

Security of Tenure in Austria and Stakeholders' Requirements

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Security of Tenure in Austria and Requirements from Stakeholders

Contents

- LA: Virtual vs. Real World
- LA in Context of Society and Economy
- Availability and Affordability of Real Estate
- Trust in Quality of Data about Real Estate
- Multi-level Integration and Inter-institutional Cooperation
- Recent Legal Developments in LA of Austria

Virtual World

Economy games: Second Life,
World of Warcraft
see mfaeth@imn.htwk-leipzig.de

Simplified models and rules

Not yet modelled:

- Economic Shortages
- Contracting, Public Registers, Mortgaging
- Ethic values



WPLA-Workshop Cavtat, Croatia, 2-3 Oct 2008

Real World

Politics, Economy,
Limited Resources,
Ethic Values

Tools for proper handling of:

Real Estate, Mortgaging,
Contracts - Resources - Time



Dipl.-Ing. Gerhard Muggenhuber, Austria

Citizen Register ↔ Business Register ↔ Asset Register

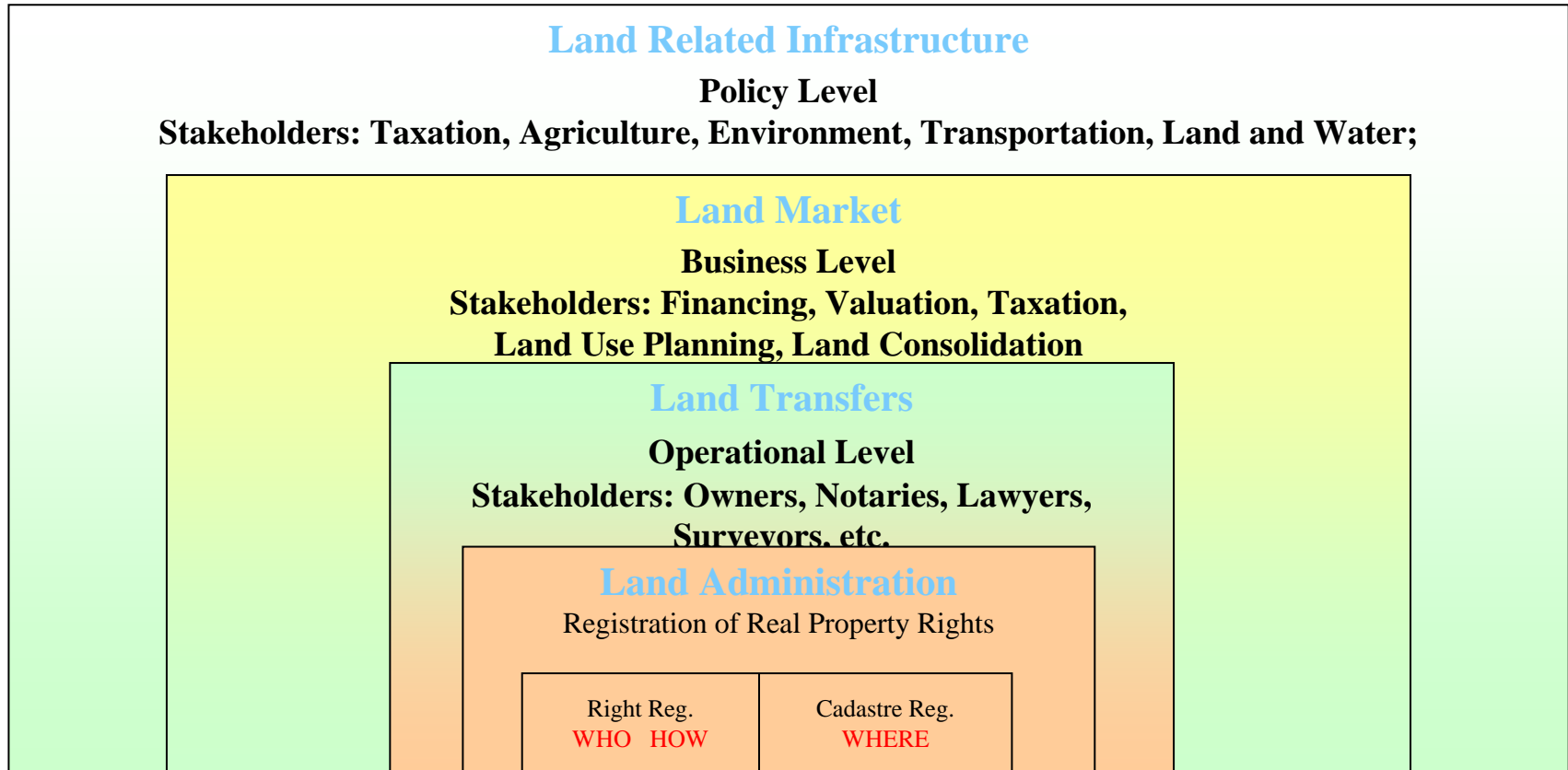
Interrelation: IT / Organisation / Content

