

Report – Commission 7 Working Group 3 on Land Markets Activities 1998-2002

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Key words: land policy, land market, land administration, rental market, agriculture.

ABSTRACT

Most land administration systems started as tools for the levying of land tax and then these systems became also tools for creating secure land titles. Today, the prime objective of a land information system is seen as facilitating the operation of land markets (by providing secure land titles, by monitoring land use, by providing land information, etc.).

Commission 7 of the FIG therefore decided to pay more attention to the issue of land markets and the role of the surveying profession in it. In 1998 the Commission 7 Working Group 3 on Land Market Activities (chair: András Oskó, Hungary) was set up. The working group issued two questionnaires to Commission 7 delegates. The Questionnaire I requested for general information about the legal and institutional framework concerning land markets and land related activities. 29 countries answered this questionnaire. The results are presented in this paper; unfortunately hardly any information about developing countries could be presented. Questionnaire II focussed on issues of rural land markets and was answered by 25 countries, mainly from Central and Western Europe. The results of this questionnaire are published in a separate paper: “Rural Land Markets in Central and Western Europe”, also to be presented in session JS8 of the Washington FIG Congress 2002.

The working group organised a one-day symposium on land markets at the annual meeting of Commission 7 in May 2000 (in Hamburg, Germany) and members of the working group also participated actively in other international meetings of the FIG.

Chapter 1 of this paper summarises the activities of the working group and in Chapter 2 we present the results of the Questionnaire I.

The working group did also some research on literature about the issue of land markets. Most of the literature focuses in particular on the problematic nature of rural land markets in developing countries and countries in economic transition to a market economy in Central and Eastern Europe.

Information on the structure of land markets and land market requirements was found in publications of Dale and others [1, 2, 3]. We refer to some of these publications and we will cite some of the information on structures and conditions of proper operating land markets in Chapter 3 of this paper.

The web site of the World Bank Group on the Internet and in particular the web site of the Land Policy Network is a rich source of information on land markets [4, 5, 6, 7]. The World Bank advocates the development of a rental land market (lease market) as a possible tool for rural development. We refer to some of the World Bank publications and we briefly mention some of the information presented by these publications also Chapter 3.

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1. ACTIVITIES OF THE FIG COMMISSION 7 WORKING GROUP 3 ON LAND MARKETS

The working group started its work in 1998 after the Brighton Congress of the FIG. Together with the chairman of Commission 7 the conception of Working Group 3 activities for the four years period 1998-2002 was drafted.

As is universally recognised, sustainable development is one of the greatest challenges world-wide and the land surveying profession - through the FIG and particularly through Commission 7 - must response to many questions related to sustainable development.

As the land is one of the most important sources of the national production and income, the activity of land and real estate markets and related processes are very essential issues in every country and region of the world.

The issue of land and real estate markets is first of all an economic issue. But land registration and land information and their related processes are very important aspects in this field and secure ownership of land and efficient land conveyance processes are even highly essential for a proper operation of land markets. In this respect the land surveying profession deals with important matters such as land administration and information and their institutions, land laws and legal security, conveyance and information processes and restrictions and regulations concerning land. These matters form a framework for the operation of a land market and its conditions extensively influence the development of an active, effective and efficient land market.

Concerning these matters there are much differences between developed, developing and countries in economic transition to market economy, but we can also experience differences within these groups of countries and in particular in between countries in transition in Central and Eastern Europe.

The first aim of the working group was to collect information about these matters from every region or country in the world in order to describe a real picture about the situation of land markets world-wide. The next aim was to evaluate this description and to possibly draft recommendations for the improvement of the functioning of land markets.

Therefore the working started with the circulation of a questionnaire (later called Questionnaire I) to the Commission 7 delegates. Although replies were received from 29 countries, the working group had to confess that describing a clear picture of land markets of countries in all regions of the world was too ambitious.

It was then realised that land markets in urban and peri-urban areas function relatively well because of stronger economic incentives in those areas while land markets in the rural areas may be completely absent and may not come into existence by themselves even in the same country. It was therefore decided to focus on rural land markets and to circulate to Commission 7 delegates a second questionnaire (Questionnaire II) on land markets in rural areas. 25 countries (including 3 German states and 2 Australian states) replied this questionnaire.

Based on this Questionnaire II the working group prepared a paper entitled “Rural Land Markets in Central and Western Europe”, also to be presented in session JS8 of the FIG congress in Washington in 2002.

