperative (94% of the respondents) and on the other hand the level of effectiveness of the actions undertaken was lowered (very low for 88% of the respondents).

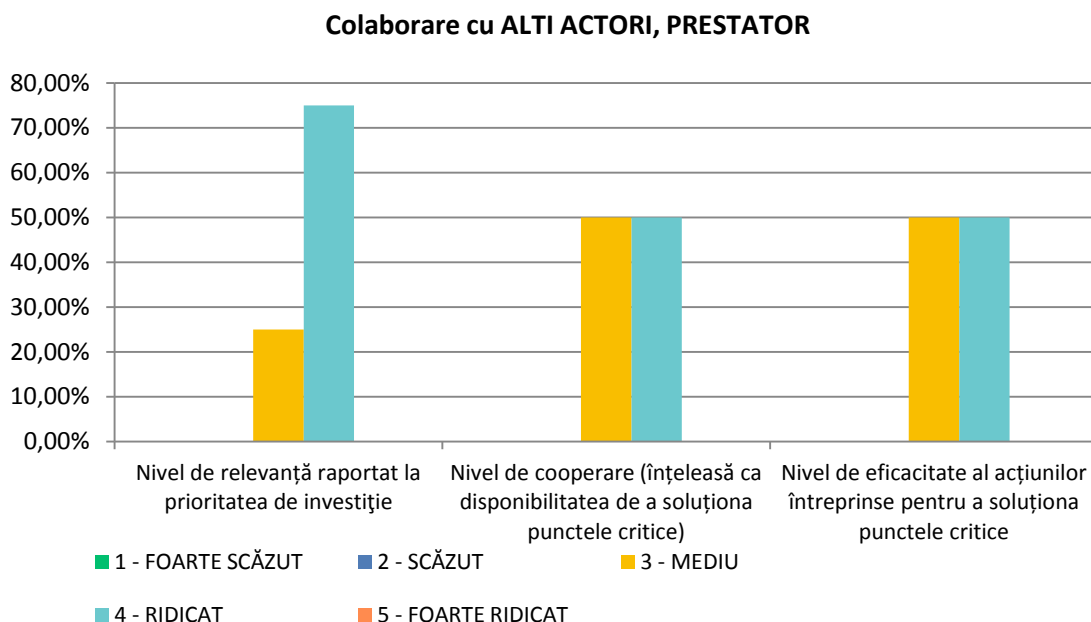
Figure 4.11: Level of relevance, collaboration and effectiveness of the action of Roma associations/organizations in the territory



Source: Consultant's processing of survey results

Finally, about 10% of the respondents inserted as another important player the service provider, considering it relevant (high level for 75% of the respondents and medium level for 25% of them), collaborative (medium level for 50% of respondents and high for the other 50%) and partly effective (medium level for 50% of respondents and 50% high for the others).

Figure 4.12: Level of relevance, collaboration and effectiveness of other actors' actions (Provider)



Source: Consultant's processing of survey results

Conclusions of the survey among OCPIs

- The allocation of resources and competences at OCPI level is considered adequate and very satisfactory.
- The administrative procedure in charge of ATUs involved in the systematic registration process is considered relatively difficult.
- Most OCPIs have adopted measures to simplify and facilitate the process through information, consultancy and the like.
- One of the most difficult issues to manage under the registration procedure (from the point of view of OCPIs) is the management of public procurement.
- Collaboration with ATUs requires improvements through closer information and co-operation to resolve problems that may arise during the course of the procedure.
- An important factor in the process is the systematic registration service provider.

These conclusions are relevant to the evaluation process as they allow the identification of some critical aspects of the systematic registration procedures that need to be deepened and validated through other research methods (eg. focus group and inquiry among ATUs). These aspects (especially of a legal and administrative nature) are mainly related to the way the registration procedure takes place, focusing on the relationship between the actors involved and the role of each of them, especially OCPIs, ATUs and service providers.

Focus Group organized with OCPIs, ANCPI and CNC

The focus group organized with representatives of OCPIs, ANCPI and CNC was attended by 21 representatives of the ANCPI/OCPI/CNC system, plus Lot 1 and 3 consultants and the BE ROP evaluation manager as observers.

During the meeting, the following topics were addressed:

- Objectives, benefits and strategy of the National Cadastre and Land Registry Programme;
- Results and conclusions of the inquiry among OCPIs and ANCPI;
- Conclusions and recommendations.

The discussions focused on the benefits of the PNCCF, which are also relevant for defining the potential impact of the ROP 2014-2020 PA 11, namely:

- a) Completing the property restitution process,
- b) Implementing new payment schemes that apply in agriculture through the registration of agricultural land from cadastral sectors outside the built-up area, for the purpose of systematically recording agricultural land,
- c) Reducing the implementation deadlines for infrastructure projects,
- d) Establishing a real tax base for real estate and developing real estate markets.

Systematic registration status on 31 January:

- a) of the total of 3,181 ATUs in Romania, until 31/01/2019 systematic registration works were completed in 60 ATUs located in 20 counties;
- b) Works are in progress in 2397 ATUs - per cadastral sectors or in the entire ATU, totalling 3 million hectares;
- c) **The most difficult areas are mountain areas, where a fair price has not been set;**
- d) There is a project regarding Tulcea County to cover the Danube Delta through a separate project.

Focus group findings include:

- Local governments have too many attributions but have not clearly identified the function to deal with OCPI and cadastral issues.
- Registration service providers are overwhelmed by the volume of work due to the division into plots per counties.
- OCPIs are equally overwhelmed by their support tasks for the benefit of the local government offices.
- Public procurement legislation prevents access to funds.
- ANCPI does not have access to the Civil Status Registry.
- Strategic partners (such as local public governments) are not IT-compliant at the moment, that is ANCPI/OCPIs are equipped with advanced computer systems that allow data storage in electronic format, and the systematic registration procedure would be better if performed if local governments would have similar IT systems interoperable with those of ANCPI/OCPIs to exchange information and documents faster.

Participants in focus groups considered that the measures to be taken are:

- Conducting a survey among partner organizations and suppliers to analyse how the systematic registration process should be carried out from the point of view of economic operators;
- Involvement of local government associations in evaluation activities, rather than the direct involvement of ATUs;
- Decongesting the tasks and duties of local public government and prioritizing activities so that important activities are carried out;

- Clarifying the attributions and disseminating information at ATU level as regards the role and benefits of systematic registration;
- Subdivision per batches of auctions for systematic registration services at the ATU level and not at OCPI level, as is currently the case;
- More rigorous controls (at ATU and topographic level);
- Tracking the performance of contracts and strengthening of the monitoring function of the registration works carried out by the service providers, by ATU;
- Notification of the Chamber of Notaries should be made directly by the interested city hall;
- Streamlining of the technical specifications regarding the implementation of the systematic registration procedure by the economic operator according to the Orders of the General Manager of ANCPI no. 357/2018 and no. 1427/2017.

Conclusions of the focus group

Discussions with representatives of ANCPI, OCPI and CNC confirmed that the relationship between ATUs and OCPIs as well as between ATUs and systematic service providers is a key issue requiring important improvements:

1. by optimizing and clarifying the responsibilities and attributions in the field of cadastre at ATU level;
2. by increasing the quality of systematic registration services, through more careful and structured monitoring while conducting the works.

Another important issue raised was the fact that work in mountain areas presents more topographical difficulties and the price of services is inadequate to meet such working conditions.

IT infrastructure issues were also highlighted among all partner institutions, as the IT infrastructure is not adequate to ensure the interoperability of the relevant IT systems, while a better interoperability would facilitate the smooth running of the registration process and would lead to reduced times.