Scope	Citizen	Business	Asset
Europe	www.riserid.eu Eurodac: ID for asylum seekers	www.ebr.org www.briteproject.net Interoperability	European Patent Office Land (eg EULIS) Vehicle (eg www.eucaris.net , <i>Cultural Heritage: REGNET</i>
National	Marriage Bankruptcy Electoral Rolls Crime/Justice Criminal Records ZMR (A)	Companies House (UK), CVR(DK), Firmenbuch (A), CFENet(F), Företagsregistrering(SWE) https://gewan.bayern.de/	Land Register Vehicle: WebDIV (BE), ACI(Italy), RDW(NL), SRA(SWE)
	Estonia: Centre of Registers and Infosystems ?		

www.egovbarriers.org/:

• Leadership • Financial • Coordination • Organization • Trust • Technical Design

Spatial Infrastructure - Land Market - Land Administration



Middle European Land Registry System

Constitutive Title and Mortgage Register

- Title system, which secures a defined list of real property rights (incl. mortgages, restrictions, obligations, servitudes) – boundaries of properties and servitudes are in cadastre
- Covering all real properties (owned by state or private)
- Transparency of data (only search by person restricted)
- Urban and rural needs are covered
- Rights guaranteed by state - even boundaries when of highest quality

Recent Developments and Issues in Austria

Database of edicts – forced sales procedures

- for goods and chattels also via online-auction

Digital archives – integrated processes

- Land Register, Company Register, Notaries, Lawyers, Licensed Surveyors, Cadastre

Inter-institutional coop. – multi level integration

Private real property rights vs. public rights / restrictions

Property values – property tax – inheritance tax

Multidimensional aspects = Info about deficiencies
≠ 3D-cadastre

Database of Edicts

insolvency proceedings, probate proceedings
company register, land register

Ediktsdatei

Insolvenzdatei

[Einfache Suche](#)
[Aktenzeichen](#)
[Firmenbuchnummer](#)
[Erweiterte Suche](#)

Verkäufe und Verpachtungen in Insolvenzverfahren

[Einfache Suche](#)
[Aktenzeichen](#)
[Liegenschaften](#)
[Anlage- und Umlaufvermögen](#)

Gerichtliche Versteigerungen / Freiwillige Feilbietungen

Liegenschaften
[Einfache Suche](#)
[Aktenzeichen](#)
[Erweiterte Suche](#)

Bewegliche Sachen

[Suche nach Gegenständen](#)
[Suche nach Edikten](#)

Gerichtliche Zwangsverwaltungen

[Einfache Suche](#)
[Aktenzeichen](#)
[Erweiterte Suche](#)

Edikte aus Strafverfahren

[Suche nach Gegenständen](#)
[Suche nach Edikten](#)

Kundmachungen und Aufgebote

Kuratoren und Ediktalzustellungen
[Einfache Suche](#)
[Aktenzeichen](#)

Kraftloserklärungen

[Einfache Suche](#)
[Aktenzeichen](#)

Todeserklärungen / Beweisführungen des Todes

[Einfache Suche](#)
[Aktenzeichen](#)

Edikte im Verlassenschaftsverfahren

[Einfache Suche](#)
[Aktenzeichen](#)

Bewohnervertreter gem. § 8 HeimAufG

[Einfache Suche](#)

Ediktalzustellungen der Firmenbuchgerichte

[Einfache Suche](#)
[Firmenbuchnummer](#)