The working group decided to prepare a more general report about land markets based on the replies to Questionnaire I and some additional information from other sources such as the World Bank. The next two chapters of this paper include this report.

The chairman of the working group, András Oskó (Hungary), actively participated in the joint UN – FIG Workshop on Land Tenure and Cadastral Infrastructures for Sustainable Development that was organised in Bathurst, Australia and in the following international conference in Melbourne, Australia in October 1999. These initiatives resulted in “The Bathurst Declaration on Land Administration for Sustainable Development”.

The working group organised a one-day Symposium on Land Markets at the annual meeting of Commission 7 in May 2000 in Hamburg, Germany. The symposium was attended by more than 60 participants (Commission 7 delegates and German professionals). High quality papers were presented mainly focussing on land markets in Central and Eastern European countries. The broad experience of Germany in this field after the reunification was a highly appreciated topic during this symposium. The presented papers are obtainable from Commission 7 of the FIG.

The working group also supported a seminar on Land Markets and Land Consolidation in Central Europe at the 22nd Urban and Regional Data Management Symposium (UDMS) in September 2000 in Delft, The Netherlands. The presented keynote addresses (4) and 12 other papers were published in the proceedings of UDMS 2000 (Delft University of Technology, Department of Geodesy, Delft, The Netherlands).

Members of the working group actively participated in the FIG Working Weeks in May/June 1999 in Sun City, South Africa and in May 2001 in Seoul, Korea.

2. RESULTS FROM QUESTIONNAIRE I ON LAND MARKETS (GENERAL ASPECTS)

2.1 Introduction

The above mentioned Questionnaire I was issued in 1998 and was answered by 29 countries: 16 European countries including all (4) Scandinavian countries and 6 Central European countries in transition, 6 Asian countries, 2 African countries, 3 Australian states and New Zealand and only 1 country from the American continent (Colombia). As only one of the countries has a GNP per capita lower than that of a country on the 100th place in the GNP/capita ranking of 172 countries, it must regretfully be observed that developing countries were hardly included.

In general we received replies from countries where land markets in the urban and peri-urban areas are operating rather adequately. The rural land markets however, in particular in Central European countries in transition, are hampering. We therefore refer to our paper entitled “Rural land markets in Central and Western Europe” (also to be presented in session JS8 of the FIG congress in Washington in 2002).

Next we will present some conclusions from the Questionnaire I.

In this paper **Land** is defined as not just the surface of the earth but includes the buildings on the land and the structures beneath the surface. **Land administration** is used as a general

term to indicate the process of recording and disseminating information about the ownership, value and use of land and its associated resources. Land administration includes, inter alia, cadastre, land registers, land consolidation, valuation and land information systems for a sustainable management of land resources. Such processes include the determination of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information in support of land markets (WPLA - Working Party on Land Administration of the UN-ECE).

2.2 Restrictions to a free land market (to the buying of land)

2.2.1 Restrictions to foreigners

A restriction to foreigners to buy land in particular in the rural areas is quite common in countries in transition in Central Europe. Because of the low land prices in particular with respect to agricultural land, the governments want to protect their citizens against foreign competitors on the land market.

But you see this also in Switzerland and Austria (for foreigners from outside the European Union) and some Asian countries where governments want to keep foreigners outside.

2.2.2 Restrictions with respect to agricultural land

Some countries protect their agricultural land against non-agricultural use by limiting the right to buy agricultural land to farmers only. Governmental control of rural land prices is sometimes in force as well.

Also a restriction to the number of hectares of agricultural land that may be owned by one owner is applied in some countries in order to restrict large ownership of land.

2.3 Efficiency and effectiveness of the transfer of property

2.3.1 Involvement of notary or solicitor in the property transfer process

The involvement of a notary or a solicitor in the property transfer process is not obligatory in 14 countries, but it is nevertheless common to make use of the services of (private) juridical professionals in 11 of these countries. The involvement of private professionals may increase the transfer costs, but may also be beneficial for the quality of the transfer process. On the other hand this better quality may reduce the costs of the governmental land administration institutions. This explains why the cadastre (including the legal department) in The Netherlands has only 4 lawyers although annually about 350.000 property transfers are registered. In Sweden where private notaries or solicitors are not involved in the transfer process, the public can make use of the assistance of the lawyers belonging to the governmental institutions.