Lastly, we noted the emphasis on the need to simplify the technical specifications according to the Orders of the General Manager of ANCPI no. 357/2018 and no. 1427/2017 and public procurement procedures so that they are more appropriate to the factual situation (eg. there was a proposal that public procurement bids would be better launched at ATU than at county/OCPI level, as is now the case, because this way is likely to overload the economic operator).

Taking into account the key role played by the systematic registration service provider, the focus group participants recommended that they also be involved/consulted in the evaluation exercise.

Inquiry among ATUs

The inquiry among ATUs (the first 35 to be included in the ROP, PA 11) aimed to obtain information on the system of implementation of the systematic registration procedure, with an emphasis on the problems encountered and the potential impact deriving from the systematic registration of properties. A total of 9 ATUs responded to the survey, representing about 25% of the total, which means that, taking into account all 3 ATUs involved in case studies, the evaluation exercise involved about 31.4% of the total of 35 ATUs to be integrated into the ROP. Thus, the average area of respondents is 6,102.9 ha, of which 3,290 ha (about 54%) are to be integrated into the systematic registration procedure under the ROP. The average number of respondent ATUs is 4,632 persons.

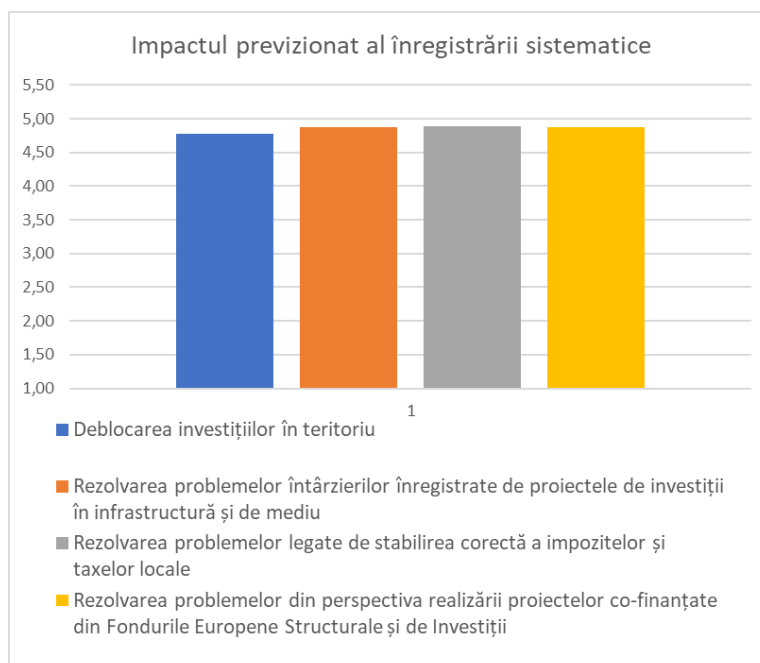
All respondents (except for an ATU that had a neutral opinion, providing the response “not little, nor much”) believe that the intervention will greatly contribute to streamline institutional

bottlenecks related to the property regime. In particular, the respondents believe that systematic registration will have a positive impact⁵ on all four aspects mentioned in the questionnaire, namely:

- Unlocking investments in the territory;
- Solving the problems of delays registered by the infrastructure and environment investment projects;
- Solving problems related to the correct setting of local taxes and fees;
- Solving problems in terms of the achievement of projects co-financed by the European Structural and Investment Funds;

On average, the respondents have more than 3 projects in the portfolio (although there are quite large differences among ATUs, the number of projects is between 8 projects and none).

Figure 4.13: The foreseeable impact of systematic registration



Source: Consultant's processing of survey results

Moreover, respondents believe that systematic registration will have very high benefits⁶ in terms of:

- Reducing complaints/neighbourhood disputes;
- Facilitating the process of retrocession of land;
- Facilitating access to European funds.

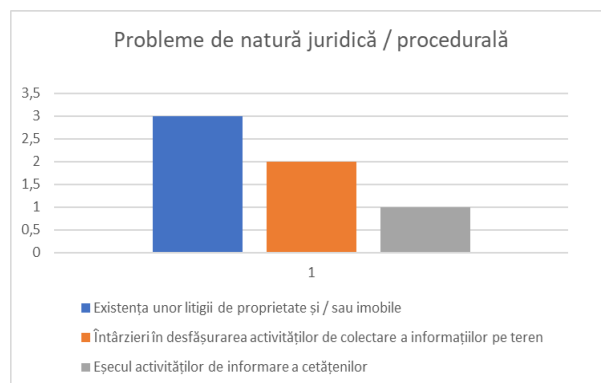
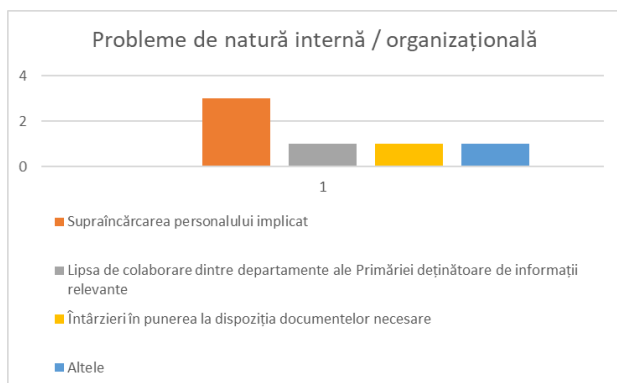
In relation to the problems encountered, the most frequently mentioned are:

- Overloading the involved staff, and
- Existence of ownership and/or real estate disputes

Figure 4.14: Problems of an internal/organizational and legal/procedural nature

⁵ Respondents were asked to indicate on a scale of 1 to 5 as follows: 1 = very little, 2 = little, 3 = not little, nor much, 4 = much, 5 = very much, the average answer being 4.85.

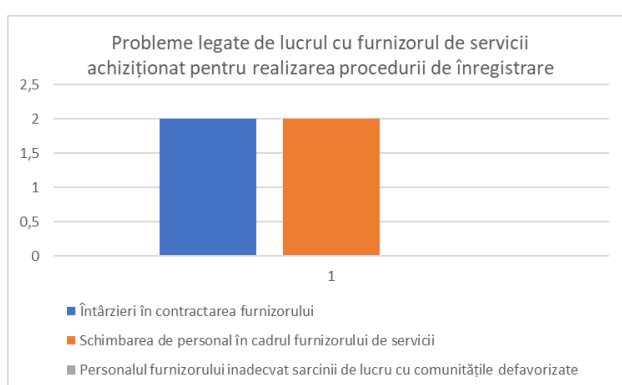
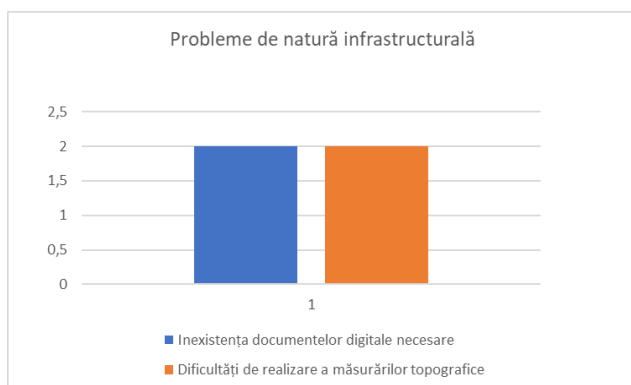
⁶ Respondents were asked to express their opinion on the main benefits that registration of properties in the cadastre and land registry can bring, giving a score of 1 to 10, where 10 is the highest benefit. The average score for the three aspects was 8.96, the highest score being granted, with 9.22 points, to facilitating access to European funds.



