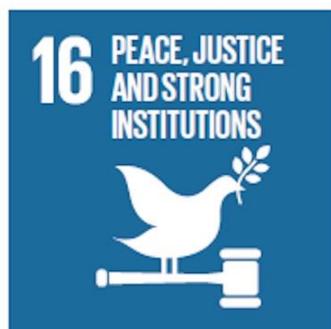


# Land Registration and SDGs

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# SUSTAINABLE DEVELOPMENT GOALS



# Sustainable development in the European Union

Monitoring report on progress  
towards the SDGs in an EU context

2020 edition



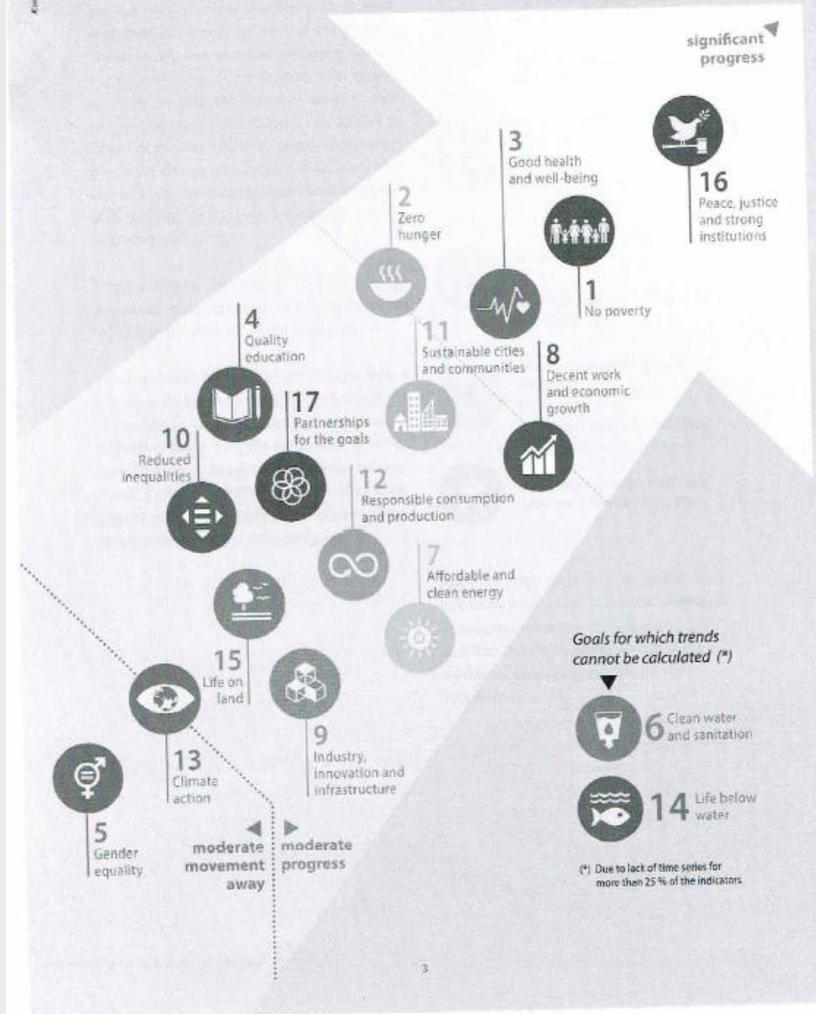
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EUROSTAT  
SUPPORTS THE SDGs



eurostat 

**Overview of EU-27 progress towards the SDGs over the past 5 years, 2020**  
 (Data mainly refer to 2013–2018 or 2014–2019)



Goals for which trends cannot be calculated (\*)