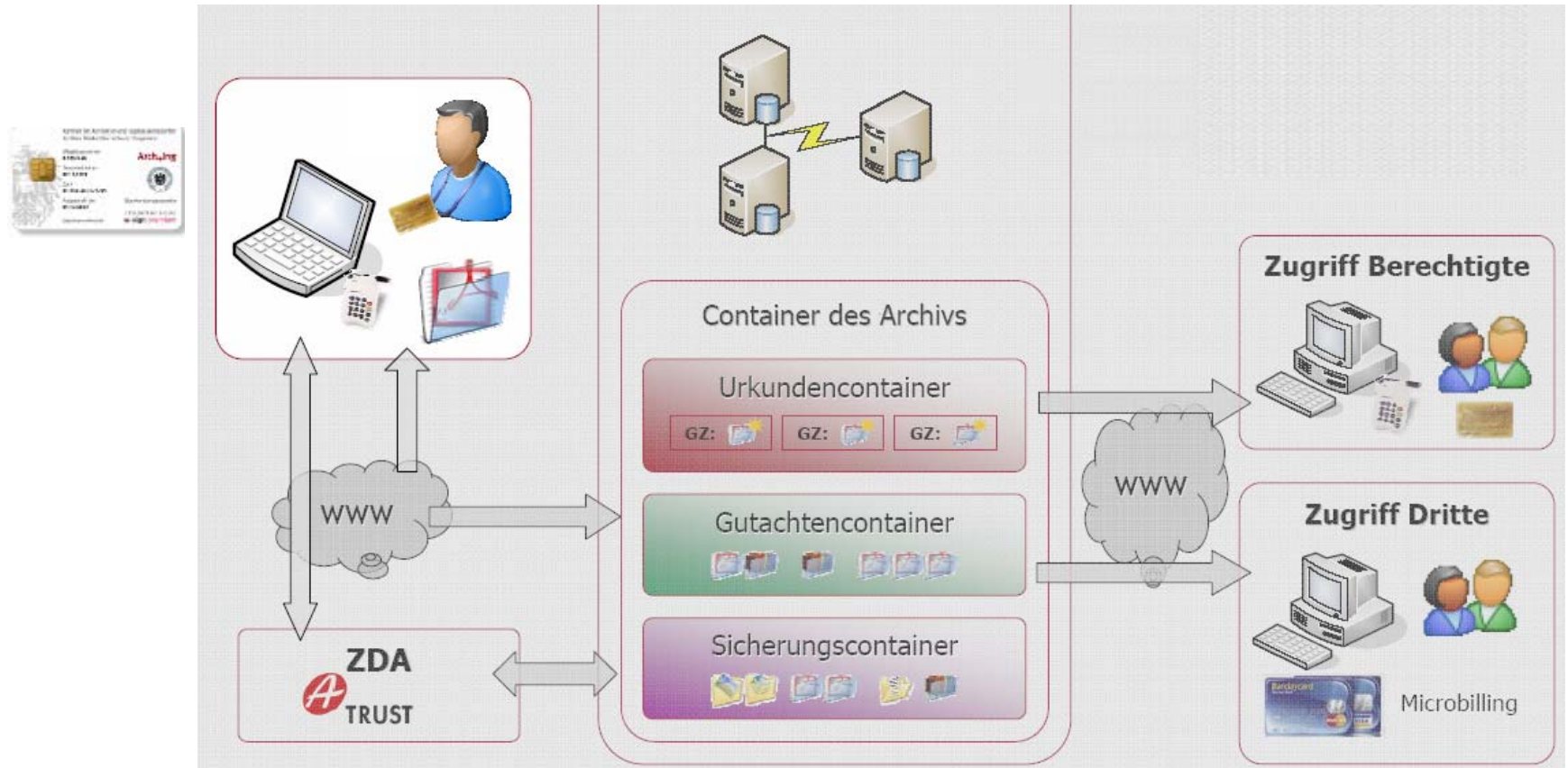
Bekanntmachungen der Firmenbuchgerichte

[Einfache Suche](#)
[Firmenbuchnummer](#)