Source: Consultant's processing of survey results

Moreover, two respondents also highlighted the existence of infrastructure/technical problems⁷ related to the lack of digital documents and topographic surveys, and another two have highlighted problems related to working with the systematic registration service provider, delays in contracting the service provider and changing its staff.

Figure 4.15: Infrastructural issues and issues -related to working with the service provider



Source: Consultant's processing of survey results

Other comments inserted by the respondents in correspondence with the four types of categorized problems are summarized below:

- Lack of communication between ANCPI and the service provider;
- Delays in signing the contract with the service provider or delays in implementation due to organizational problems of the service provider (eg a provider had started the insolvency proceedings and a provider was not responding to the ATU's requests for a plan for division into plots);
- The problem of overlapping real estate and land (double entries in the cadastre) leading to erroneous records and bottlenecks in the drafting of plans for division into plots;
- The issue of the illegality of certain ownership titles issued without validation by the County Land Registry Commission within the Prefect's Office;
- Insufficient development of cadastral documents in digital format.

Conclusions of the survey among ATUs

The rate of response to the survey was not in line with expectations, but can be considered satisfactory as it covers one quarter of the reference population and a large part of the country's territory (from Iași County to Maramures County, passing through Alba, Prahova and several counties in the South East

⁷ It refers to the IT infrastructure needed to map, archive and exchange documents.

Region). Moreover, the results obtained confirm several aspects already highlighted in case studies and discussions with ANCPI and OCPIs, with reference to the potential impact of systematic registration work, as well as the problems encountered, which can be summarised as follows:

a. The interviewed ATUs consider that the systematic registration of properties will greatly contribute to the faster settlement of institutional bottlenecks related to the property regime, will help to solve the problems of delays in infrastructure and environmental investment projects, thus facilitating access to European Structural and Investment Funds;

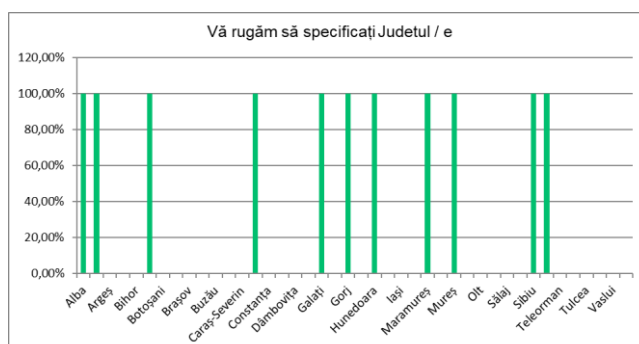
b. The main problems encountered in the registration procedure concern: overloading the staff involved; the existence of property and/or real estate disputes and the overlapping of real estate/land; but also technical aspects (related to IT systems and geomorphological conditions of land) and issues related to contract management and relationship with service providers.

Interview with the provider of property systematic registration services

Following the recommendations of the focus group, an online survey was launched among accredited providers of systematic registration services with several ongoing service contracts. Due to the fact that only one response to this survey was received, we will consider its results as a **structured interview** with a service provider.

The respondent is based in Bucharest, but operates in various counties of Romania, respectively in 11 counties, as shown in the following chart:

Figure 4.16: The counties in which the systematic registration service provider is operating

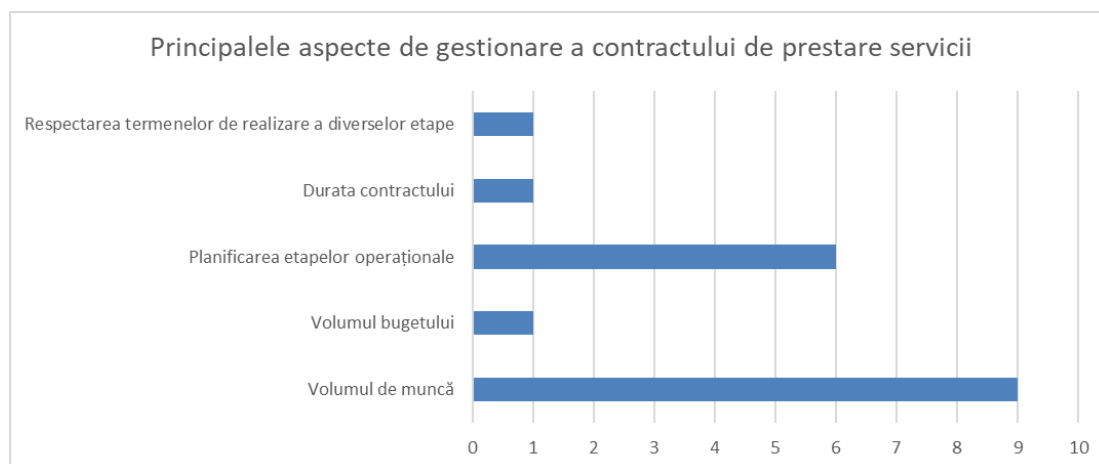


Source: Consultant's processing of survey results

So far, the provider has supported between 15 and 30 ATUs, mainly located in the North West Region.

As regards the assessment of the main aspects of the systematic registration contract, the provider considers as very weak (i.e. absolutely unsuitable, on a scale from 1 to 10) the following: the amount of the budget; the duration of the contract and the observance of the deadlines for achieving the various stages. The problem of planning operational steps is considered somewhat "smooth" and the workload is considered very high.

Figure 4.17: Assessment of the main aspects of managing the service contract



Source: Consultant's processing of survey results

After signing the contract it underwent the following changes:

- The financial resources allocated to the various stages have been redistributed,
- The implementation deadline for field measurements was extended,
- The deadline for collecting documents from ATUs was extended,
- The deadline for checking information with owners was extended.

The provider specified that the way of collaboration with OCPI needs to be improved. At the same time, given the stage of the systematic registration of the properties so far, the Service Provider stated that **a small part of the results achieved in the first year of delivery (about 25-49% of the registered properties and buildings) will be achieved.**

The main causes of these delays are as follows:

- Owners are reluctant,
- There were delays in obtaining documents from the City Hall,
- There were inconsistencies in the documents received,
- We had to compare the information from the already existing registration system (eg the land registry of the Ardeal area)
- The ATUs and the OCPIs have not been sufficiently involved in convincing the owners.

With regard to the involvement and information of the local population within the systematic registration procedure, the Service Provider stated that it participated in:

- Preparation of informative material (brochures, leaflets),
- Distribution of informative material,
- Organizing meetings in the territory.

And, in the supplier's opinion, City Halls and OCPI are not sufficiently involved in informing the owners.

With regard to the complexity of managing the systematic registration procedure, the Service Provider considers the following issues difficult and very difficult (score 7-10):

- Managing financial resources (10)
- Solving legal issues (10)
- Obtaining documents from mayoralities (10)
- Managing the relationship with OCPIs (10)
- Managing the relationship with ATUs (9)

- Managing the relationship with marginalized communities (8)
- Managing administrative/financial and customer reporting documents (8)
- Human resource management (7)
- Verification of received documents (7)
- Managing relationships with owners (7)

Making measurements is considered to be very easy.

Conclusions of the interview with a service provider

The responses provided by the economic operator allow:

- a. Confirming the existence of a price/financial allocation issue for systematic registration services;
- b. Confirming the existence of a very great communication and collaboration problem between the three main actors: supplier, ATU and OCPI
- c. Confirming the existence of a problem of communication with and involvement of local communities and owners, respectively
- d. Confirming the need for simplification of technical specifications and optimization of registration works, which are currently overwhelming from an administrative point of view, as various reasons for delaying the procedure are due to delays in obtaining and verifying documents.