2.3.2 Costs of transferring a property

The transfer costs include a registration fee to meet (part of) the institutional costs of the land administration system, costs of surveying in case of subdivision, costs of the private notary or solicitor if involved and governmental transfer tax (stamp duty).

The governmental transfer tax (stamp duty) is usually a very substantial part of the costs. In most countries this tax varies from 1% (UK) to 5% of the purchase price. More expensive countries are The Netherlands (6%), Hungary (2-10%), Switzerland (0-20%) and Greece (9%). In some countries this tax is a fixed, relatively low sum (varying between 5 and 75 US\$ in Korea, Latvia, South Africa and New Zealand).

In one half of the countries the registration fee is a fixed sum varying from 6-25 US\$ in Hungary and 15 US\$ in Czech Republic to 500 US\$ in Switzerland. In most other countries this fee is a percentage of the purchase price varying from 0.5% in Colombia and 0.6% in Denmark to 3% in Korea, with peaks of 5% in Japan and 10% in Sri Lanka. In most of the countries the governmental costs are not fully covered by the fees (in Europe about 35% of the national systems is fully financed by the customers fees). Therefore it can be concluded that most of the fees are lower than the actual costs, disregarding the efficiency of the national systems.

The costs of surveying, in case of subdivision, vary from nil in the United Kingdom (because of the system of referring to the Ordnance Survey map) to 1,700 US\$ in Germany.

The costs of the notary or a solicitor vary from nil in Sweden (where a notary is not involved) to 1300 US\$ in Queensland, Australia.

The costs of a mortgage contract are not included in this information although in almost all of the countries the mortgage contract is arranged simultaneously with the property transfer. Also the costs of a real estate agent are not included.

From the provided information it could be concluded that the transfer costs in the UK are relatively low because the tax (stamp duty 1%) is low and there are no surveying costs. Also in Sweden the costs are low in case there is no subdivision, because a notary is not involved and because the transfer tax is low (1.5 %). In Austria and The Netherlands a rule of thumb says that the total costs, including the mortgage contract costs and the costs of a real estate agent amount to about 10% of the purchase price.

In case the transfer costs are thought to be too high, people might become inclined to find other, less safe, means to transfer a property. This might frustrate the land administration system.

2.3.3 Institutional separation of the legal part and the updating part of the land administration system

In a majority of the countries the legal part of the land administration system (the legal register, title register or “Grundbuch”) and the updating part (“Liegenschafts Kataster”, cadastre and parcel maps, including the land information system) are managed by different organisations. In those cases the legal part usually belongs to the ministry of justice and the updating part belongs to a different ministry (e.g. housing and planning, finance, interior, economy). This situation is not beneficial for the efficiency and effectiveness of the operation of the land administration system. In a number of countries merging of these two parts of the land administration system is recently realised (Finland) or attempts are made at this merging

(Norway, Greece, South Africa, Singapore). In other countries a technical integration of the two parts is realised (Sweden) or aimed at (Germany).

2.3.4 Automation of the registers and maps

According to the answers to Questionnaire I in 1998 about 50% of the countries had fully computerised registers and about 30% of the countries had fully digitised parcel maps.

The inventory of the WPLA of the UN-ECE (July 2001) concerning 49 jurisdictions in 42 countries in Europe and Canada provides the following figures: 85% of the jurisdictions have wholly or partly computerised land registers, 29% have a complete digital map coverage and 65% have a partial digital map coverage.

Obviously a fully computerised land administration system will provide optimal conditions for the operation of the land market. It will provide improved reliability and improved land information facilities and it will make a facility like electronic conveyancing possible.

2.3.5 Time needed for the transfer of property

In Questionnaire I we asked to mention the minimum number of days needed to fulfil the complete procedure of transferring a property by which the buyer becomes the legal owner, excluding the time needed to get an agreement between buyer and seller. We did neglect the time needed to get a mortgage contract. From the replies to the questionnaire we registered much differences in the time needed for the completion of a transfer process. In many countries it is obligatory to acquire a building license in case of subdivision in the urban area. When this licensing process is part of the property transfer process, it will obviously retard the whole procedure. In The Netherlands the official building licensing takes place after the transfer of the property, but by spatial planning it is usually clear in advance whether a building permit is obtainable. Hence a transfer of property can be completed within 1 day. Also in Sweden, where a notary or a solicitor is not involved in the transfer process, only 1 day is needed to transfer a property. In a number of countries in Europe, in Japan, Australia and New Zealand the minimum transfer time varies from 2 days to 2 weeks. In some Central European countries, in Denmark, Korea, Sri Lanka, Singapore, Malaysia and Colombia the minimum transfer time varies from 1 to 3 months.