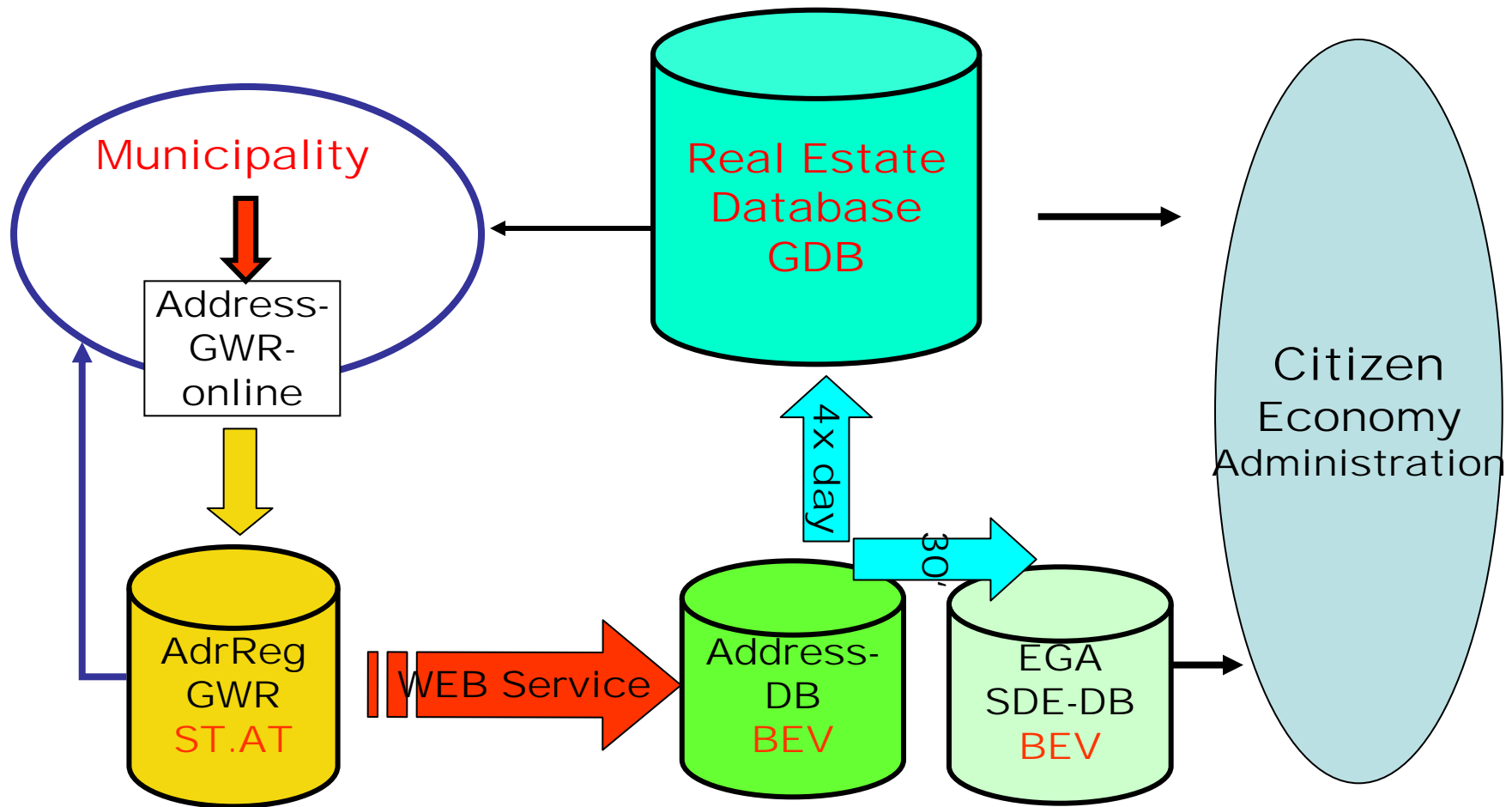
Edikte der Grundbuchgerichte

[Einfache Suche](#)