In general, the responses of the service provider raise a key problem in the PA 11 assessment, namely: **there is a risk, at least at the level of certain service providers, that the deadlines for carrying out the works are not respected, which could lead to the failure to meet the performance indicators by the set deadline.**

In this context, obviously, a more careful and consistent monitoring of systematic registration is required.

Documentary research on contractual conditions applicable to service providers

In addition to the information gathered during the interview as well as for checking certain aspects related to the applied tariffs and the duration of contracts, we analysed a number of contracts concluded by ANCPI with various providers of systematic registration services from the database previously prepared.

Thus, we analysed 8 signed contracts worth almost 10 million lei, covering 93 ATUs and over 77 thousand hectares.

The unit price offered was calculated per hectare and was on average 124.27 lei/ha, ranging from about 93 lei to 142 lei.

The duration of the contracts is 76 or 82 months⁸, and 3 deliveries are foreseen:

- At 4 weeks, start-up report per ATU and payment of the first instalment of 10%;
- At 40 or 46 weeks, the delivery of the cadastral technical documents for publication, and the payment of the second instalment of 60%;
- At 72 or 78 weeks, delivery of the final cadastral technical documents (after validation, rectification, etc.), payment of the last instalment of 30%.

After delivery 1, 2 weeks are provided for verification and receipt by OCPI/ANCPI, after delivery 2 10 weeks are foreseen for verification and receipt, and after delivery 3 additional 4 weeks are foreseen for verification and receipt so that the actual duration of the provider's activities is reduced to 4+ (34 or 40) +22 weeks, i.e. 60 or 66 weeks, regardless of the number of ATUs and hectares to be recorded.

Table 4.4: Synthesis of the main contractual terms for providers of systematic registration services

	Nr Contract	Număr UAT-uri	Număr hectare	Unitate de măsură	Preț unitar Lei / ha	Livrare 1	Livrare 2	Livrare 3	valoare totala a contractului (lei fara TVA)
						4 sept.	40 sau 46 sept.	72 sau 78 sept.	
1	5570	15	15.246	Hectar	128	10%	60%	30%	1.951.488,00
2	5569	15	10.271	Hectar	128	10%	60%	30%	1.314.688,00
3	1245	4	10.524	Hectar	123	10%	60%	30%	1.294.452,00
4	24801	16	13.632	Hectar	130	10%	60%	30%	1.786.524,00
5	29106	20	12.010	Hectar	149	10%	60%	30%	1.789.490,00
6	16692	4	7.023	Hectar	100	10%	60%	30%	702.300,00
7	6952	7	1.511	Hectar	93,92	10%	60%	30%	141.913,12
8	7515	12	7.070	Hectar	142,2	10%	60%	30%	1.005.354,00
	<i>total</i>	93	77.287		124,27				9.986.209,12

Source: Valuer's data processing from documentary analysis.

Moreover, the Cadastre Law no. 7/1996, Article 9 (30) defines the frame of co-financing of the systematic registration activity, establishing a maximum unit rate that can be co-financed to the benefit of the local public government, of Lei 60 per land registry.

⁸ Without a clear correlation between duration and the number of ATUs or other parameters, there are even situations where a contract lasts for 82 months and involves work in 4 ATUs, while another contract lasts for 76 months and involves works in 15 ATUs.

Conclusions of the documentary analysis:

The analysis of a sample of contracts signed between ANCPI and systematic service providers confirms that contract durations are standardized and not personalized depending on the local context, ATU number, or target area value.

Taking into account suppliers' tasks according to the technical specifications, unit rates applied by suppliers per hectare are on average extremely low compared to the rates applied in other EU countries, even taking into account the (general) and currency price differences.

Phone interview with CNAIR representatives

The semi-structured interview was based on two main questions:

- What are the main problems CNAIR faces in making public investments in the areas of interest, and
- Whether CNAIR considers that the systematic registration of properties in the cadastre and the land registry will contribute to solving these problems.

Thus, in the course of investments in the field of interest (motorways, national roads, bypass roads, etc.), CNAIR encounters various problems, such as difficulties and delays in starting and implementing the works due to the unclear situation of the land where the investments are to be made. The problems encountered by CNAIR SA are legislative, economic, financial and legal, as well as organizational and communication-related (in particular communication with OCPI). Types of problems encountered by CNAIR SA:

- Failure to complete the owner's taking of possession by land registry committees (holders are not legally "owners");
- Lack of plans for division into parcels drafted by the ATUs where the investment objectives are located;
- Lack of a general cadastre at national level;
- Duplicate ownership titles issued for the same real estate;
- Lack of knowledge of administrative-territorial boundaries;
- Ownership titles containing material errors.

Moreover, the land acquisition procedure for an investment objective, according to the law, is usually carried out over several years until all the procedural phases of the disputes generated by it have been completed. From practice, there is a large number of disputes pending in courts in the country.

This situation causes difficulties in obtaining data and property documents, namely difficulties and delays in the process of identifying the persons affected by the investment and the contact data, as well as in the verification of the documents certifying the right of ownership or other real right, because many people are only holders or have not completed the procedure of taking possession.

Such malfunctioning results in:

- Additional costs, generated by the complaints (claims) that can be submitted by the contractors, to the amount of the works contracts,
- Deadline extensions, respectively the extension of the time required for completing investments.

Under these circumstances, CNAIR representatives consider that the registration of properties in the cadastre and land registry will unlock most of the problems that may arise in the expropriation process that may be necessary, so that it is possible to hand over land free of any encumbrance to the builder.

Conclusions of the interview with CNAIR

Once again, the importance of systematic registration of properties has been confirmed in view of unlocking planned infrastructure investments in the territory.

We have also identified some additional issues already anticipated by some ATUs and service providers relevant to the analysis of the registration procedure:

- There is a problem of “non-completion” of conferring ownership of land, which should end with the validation of the ownership right by the County Land Registry Commissions subject to the Prefect’s Office;
- Property-related disputes are extremely widespread and are likely to block public investment by delaying work and even by raising investment costs due to complaints that may even be submitted by the developer if the situation of the land is not clear;
- Obtaining cadastre documents is also a critical element for starting investments, and communicating with institutions that hold (or should hold) these documents is a critical issue that needs improvement.

Analysis of the implementation system and recommendations of the Expert Panel

The procedure of registration of the properties in the cadastre and the land registry is done according to the Order no. 1427/2017 regarding the approval of the Technical Specifications for carrying out the systematic cadastral works on cadastral sectors for the registration of the real estate in the land registry (updated in 2019), in line with the Cadastre and Real Estate Publicity Law no. 7/1996, republished, as further amended and supplemented.

In the specific context of financing the works through the ROP 2014-2020, PA 11, the procedure can be divided into three macro-processes:

1. **Launching and managing public procurement** (where the main responsible organization is ANCPI);
2. **Carrying out property and real estate registration work** (where the Service Provider is the responsible entity, in close cooperation with the ATUs concerned);
3. **Acceptance and completion of the cadastre technical works** (where the responsible entity is OCPI as an organization in charge of the reception and archiving of the prepared/revised cadastre documents). The following table outlines the main tasks and activities of the identified macro-processes, defining the main responsible organizations, the related documents and their recipients.