2.4 Activities on the land market

2.4.1 Number of property transfers per annum

We tried to compare the number of transactions that is annually registered with the number of registered parcels, assuming that this ratio will somewhat indicate the activity of the land market. We combined transactions in rural and urban areas. We also tried to include transactions with respect to flats or condominiums, although we are not sure whether this information was included in the given answers to the questionnaire. In some cases separate figures were given.

From the given answers we calculated a mean “market activity ratio” of 1 transaction to 20 registered parcels.

This table shows the calculated “market activity ratios” (quotient of number of transfers and number of parcels) in 1998:

Hungary	1 to 4	New South Wales	1 to 20
New Zealand	1 to 9	Norway	1 to 23
Queensland	1 to 11	Sweden	1 to 25
Colombia	1 to 16	Finland	1 to 28
The Netherlands	1 to 16	Austria	1 to 31
Victoria	1 to 17		
Denmark	1 to 18		
Poland	1 to 19		

We realise that the accuracy of this information is not very high. We were not able to explain the differences and we also believe that the land markets of the countries where we calculated a relatively low activity ratio are operating well. For two other countries where we believe that the land markets are operating adequately (United Kingdom and Germany) no reliable information about the number of transactions was available. For Hungary we did find an extremely high ratio of 1 to 4, which may be due to the privatisation process. In Poland we calculated a lower ratio (1 to 19), but here most of the land has always been in private hands. About other countries in transition in Central Europe we did not have sufficient reliable information.

2.4.2 Number of new mortgages per annum

We compared the number of annual new mortgages with the number of annual property transfers. We received information from 15 jurisdictions. In a majority of these countries the ratio of mortgages to transfers ranges from 0,7 to 1,0. In Queensland and The Netherlands this ratio is somewhat higher. In The Netherlands many mortgage contracts have been renewed in recent years because of the low interest rate. In the countries in transition in Central Europe (except Latvia?) and in Greece and Turkey this ratio is very low. The interest rates in these countries are very high. Other extremes are Norway (2,5) and Denmark (0,5).

This table shows the ratio (quotient) of number of annual mortgages to number of annual property transfers in 1998 (between brackets: the interest rates):

Switzerland	0,7 (4 %)	Queensland	1,1 (6.7 %)
United Kingdom	0,7 (6-7 %)	The Netherlands	1,2 (5.8 %)
Latvia	0,8 (17 %)	Norway	2,5 (8 %)
Sweden	0,8 (4.5 %)	Denmark	0,5 (7.7-9.1%)
Finland	0,8 (5 %)	Greece	0,3 (?)
New Zealand	0,9 (9 %)	Turkey	0,25 (high)
Victoria	1,0 (5.5 %)	Yugoslavia	0,1 (?)
		Hungary	0,03 (20-25 %)

2.5 Land pricing

Market prices of land in urban areas depend very much on the location of the land, so there will be a big difference in price levels within a country. We therefore tried to collect information on market prices of arable land, but found also quite big differences in price levels within each country. Consequently comparing of price levels of land in different countries cannot be accurate. We calculated the quotient of the average market price of arable land in each country and the Gross National Income (GNI) per capita (World Bank 2000). The results are presented in the next table. We also mentioned the population density in people per sq. km. Most of the differences can be explained as a result of the population density, whereby it has to be taken into account that the Scandinavian countries and the Alpine countries have relatively little arable land. With respect to the countries in transition in Central Europe we refer to the above-mentioned paper on “Rural land markets in Central and Western Europe”. The calculated figures for Malaysia and Colombia may be due to incorrect information.

This table shows the quotient of the average market price of arable land and the GNI per capita (between brackets: people per sq. km.):

France (107)	0,1 – 0,2	South Africa (34)	± 0,1
Finland (15)		Hungary (110)	
Sweden (20)	± 0,2	Poland (123)	0,1 – 0,3
Norway (12)		Lithuania (62)	
Denmark (116)	0,3 – 0,4	Victoria (19)	0,1 – 0,2
England/Wales (240)	± 0,5	New Zealand (15)	± 0,3
Greece (83)	± 0,6		
Austria (95)	± 0,7		
Germany (229)	± 0,8		
The Netherlands (390)	± 1,1	(Malaysia (70)	2 – 3?)
Switzerland (170)	± 2	(Colombia (37)	4 – 5?)