[Aktenzeichen](#)

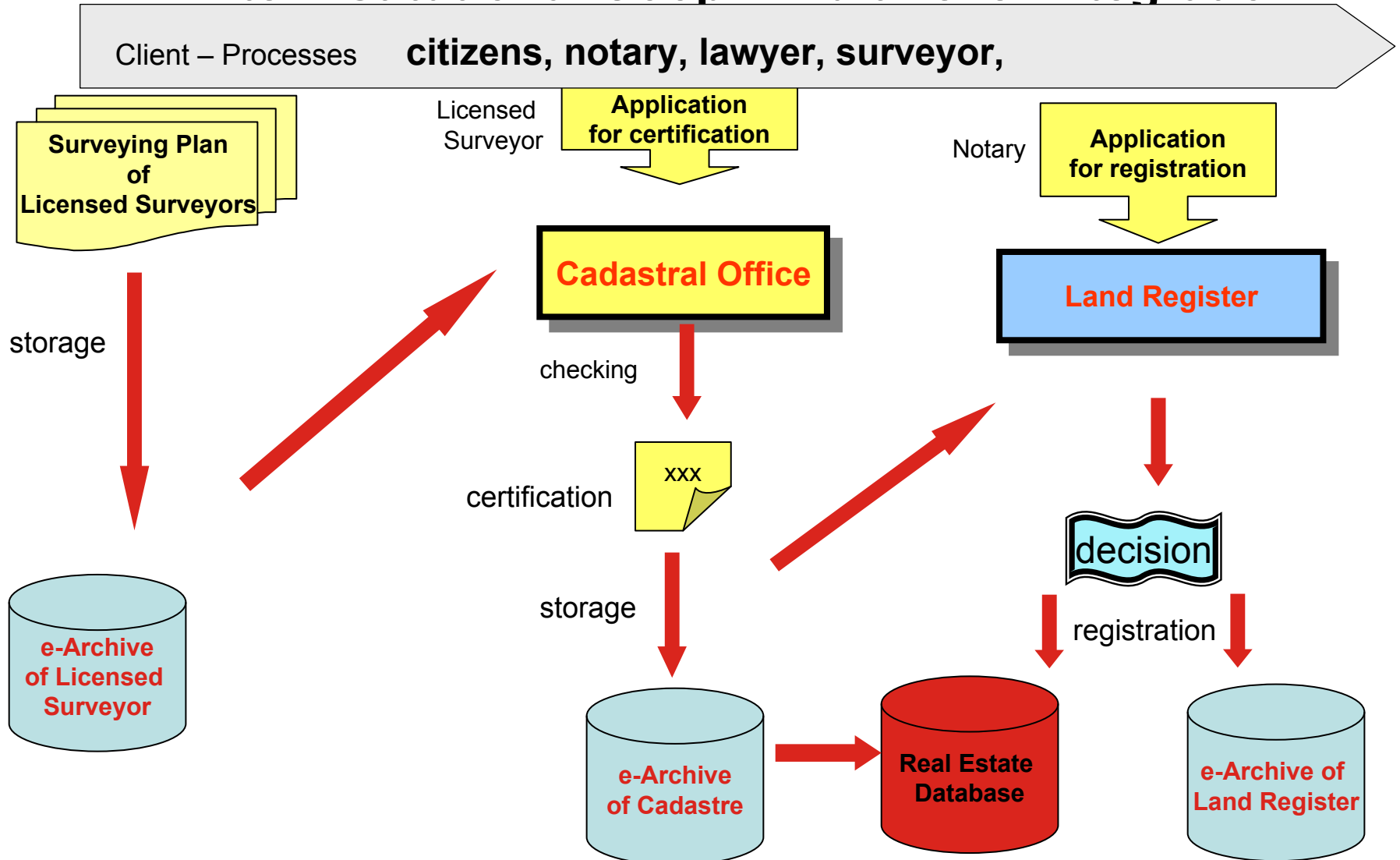
e-Gov – e-Sign. – e-Archive – e-Timestamp