Main activities/tasks	Related documents	Supervisor	Recipient	Delivery time limit (if applicable)	Observations
Macroprocess 1. Launching and managing public procurement					
Preparation of the awarding documentation	Award documentation divided per batches / OCPI or ATU	ANCPI	MA POR	According to the annual procurement plan	Due to the legislative changes on ex ante evaluation of the PA, there is a risk to overwhelm the ROP MA over the next period and generate delays in approving the award documentation.
Approval of the awarding documentation	Approved award documentation divided per batches / OCPI or ATU	MA POR	ANCPI	According to the Law 98/2016 and the Emergency Ordinance no. 114/2018	
Launching and managing the public auction and selecting suppliers	Award documentation divided per batches / OCPI or ATU published on SEAP platform	ANCPI	SICAP system	According to the annual procurement plan	The method of launching tenders should be modified to take account of the differences existing between the services required (currently, the service duration is equal regardless of the size and characteristics of the areas to be registered)
Signing the service contract	The contract for the provision of systematic registration services	TAU	Service provider Accredited individual contractor/legal entity	60 days from the notification from OCPI	
Macroprocess 2. Carrying out the registration of properties and buildings according to ANCPI Order no. 357/2018 and annexes thereto					
Organization and development of the public information campaign: <ul style="list-style-type: none">• <i>Printing and dissemination of information materials</i>• <i>Organization of at least two information meetings</i>• <i>Organize a stable information</i>	Campaign monitoring reports (at least 2 reports)	Service Provider	Local community - with a special focus on vulnerable groups	A meeting before activities in the field A meeting on the first publication of cadastral technical documents	Appropriate information and raising the population's awareness of the benefits of systematic registration is a key issue for the smooth running of the works. Particular attention to vulnerable groups and

Main activities/tasks	Related documents	Supervisor	Recipient	Delivery time limit (if applicable)	Observations
<p>point</p> <ul style="list-style-type: none"> Monitoring the information activity 					communities is also a key aspect.
<p>Carrying out works prior to the cadastre registration stage:</p> <ul style="list-style-type: none"> Organization of systematic cadastral works Study of analogue and digital data taken from the Purchaser Land recognition Preparing the preliminary report 	<p>Preliminary Report and Works Schedule</p> <p>- Correlated acceptance report-</p>	Service Provider	TAU/OCPI Reception Committee	Based on the experience gained so far, the entire registration procedure, namely preparatory work and the actual performance of the works, lasts between 12 and 18 months.	<p>At this stage, areas with potential difficulties will also be identified.</p> <p>The interoperability of existing IT systems would greatly facilitate the speed of this phase.</p>
<p>Performing specialized works:</p> <ul style="list-style-type: none"> Identify the boundaries of real estate Preparation of the real estate data sheet Identifying owners and collecting documents Drawing up technical cadastral documents 	<p>Technical cadastral documents</p> <p>Internal quality control report</p>	Service Provider	TAU (electronic format) and OCPI	<p>Within 30 days of receipt of the cadastral technical documents, the Mayor must sign them for appropriation</p>	<p>A close collaboration with ATUs and owners is needed at this stage.</p> <p>The legal and factual situation as well as the existing disputes will be analysed.</p> <p>The Mayor does not always provide the Service Provider with the plot plan BEFORE the start of cadastral registration (sometimes this plotting plan does not even exist). Often the Mayors come with this plan after the completion of the registration work, in which case the work needs to be redone.</p> <p>People do not respond to the Service Provider's request to come up with the previously acquired documents.</p>

Main activities/tasks	Related documents	Supervisor	Recipient	Delivery time limit (if applicable)	Observations
					There is no IS work verification procedure that is unique to all OCPIs. Each OCPI interprets differently the outcome of the work conducted by service providers.
Macroprocess 3. Acceptance and completion of the technical cadastral works					
Receipt of technical cadastral works	Minutes of handing over of technical cadastral documents	Reception Committee - OCPI	Service Provider	According to Order no. 1738/2015 regarding the approval of the deadlines for solving the requests regarding the provision of services by the National Agency for Cadastre and Real Estate Publicity and its subordinated units	Due to the difficulties that can be encountered during the registration procedures, there is a high risk that the reception of the works will not be done in time.
Publishing and displaying, according to the law, technical cadastral documents	Displayed cadastral plans	OCPI together with ATU	General public in the locality	60 days (display time)	
Registration and solving of requests for rectification of published technical cadastral documents	Requests for rectification Minutes for solving rectification requests	Committee appointed by OCPI	Persons who requested a rectification	Rectification requests are lodged within 60 days of display Rectification requests are resolved within 30 days	This is a critical point, as there may be objections and complaints (eg overlapping of buildings or areas, or errors) likely to block the completion of the procedure.
Updating the technical cadastral documents, following the settlement of the rectification requests	Cadastral plans and related corrected and final documents	Service Provider	OCPI	-	
Reception of final technical cadastral documents	1. Notification of the accuracy of technical documents 2. Acceptance minutes Technical cadastral documents -	Reception Committee - OCPI	Service Provider and ATU	According to the Order No. 1738/2015	If there are obstacles/rectification requests/objections in the previous stages, there is a risk

Main activities/tasks	Related documents	Supervisor	Recipient	Delivery time limit (if applicable)	Observations
	final copy				that the deadline for receipt of the final documents will be postponed.
Validation of the ownership right by the Land Registry Committee of the Prefect's Office	-	Land Registry Committee	Service Provider / OCPI	According to the Regulation for approval, reception and registration in cadastral and land registry records	The analyses show that this stage is little taken into account by the actors involved, which may lead to the failure to complete the legal procedure and the conclusion of some ownership documents which are actually illegal.
Closing the systematic cadastral work and opening of land registries	- Land Registry extract for information purposes; - Cadastral plan extract	OCPI	Authorities from the local government	According to the Order No. 1738/2015	
Communication of the land registry extract for information purposes	- Land Registry extract for information purposes; - Cadastral plan extract	OCPI	General public in the locality	According to the Order No. 1738/2015	
Archiving the documents	File with technical cadastral documents	OCPI	TAU		
Issuing of the certificate necessary to enter the holders in the Land Registry as owners	Certificate proving the entering into the Land Registry	Notary Public	OCPI / TAU		There was a recommendation that the notary's information should be made directly by the ATU

The procedure thus reconstructed was then analysed and validated with ANCPI representatives and submitted to the Expert Panel for optimization of the processes and modalities of collaboration between the organizations involved. Relevant elements highlighted in the panel of experts are listed in the table along with other key issues emerging from the analysis of applicable legislation, corroborated with the qualitative analyses performed during the assessment (including interviews and surveys).

Conclusions of the Expert Panel:

- The procurement procedure for systematic registration services is not appropriate to the specific context: currently, regardless of the size and scale of the works for an ATU, the implementation period is the same;
- The relation between the OCPI and the Service Provider is different from one county to another. This should be more clearly defined by single procedures established at ANCPI level, applied uniformly in the territory. In general, a better OCPI - TAU - Service Provider collaboration is needed. This collaboration could be coordinated by the Prefect's Offices (in the Prefect's Office there are the land registry committees validating the parcelling plans and even the cadastral documents for the completion of the ownership determination procedure);
- The Service Provider's contractual conditions do not facilitate the performance of quality work. Due to low tariffs, service providers face a lack of qualified staff. The solution for improving service providers' working conditions could be to provide intermediate payments per deliverables clearly defined in the service contract (eg information activities, topographic-cadastral plan, data collection, field measurements, digitization of documents) instead of invoicing practically at the end of works (which may experience delays and bottlenecks, even beyond the control of the service provider). Also, a REASONABLE estimate should be prepared for systematic registration services to have a tariff in line with market price;
- Procedures at OCPI level need to be uniform, and in particular procedures for verifying systematic registration works;
- The involvement and participation of local communities needs to be improved. For this purpose a NATIONAL campaign could be organized to inform of the registration programme through mass-media (eg. TV). Moreover, convening citizens to present them the documents (in order to start the systematic registration procedure) should avoid periods when rural citizens are very busy (eg. during agricultural campaigns).
- A major problem commonly encountered in the systematic registration process is the lack of areas (eg resulting from overlapping of buildings and areas). Currently, there is NO unified methodology to solve it. One solution could be to use the MEDIATOR institution until going to court. Law 192/2006 - Mediation law allows injured parties to reach a settlement that is later considered by courts or notaries.

c. Analysis results: findings - answers to evaluation questions

EG 1. To what extent has the ROP contributed so far and will it contribute in the future to the geographic extension of the system for property registration in the cadastre and land registration (progress analysis - the number of ATUs involved, the state of auction launch, etc.)