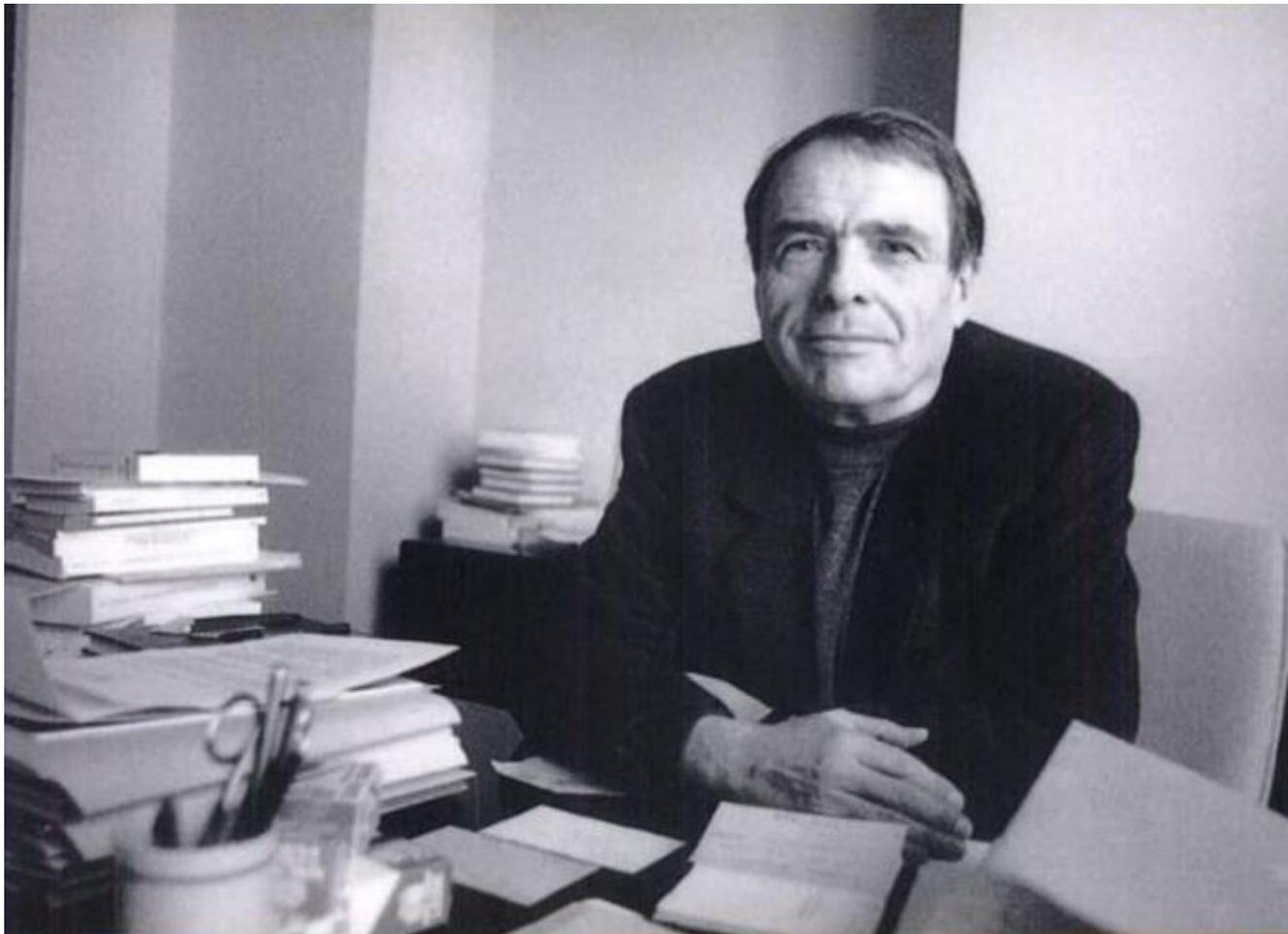
- 6 Clean water and sanitation
- 14 Life below water

(\*) Due to lack of time series for more than 25% of the indicators

# Land Registration and SDGs

## Brief overview

- ▶ 1. Sustainability as the fundamental task of land registry
- ▶ 2. Land register creating resilient economic structures
- ▶ 3. The ordering principle of real folia
- ▶ 4. The principle of legality; title registration
- ▶ 5. Publicity of the land register
- ▶ 6. Interconnection and cooperation
- ▶ 7. New focus on heritable building rights, building leases



When facing major issues,  
we must rely on lists.

*Pierre Bourdieu*

When facing major issues,  
we must rely on the land register and the cadastre.

*That was me.*

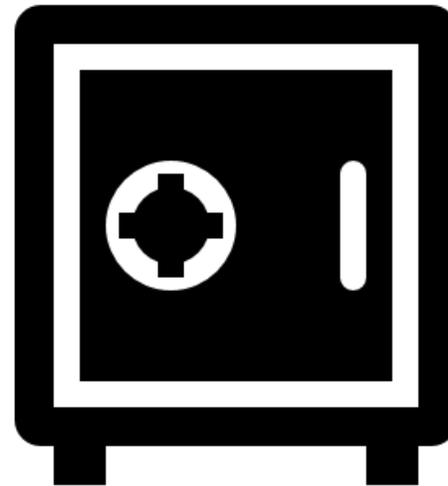
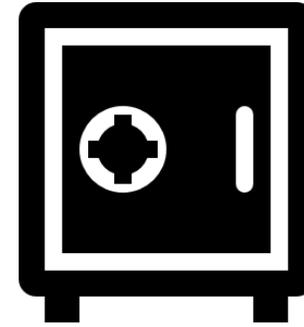
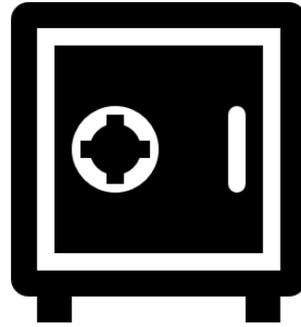