Interinstitutional Coop. - Multi-level Integration: integrated workflow for address register

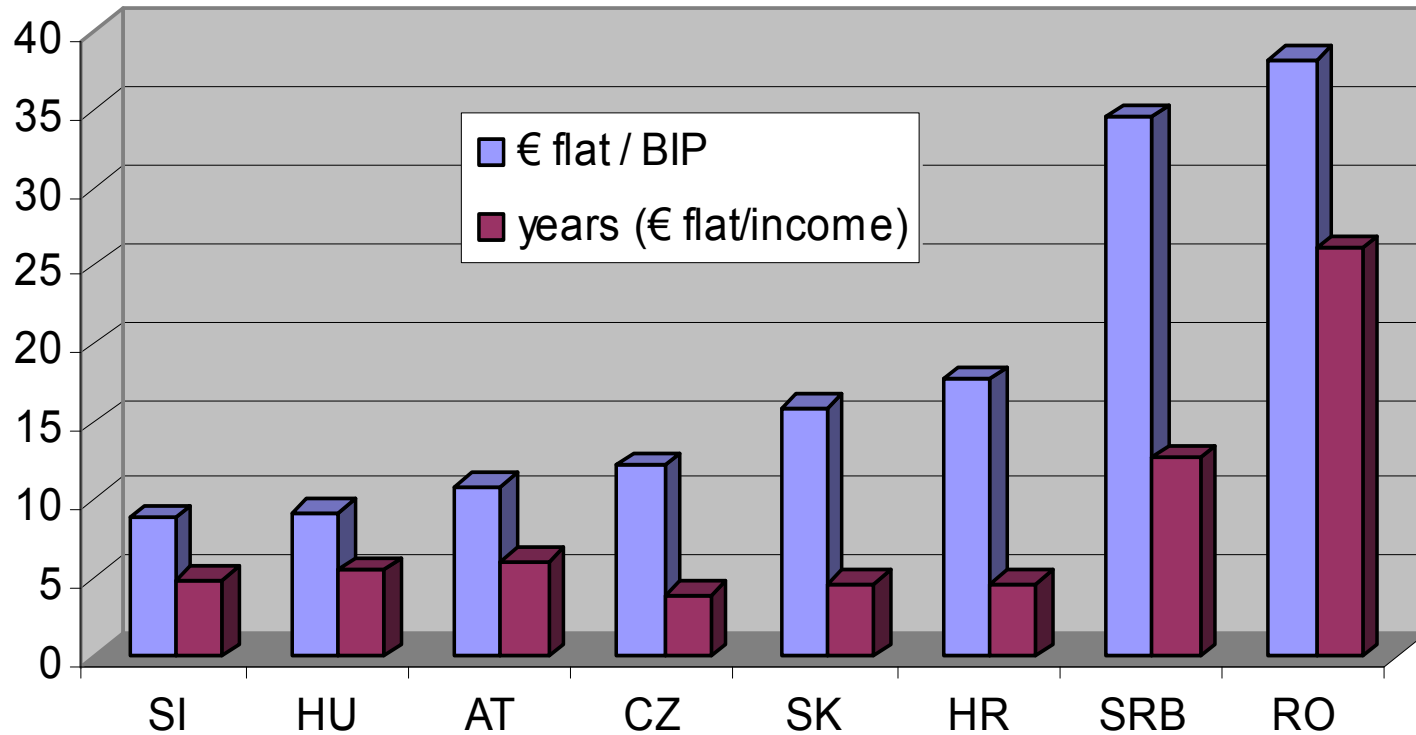


Interinstitutional Coop. - Multi-level Integration:



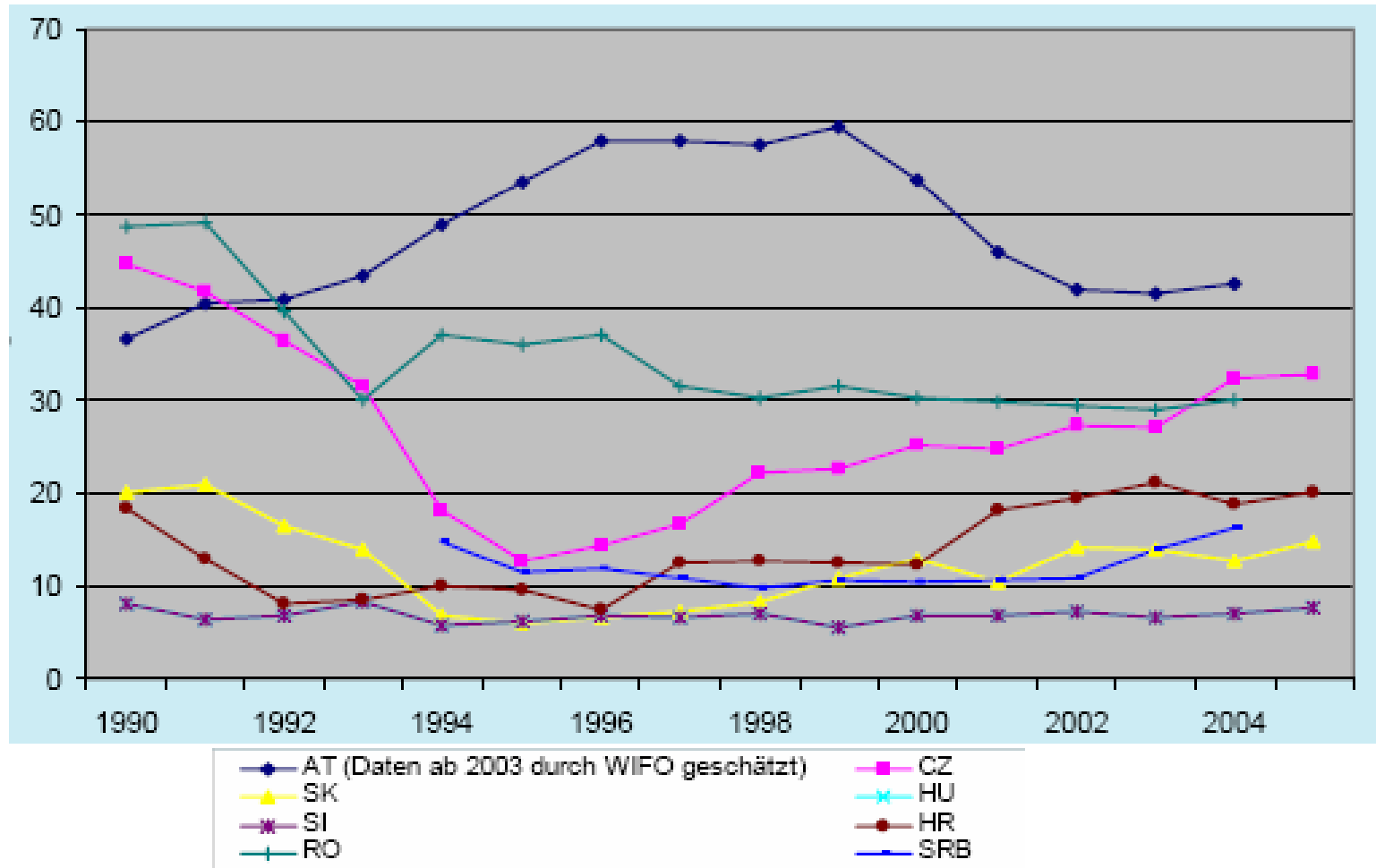
Affordability of Real Estate

relative costs of a flat



Source: Erste Bank, s-Bausparkasse, Austria

Availability of Real Estate



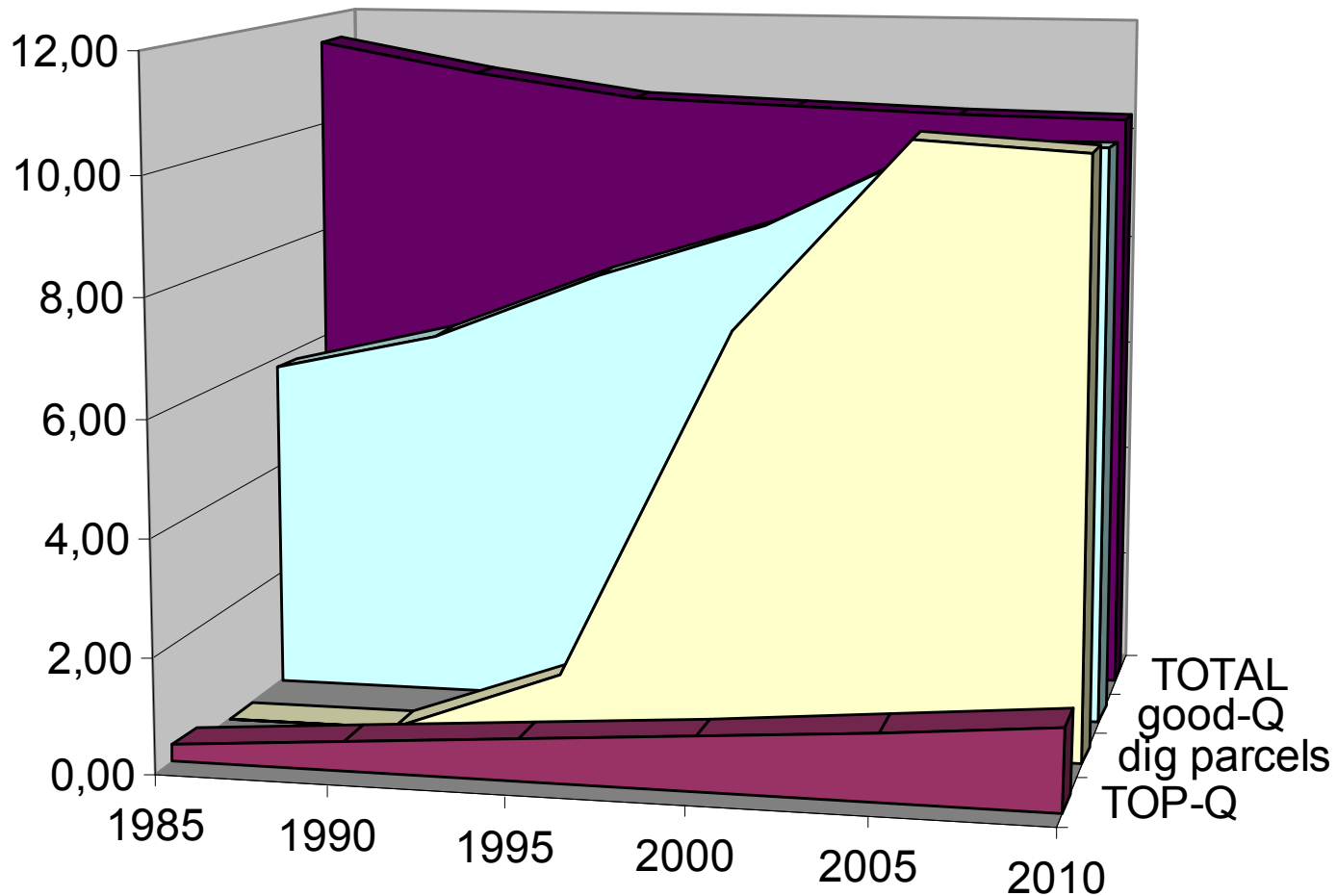
Source: Erste Bank, s-Bausparkasse, Austria