Correlated indicators

- ATUs where all properties were recorded in the SICCF (number)
- Land area for registration in the SICCF according to the concluded procurement contracts (hectares)

Preliminary answers to evaluation questions - Findings

Until the time of drafting this Report, 60 ATUs have completed the registration procedure in SICCF, out of which 1 ATU (Commune of Cilibia) will be included in the ROP PA 11.

The area of land included in the SICCF according to the procurement contracts concluded for the first 35 ATUs to be reimbursed from the ROP PA 11 amounts to 219,451.83 ha, standing for about 11% of the total targeted area for stage 1 and 3.8% of the total targeted area among the 660 TAU.

For these 660 TAU, systematic registrations will be done in three stages: (i) Stage 1 - 201 ATUs, (ii) Stage 2 - 300 ATUs and (iii) Stage 3 - 159 ATUs. In the first stage, the cadastres and records in the Land Registry for 201 ATUs will be prepared and drafted. For these, after the verification by ANAP/MDRAP, electronic auctions for were launched and are uploaded to SEAP for the award of registration works.

EG 2. To what extent will the ROP contribute to the integration of existing data and the expansion of systematic registration in rural areas? (problems encountered, success and failure factors materialized by the date of analysis)

Correlated indicators

- Additional Indicator 1 - Degree of inter-institutional cooperation in the property registration process* (Perceived level)

Preliminary answers to evaluation questions - Findings

PA 11 will greatly contribute to the integration of existing data and the expansion of systematic registration in rural areas, facilitating the development of a unitary and secure system of ownership, as evidenced both by the case study analysis and by the survey among OCPIs and ATUs. However, the process faces important issues likely to reduce the effectiveness of this integrated system, in particular due to the incompatibility/lack of interoperability of information systems and document archiving systems held by the actors involved.

Another aspect likely to reduce the unitary nature of the system stems from the lack of good collaboration at the level of the institutions involved, including, in addition to ANCPI/OCPI/CNC and ATUs at local level, other institutions with relevant data and information, and have a role in

the validation of the systematic registration works, namely the land registry committees established at the prefect's office level, as well as APIA, which owns the agricultural registers.

EG 3. To what extent will the ROP contribute to the improvement of property registration services? (problems encountered, success and failure factors materialized by the date of analysis)

Correlated indicators

Additional Indicator 1 - Degree of inter-institutional cooperation in the property registration process* (Perceived level)

Preliminary answers to evaluation questions - Findings

The analysis demonstrates that PA 11 **will greatly contribute to improving systematic recording services by enhancing collaborative relationships between actors and optimizing workflow.**

Surveys made by stakeholders (OCPI/ANCPI) suggest that the **perceived level of cooperation is good** in terms of the level of central government (the relationship between ANCPI/OCPI and MDRAP), as well as the cooperation with the Association of Notaries, and less satisfactory in terms of the relationship with the local government, the degree of cooperation and effectiveness of which is considered (by the ANCPI/OCPI system) to be relatively low compared to the very high relevance of cooperation.

The problem of low cooperation with ATUs is especially perceived by systematic service providers, who believe that stronger involvement is required to adequately inform the population, but also to provide the requested documents on time. Also, the ATU representatives involved in the online survey believe that the relationship with service providers has problems likely to block the systematic registration process.

The problems encountered in the systematic registration process are of a diverse nature and include:

- Legal issues (eg bottlenecks due to litigation, rectification requests, appeals against the new land registry);
- Administrative matters (eg. the existence of the land registry in accordance with Decree No. 115/1938, which may lead to delays due to the need for double checking);
- Procedural issues related to public procurement (eg. cancelled or contested auctions, division into lots inadequate to reflect territorial differences at ATU level, delays in checking procurement files within the ex-ante control, etc.);
- Aspects of a technical nature (eg. related to the measurement phases, which can be slowed down due to the geomorphological features of the land, related to the absence of parcel plans, area deficits, etc.);
- Organizational issues (eg. the skills of the technical staff within the accredited service provider or ATUs, change of the internal staff of the service provider).

Success factors identified in qualitative analyses (case studies, focus group and panel of experts) include:

- Strong involvement of ATUs in the initial phase of informing and raising awareness among the population;
- Good collaboration between OCPI, ATU and service provider at all stages of the systematic registration process, but especially with regard to involving and informing local communities;
- The involvement of the mediator's institution to resolve disputes or litigations between the parties interested in the ownership right, before going to court;
- The direct interest and the strong accountability of mayoralties in the proper conduct of the systematic registration activity.

T11.1 To what extent will the ROP contribute to facilitate complementary EFSI investments? (NB: The ERDF support for cadastre aims to remove bottlenecks and delays in the implementation of investments, not the administrative capacity as such.)

Correlated indicators

- Additional Indicator 2 - Number of investment projects envisaged under the EFSI in the immediate future/ATU (increase of EFSI absorption rate)

Preliminary answers to evaluation questions - Findings

The results of the survey among ATUs suggest that registration works will greatly contribute to unlocking investment in the territory. On average, the ATUs asked in the online survey have over 3 planned investments that will benefit from systematic registration, since the selection criteria of the 660 ATUs also provide for the inclusion of the local government in a major investment plan within the European funds.

In this respect, the interviews with other interested institutions (CNAIR) suggest that the registration of properties in the cadastre and land registry will unlock most of the problems arising in the expropriation process, possibly necessary for the construction of motorways, county roads, bypasses etc., in order to make it possible to hand over land free of encumbrances to the builder.

Moreover, case studies have shown that the benefits of systematic registration of properties in the cadastre and land registry also include, in addition to unblocking local investment, the facilitation of access to direct payments for agriculture by eligible owners and the facilitation of local tax collection, with positive overall indirect impacts on the entire community.

6. Conclusions, recommendations and lessons learned

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
EQ 1	C1. The systematic registration procedure financed from ROP 2014-2020 PA 11 is at an early stage , as there is only one locality that, by December 2018, had completed its systematic registration procedure, and two others with nearly completed procedures.	C1. The progress of the priority axis is relatively low at the time of writing this report. Performance indicators have not been reached for 2018 and the major project requires a strong impulse for accelerating implementation.	R1. Continue dialogue with service providers involved in contract development in order to pre-meet and identify quick solutions to implementation issues (eg negotiating the review of contractual terms, extending terms of implementation, ensuring collaboration with other public institutions, etc.) . Specifically, the recommendation is to develop, at OCPI level, unitary working procedures with systematic registration service providers to support the process of communication and monitoring of the delivered services, from the perspective of achieving the performance targets, observing the implementation time and effectively carrying out the works.	R	ANCPI/OCPI	Service providers contracted/in pre-contract phase
	C2. Public procurement procedures for systematic registration are centrally managed , and PA 11 will be carried out in stages, corresponding to the implementation of these	C2. Procurement procedures for centrally conducted systematic registration services ensure standardization of services but have a weak point of being less personalized than local needs at	R2.1 Setting up a technical group in the field of public procurement, with the participation of ANCPI/OCPI in order to examine the possibility of reviewing the system for launching public tenders.	R	ANCPI/OCPI	MA ROP/ANAP (for consultation)