2.6 Positive and negative aspects of the land markets

In our Questionnaire I we asked to mention the positive and negative aspects of the urban and rural land markets. We received many different answers; only a few aspects were mentioned more than one time. Some of these we will list below. The complete list of aspects that were mentioned is obtainable from the authors.

Some positive aspects:

- Free and efficient land market; transparency; real market prices; mortgaging possibilities. But also the advantage of governmental control of rural land prices was mentioned.
- Secure land titling generates safe and efficient land markets.

Some negative aspects:

- Prices of dwellings are too high, resulting in too high mortgage loans; risky in case of economic decline.
- Too many restrictions and taxes affect profitability negatively.
- Land prices are too high.

3. LITERATURE RESEARCH ON LAND MARKETS

3.1 Introduction

Dale, Baldwin and others [1, 2, 3] published information on the structure of the land market and on the conditions that have to be fulfilled if there has to be a stable and efficient land market that encourages sustainable development. This was also done in the framework of a research program concerning the emerging land markets in countries in economic transition in Central Europe. Paragraph 3.2 cites briefly some of the information that Dale and others have published.

Another important source of information on land markets is the World Bank Group and in particular its Land Policy Network.

The World Bank focuses on problems of the rural land market in developing countries and countries in economic transition in Central and Eastern Europe. The approach of the World Bank is briefly cited in paragraph 3.3.

3.2 Structure of the land market and land market requirements

Baldwin and others [2] have examined the emerging land markets in countries in transition in Central Europe. Their conclusion was that conditions for a stable and efficient land market that encourages sustainable development are:

- the clear definition and sound administration of property rights;
- a minimum set of restrictions on property use consistent with the common good;
- a simple and inexpensive way to transfer property rights;
- transparency in all matters relating to the land;
- the availability of capital and credit.

In two of their publications Dale & Baldwin [1] and [3] presented a clear list of the land market requirements and showed a model that illustrates the way in which the land market and those who operate within it need to be supported by certain pillars that in turn must stand on the firm foundation of national land policy. The 3 pillars are: land registration and cadastre (title & rights); land valuation (market based); financial services (capital & credit).

3.3 The World Bank; remarks, advises and guidelines concerning land markets

The World Bank has published many papers on the Internet and in particular on the sites of the Land Policy Network (the LPN) of the World Bank Group (see References).

The recent view of the World Bank on land markets was prepared in 2001 and is published as part of "Question & Answer on Land Issues at the World Bank" [4]. The 3 elements of this view are briefly mentioned below:

1st: A large literature has shown that family-operated farms are more efficient than wage labour-based ones, suggesting that the operation of undistorted markets would shift land to relatively small operators thereby contributing to the objectives of equity as well as greater economic efficiency.

2nd: The immobility of land implies that, even within the same country, land markets may function relatively well in peri-urban areas but be completely absent in the rural hinterland. It also implies that land markets, even more than markets for other goods, do not come into

existence by themselves. An appropriate institutional and regulatory framework, low-cost ways of (standardised) contracting, accessible institutions for contract enforcement, and information on market prices, are all important elements to improve the functioning of land markets and prevent outcomes that may be undesirable from a perspective of both equity and efficiency.

3rd: There is a need to distinguish between rental and sales markets. While the latter are easily affected by credit market imperfections and amenable to speculation in an environment of overall uncertainty, rental markets are more easily established. Given their ability to perform most the functions that are expected from land markets in the course of development, well-functioning rental markets are essential, especially if full liberalisation of sales markets may not be feasible.

All of this implies that efforts to develop land markets require a location-specific and differentiated approach whereby sufficient attention is given to the institutions that make land markets work.

It is interesting to notice that the World Bank pays particularly attention to the rural land markets and that it advocates the development of rental (land lease) markets.

This vision is also seen in a paper (preliminary draft for consultation only) of Deiniger: "Land Policy and Administration: Lessons learned and new challenges for the Bank's development agenda" [5].

Some other interesting publications that can be found on the web site of the LPN of the World Bank Group are mentioned under references.

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The following publications can be found on the web site of the World Bank Group – the Land Policy Network (LPN): www.worldbank.org/landpolicy/

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World Bank Group and International Monetary Fund (2001): Question & Answer on Land Issues at the World Bank
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BIOGRAPHICAL NOTES

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