Taxes, Fees and Time Span to Secure Real Estate Rights

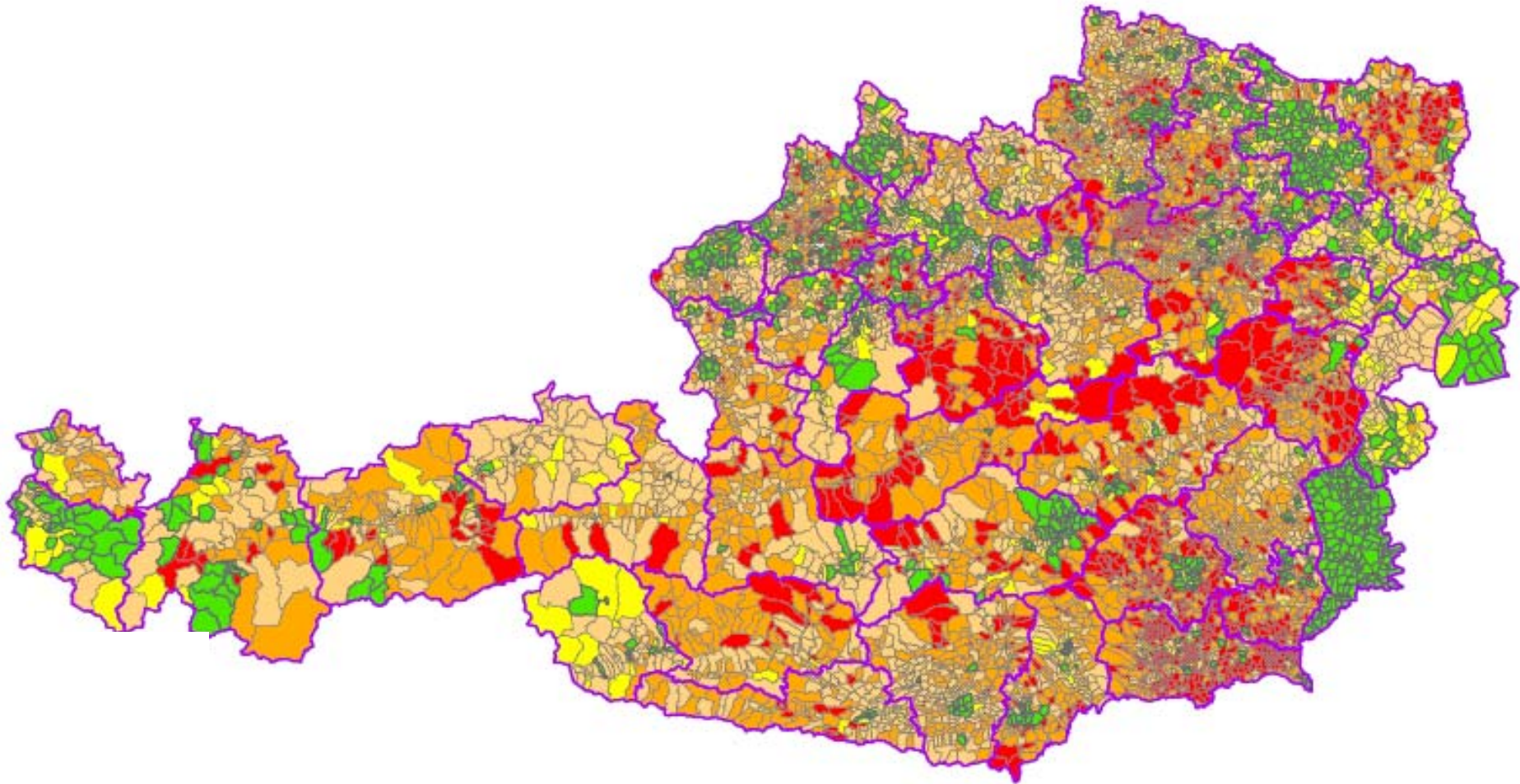
- Total costs of land transfer
- Annual fees and charges for real estate

Quality: Fitness for Purpose

reliable quality vs. highest quality



Declare Fitness for Purpose: declare quality levels - parcels earmarked with quality flag



Updated Legal Framework in Austria

amendments to cover recent developments

Amendments to

- Land Register Adjustment Act (GUG)
- Survey Act (VermG)
- Subdivision of Real Properties Act (LTG)
- Digital Archives Act
- Civil Code (ABGB)

Multi-level Integration on European Level in line with developments



e-Gov. / e-Processes

www.gov-it.eu/Content.Node/allianz/allianz.html

Working Party on Legal Data Processing (e-Justice)

www.ejustice2008.si



structured line of communication →

structured data

Multi-level integration on European Level



Access to real property rights data beyond national boundaries

www.eurlis.org

EU-White Paper on Integration of EU Mortgage Credit Markets:
Cross-border mortgages, euro-mortgage

[http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/593&format=HTML
&aged=0&language=EN&guiLanguage=en](http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/593&format=HTML&aged=0&language=EN&guiLanguage=en)

Lets continue our info-sharing.

Many thanks for your interest

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