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
	<p>procedures at county level through OCPIs, which are currently considered to be a bridge between ANCPI and TAUs.</p> <p>C2.a In the process of implementing the systematic registration project, the TAU is NOT included, which in fact is the final beneficiary of the cadastral records and at least theoretically the entity using this product (cadastral records) in the permanent relationship with the citizen, but also with other institutions at the time of committing the real estate in the private and public domain of ATU.</p> <p>C2.b The current registration procedure provides for the following: 1. ANCPI carries out the procurement procedure for cadastral registration services and contracts a Service Provider, 2. ANCPI has a Partnership Agreement with OCPI which deals with the reception of the works, 3. Based on the reception, ANCPI honours the contract with the Service Provider; 4. ATUs are only slightly involved in mediating the relationship with the citizen and making available the</p>	<p>ATU level more than county level. ATUs are a passive party in the process and this element generates a very low level of interest and collaboration with OCPI and the service provider.</p>	<p>R2.2 Drawing up a SWOT analysis of the existing system and reviewing the procurement strategy properly, based on the lessons learned.</p> <p>R2.3 Developing a dialogue (ex. working meetings) with ATUs and cadastre professionals to review the framework content of awarding documentation and service contracts, increasing their adaptability to a local context (eg geomorphological conditions, pre-existing land registry system etc.).</p> <p>R2.4 Developing a dialogue at local level between OCPI/ATUs to define a more active role of local governments in the systematic registration procedure.</p>	<p>R</p> <p>M</p> <p>M</p>	<p>ANCPI/OCPI</p> <p>ANCPI/OCPI/TAUs/specialists in geodesy and cadastre/CNC</p> <p>OCPI/TAUs</p>	

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
	necessary documents to the provider					
	C3. In March 2019, there were many procurement files in the ex-ante evaluation phase.	C3. In view of the recent changes in the applicable legislation, its evolution, i.e. the final decision on the operational implementation of the new provisions in the field of ex-ante verification of the awarding documentation, must be closely monitored.	R3.1 Follow-up of developments in public procurement legislation in order to provide increased capacity to adapt to new provisions. R3.2 Continuous training of internal staff on public procurement.	M M	ANCPI/OCPI ANCPI/OCPI	MA ROP/ANAP (to coordinate the actions taken)
EQ2, EQ3	C4. There is an important problem of inter-institutional cooperation and communication that has been observed and confirmed through various data collection and analysis tools (case studies, surveys, focus group, expert panel) C5. The key issues/lessons learned to facilitate the registration process are: C5.1. Adequate information of the population on the benefits of the systematic registration process; C5.2. Close collaboration with the involved ATUs, especially for attracting and raising awareness of the local population;	C4. In order to strengthen the unitary cadastre system and to optimize the systematic registration procedure, the capacity for interinstitutional cooperation and communication needs to be improved. C5.1 / C5.2 / C5.3 It is necessary to strengthen the capacity of the ANCPI/OCPI system to inform and involve local communities accordingly.	R4. Setting up an inter-institutional committee for dialogue and exchange of experience on cadastre/systematic registration, with the participation of LPA associations, ANCPI/OCPI system, Prefect's Offices, Agency for Payments and Intervention in Agriculture (APIA) and other relevant organizations to provide guidance and recommendations for solving the problems encountered during the systematic registration process. The Committee could act as the Major Project Steering Committee. R5.1 Organizing a sustained media campaign of PA 11/PNCCF at national level. R5.2 Updating and personalizing	R R R	ANCPI ANCPI ANCPI/OCPI	Representatives of organizations involved in the systematic registration process OCPI -

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
	<p>C5.3. Adopting measures to simplify and facilitate the process of systematically registration through information, consultancy (guides and instructions addressed to mayoralties), and the like;</p> <p>C5.4. Good collaboration with service providers;</p> <p>C5.5. Providing appropriate specialist staff at the level of all involved organizations.</p> <p>C6. The main technical and legal issues that block or delay the procedure can be defined as follows:</p> <p>C6.1. Unrelated and redundant relevant legislation;</p> <p>C6.2. Absence of the owners (residing in other localities and even abroad);</p> <p>C6.3. Rural population aged and difficult to move;</p> <p>C6.4. Technical difficulties related to the geomorphology of the land (eg mountain area, rough land, trees etc.);</p> <p>C6.5. Technical difficulties related to the pre-existence of a Land Registry that needs</p>	<p>C5.4 Good collaboration with service providers is a key aspect of the implementation of the major project and must be considered through a “paradigm” change that prevents real implementation problems;</p> <p>C5.5a It is necessary for each institution to make available its own specialized cadastral staff able to follow up the concrete problems in the implementation phase.</p> <p>C5.5b At the level of the service provider, the staff issue is closely related to the adequacy of contractual conditions to the market conditions (payment of the appropriate fees) and appropriate professional training thereof.</p> <p>C6.1 There is a need to review the legal basis and regulate systematic registration by better</p>	<p>information materials addressed to mayoralties so as to be more attractive and explanatory (focusing on the benefits provided in the specific territory) for both the public administration and the local population.</p> <p>R5.3 Supporting service providers contracted in the early stages of informing the population and persuading them to get involved by presenting the documents held.</p> <p>R5.4 See R1.</p> <p>R5.5 Ensure dialogue with ATUs in order to identify competent reference persons with delegated tasks in the field of cadastre. If these persons do not exist within the institution, ANCPI/OCPI should provide appropriate support, that is specialized counselling, to solve the problems of collaboration with suppliers or other technical/legal issues that may arise during the systematic registration process.</p> <p>R5.5b Adapting the works fees so as to allow the recruitment of appropriately specialized staff.</p>	<p>R</p> <p>M</p> <p>R</p> <p>R</p>	<p>OCPI / TAU</p> <p>ANCPI</p> <p>Authorized service providers</p> <p>ANCPI</p>	<p>Contracted service providers</p> <p>OCPI / TAU</p> <p>-</p> <p>OCPI / prefect's</p>

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
	<p>to be checked;</p> <p>C6.6. The occurrence of errors that require additional time to solve, even by legal means (administrative action is not possible and amicable methods are not used);</p> <p>C6.7. Overlapping of areas and real estate and area deficiency (due to different records);</p> <p>C6.8. Lack of parcel plans;</p> <p>C6.9. Failure to complete the processes for granting ownership by validating the ownership right by land registry committees;</p> <p>C6.10. Lack of interoperability at the level of the IT systems of the institutions involved in the systematic registration procedure.</p> <p>C7. The main organizational and administrative aspects that block or delay the registration process are:</p> <p>C7.1. Division of auctions into batches by county and general technical specifications, inappropriate to local working conditions;</p> <p>C7.2. The reference prices for systematic registration works are inappropriate</p>	<p>correlation, ensuring the legality of final cadastral acts through the proper involvement of all parties (eg land commissions);</p> <p>C6.2 / C6.3 / C6.4 / C6.5 / C6.8 Systematic registration works must take into account the specific conditions in the territory that need to be known from the time of drafting specifications and envisaged from a methodological point of view (including implementation time, techniques and budget) by the service provider participating in the tender. Analysing these issues only at the beginning of the works risks to be a late measure for the adequacy of the implementation methodology.</p> <p>C6.6 / C6.7 / C6.9 There is a need to adopt administrative and procedural solutions (before going to court) to solve certain form and substance issues that can block registration procedures.</p> <p>C6.10 The procedures for obtaining and verifying the documents necessary for carrying</p>	<p>Furthermore, R1 is applied.</p> <p>R6.1 Start the review of the legal basis and the regulations on systematic registration in the cadastre and land registry in close collaboration with institutions that may be involved and interested in solving the legal and judicial issues that may be encountered during the course of the procedure, namely prefect's offices, legal experts, mediators, notaries, etc.</p> <p>For C6.2 / C6.3 / C6.4 / C6.5 / C6.8, recommendations from R2.1 to R2.3 shall apply.</p> <p>R6.2 Simplify procedures for solving "secondary" errors (obviously. after having defined them) by introducing the administrative settlement mechanism.</p> <p>R6.3 Promote the Mediator's institution's intervention to resolve disputes and appeals in a friendly manner before going to court so as to shorten the time for settlement. This implies the insertion of mediation in the procedures for</p>	<p>R</p> <p>M</p>	<p>ANCPI</p> <p>ANCPI</p> <p>ANCPI</p>	<p>offices / notaries / mediators / legal experts</p> <p>OCPI / prefect's offices / notaries / mediators / legal experts</p> <p>OCPI / prefect's offices / notaries / medication council</p>