## Sustainability as the fundamental task of the land registry

- *maintain the functionality and economic usability in the long term*
- *Land Register management does not come to an end*
- *Register mobilizes real estate*
- *Register provides permanent security*
- *to conserve and to protect*
- *the DNA of land registration*
- *construction of social reality*

**Register- related sustainability:  
a strong land register creates resilient economic structures**

- creation of resilient economic structures
- land book and cadastre as special resilience factors
- far-reaching effects, bona fide effects
- register- based resilience and absoluteness of real rights, erga omnes
- leave no one behind (SDG)
- leave no real right behind (that was me)







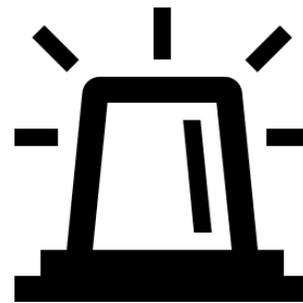
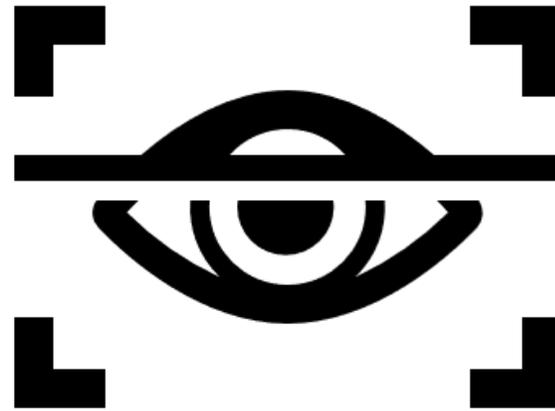
# Money Laundering Act

Buying real estate and establishing heritable building rights.

Affects the certifying Notary.

Notaries must conduct a risk analysis.

Clean ownership.





# Register- related sustainability: a strong register creates resilient economic structures

- ▶ European Regulation No. 881/2002  
of the European Council



- ▶ Judgement of the European Court  
of Justice of 9 September 2010



# Register- related sustainability: the ordering principle of real folia

- ▶ Each property receives an own land book
- ▶ Property- related register, land-related register
- ▶ Germany, Spain, Poland, Scotland and Austria
- ▶ Interconnection with the cadastre less problematic
- ▶ Higher integrity levels
- ▶ contrast: personal folia
- ▶ contrast: document collections
- ▶ New research, endless reinterpretation
- ▶ Recording under US law

## Register- related sustainability: the ordering principle of real folia

- ▶ Javier Gómez Gáligo, Madrid:
- ▶ “A property buyer will pay nearly twice as much for registered real estate as for unregistered real estate”.



# Register- related sustainability: principle of legality; verification procedure before registration; title registration

## Process of verification

- ▶ Sustainable development: process initiated and supported by people
- ▶ Verification procedure conducted by the registrar
- ▶ Creation of clean ownership and clean real rights
- ▶ Principle of certainty

## Guardian of real rights

- ▶ Land register counteracts the uncertainties associated with the pandemic with legal certainty
- ▶ Land registry acts as a Guardian of real rights
- ▶ Eternal flame is to be kept permanently
- ▶ Sustainability = DNA of land registration



# Register- related sustainability: publicity of the land register

## Publicity and SDGs

- ▶ SDGs number 1, 8, 9, 11 and 16
- ▶ Far- reaching effects
- ▶ Trust in correctness and completeness
- ▶ Two presumption effects: positive and negative presumption

## Sustainable acquisitions

- ▶ Bourdieu: social resource
- ▶ Acquisitions in good faith are sustainable acquisitions
- ▶ Legal security
- ▶ Ensuring the contracting process
- ▶ Purchase in good faith is indestructible
- ▶ Publicity saves time and money
- ▶ US: USD 738 million in damage caused by legal defects



# Register- related sustainability: new focus on heritable building rights

## SDG number 11, 1 and 16

- ▶ Ground rent, hereditary lease
- ▶ Special objectives can be pursued such as allocation to large families or covering the housing needs of population groups with special supply problems
- ▶ Housing action programmes

## Situation in Germany

- ▶ Preference for heritable building rights
- ▶ Market volume in Germany: € 50 billion
- ▶ More than a drop in the ocean, but not enough to put out the fire.