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
	<p>compared to the market conditions and the service provider' duties (on average, the rate charged by the service provider was 124 lei/ha and the Cadastre Law 7/1996, Article 7 (30), provides for 60 lei/land registry as the share of co-financing of systematic registration works to ATUs) - Improvement of the working conditions for the providers of systematic registration services;</p> <p>C7.3. Authorization standards for cadastre service providers are inappropriate for quality assurance;</p> <p>C7.4. Lack of unitary working procedures with systematic service providers, both in terms of communication processes and, in particular, in terms of work monitoring and supervising processes.</p>	<p>out the systematic registration procedure (eg from the Mayoralties to the service provider) are inefficient due to the lack of interoperability of the information systems.</p> <p>C7.1 See C2 (the same conclusion applies).</p> <p>C7.2 / C7.3 There is a need to strengthen the market for systematic registration services, both in terms of reference prices and in terms of quality assurance.</p> <p>C7.4 See conclusion under C5.4.</p>	<p>resolving the rectifications, but also the clarification of the mediator's payment method (eg. responsibility of ANCPI system/ ATU/service provider).</p> <p>R6.4a Promote dialogue with the Ministry of Communications and Information Society and MDRAP to accelerate the Digital Agenda of Romania through the development of electronic public services.</p> <p>C7.1 See R2.1 - R 2.3 which also applies to this finding and conclusion.</p> <p>R7.2 Develop a a detailed pricing catalogue based on the specific tasks to be performed by the accredited service provider under the systematic registration procedure.</p> <p>R7.3a Review the occupational standard of the topographic-cadastre technician, taking into account the evolution of the profession and the procedural needs.</p> <p>R7.3b Review the authorization</p>	<p>S</p> <p>R</p> <p>M</p> <p>M</p>	<p>ANCPI/OCPI</p> <p>Accredited service providers and specialists in cadastre and geodesy</p> <p>ANCPI/OCPI</p>	<p>The relevant ministries (Ministry of Communications and Information Society - MCSI, Ministry of Regional Development and Public Administration - MDRAP)</p> <p>Accredited service providers and specialists in cadastre and geodesy</p> <p>ANCPI / OCPI</p> <p>Accredited</p>

EQ	Findings	Conclusions	Suggestions	Priority category (R, M, S)	Responsible entity	Involved organizations
			procedure for cadastre service providers, incorporating more detailed specific requirements related to the training of the specialized staff, taking into account the necessary skills and professional experience.			service providers and specialists in cadastre and geodesy
T11.1	<p>C8. The potential impacts and benefits of systematic registration can be defined as follows:</p> <p>C8.1. Facilitate access to European funds/unlock investments in the territory;</p> <p>C8.2. Facilitating access to agricultural payments by local communities, following the clarification of the situation of a property.</p>	<p>C8. From the collected information and conducted analyses (surveys, interviews, case studies etc.), it is clear that the systematic registration of properties in the cadastre and the land registry will have a positive impact and an essential contribution to unlocking investments in the territory, as well as facilitating access to funds directly by local communities, following the clarification of property rights over real estate and land.</p>	<p>R8. Ex post verification of the real impact of the systematic registration process on the increase in the absorption rate of European funds for transport infrastructure, sewage, etc. Ex post analysis should also include components related to accessing agricultural funds by local communities.</p>	S	ROP MA /Independent Evaluator	ANCPI/OCPI/TAUs

6. Annexes

Annex 1. Literature

- ELRA fact sheets, <https://www.elra.eu/facts-sheets/>
- CLGE, Eurogeographics, European Requirements for cadastral surveyor activity, http://www.clge.eu/documents/reports/european_requirements_for_cadastral_surveyor_activity.pdf
- *Collegio Geometri e Geometri Laureati della Provincia di Reggio Emilia*, Onorari di riferimento geometri e geometri laureati della Provincia di Reggio Emilia
- Occupational Standard - Topographic and Cadastral Surveyor
- Technical specifications for carrying out systematic cadastral works
- Regulation for approval, reception and registration in cadastral and land registry records
- Regulation on the authorization or recognition of the authorization of Romanian natural and legal persons
- GD 294/2015 approving the National Cadastre and Land Registry Programme 2015-2023, as subsequently amended and supplemented
- Order approving the list of administrative territorial units in the countryside, where systematic registration of real estate which will benefit from financing from structural and investment European funds, within Priority Axis 11 of the Regional Operational Program 2014-2020, will take place.
- Notification to the Commission of the selected major project in accordance with the first subparagraph of Article 102(1) of regulation (EU) No 1303/2013 - European Regional Development Fund/Cohesion Fund - Infrastructure/production investment - Project title „Enhancing the coverage and inclusiveness of the property registration system in rural Romania”.
- Ministry of European Funds - Framework agreement for the evaluation of structural instruments during the period 2011-2015, Lot 1 - Evaluation, Subsequent contract no. XIV - “Ex-ante Evaluation of the Regional Operational Programme 2014-2020”, Ex ante Evaluation Report, 25 July 2014
- Enhancing the coverage and inclusiveness of the property registration system in rural Romania - ANCPI Feasibility Study - 2017
- Financing application, code 120063_12/09/2018 ANCPI
- Alasdair Lewis, THE ELRA BOARD STATEMENT ON THE REORGANISATION AND RESTRUCTURING OF LAND REGISTRIES, 7th Annual Publication

Annex 3. PA 11 Performance Framework

ID	Indicator type	Indicator of key implementation stage	MU	Fund	Region category	Reference point for 2018			Final objective (2023)			Data source
						B	F	T	B	F	T	
1F	F	Total amount of eligible expenditure in the accounting system of the Certifying Authority, certified by this authority:	Euro	ERDF	Less developed			1,176,471			312,891,115.00	SMIS / MYSMIS
1K6	I	Land area for registration in the SICCF according to the concluded procurement contracts	hectare					2,395,470			5,756,387.00	POR MYSMIS monitoring reports
1S57	0	Land area registered in the SICCF	hectare					0			5,756,387.00	

Annex 4. Questionnaire among OCPIs

To be attached separately.

Annex 5. Questionnaire among ATUs

To be attached separately.

Annex 6. Questionnaire among Service Providers

To be attached separately.

Annex 7. Case study on OCPI Buzău

To be attached separately.

Annex 8. Case study on OCPI Alba

To be attached separately.

Annex 9. Minutes of the Focus Group

To be attached separately.

Annex 10. Minutes of the Expert Panel

To be attached separately.

Annex 11. Database

To be attached separately.

Annex 12. Presentation for the general public

To be attached separately.

Annex 13. Power Point Presentation

To be attached separately.

Annex 14. Table of remarks / recommendations of BE ROP / CCE members and solving proposals

To be attached separately.