

Some Aspects of Cadastral Registration of Immovable Property

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Reform of the system of cadastral registration of immovable property is nearing completion. The purpose of the reform, among other things, is to create a consolidated cadaster of real estate by transitioning to a centrally operated system, as well as to improve the quality of cadastral services and interdepartmental cooperation between the cadastral registration authority and the authority for state registration of real estate rights and transactions.

In accordance with Art. 44.3 of Federal Law No. 221-FZ on the State Cadaster of Real Estate of July 24, 2007, as of Jan. 1, 2013, cadastral engineers will carry out cadastral activities with respect to buildings, structures, premises, and unfinished buildings. Furthermore, from Jan. 1, 2013 to Jan. 1, 2014, cadastral activities (including the issuance of cadastral passports for non-residential buildings and premises), will also be performed by state technical registration and/or technical inventory organizations that were responsible for state technical registration and/or technical inventory on Dec. 31, 2012, as well as cadastral engineers. These organizations include, in particular, FGUP Rostekhinventarizatsia "C Federal BTI, or "Rostekhinventarizatsia."

Therefore, from Jan. 1, 2013 to Jan. 1, 2014, Rostekhinventarizatsia will have the authority to carry out cadastral activities along with cadastral engineers, and will also issue cadastral passports for non-residential buildings and premises. After Jan. 1, 2014, these powers will cease.

It should be noted that in practice Rostekhinventarizatsia has already started transferring information and real estate related files to the FGUP Federal Cadastral Chamber of the Federal State Registration, Cadaster, and Cartography Service, or the "Cadastral Chamber."

As of Jan. 1, 2013, the procedure for submitting cadastral documentation to the Federal State Registration, Cadaster, and Cartography Service, or "Registration Authority," has also

changed. Previously, applicants (individuals and legal entities) were required to include cadastral documentation in the bundle of documents submitted for state registration, but now a number of regions (Moscow in particular), no longer require such documentation. As part of interdepartmental cooperation, the Registration Authority now requests cadastral documentation directly from the Cadastral Chamber. This interdepartmental cooperation is already well developed in Moscow.

Therefore, although Rostekhinventarizatsia retains its authority to issue cadastral passports for real estate until Jan. 1, 2014, in practice all applicants intending to file documents with the Registration Authority should first check whether Rostekhinventarizatsia has already transferred information on the property in question to the Cadastral Chamber. This is necessary because the Registration Authority will apply directly to the Cadastral Chamber to request cadastral documentation on a property and if the Cadastral Chamber does not have the documentation the applicant may have problems with state registration of its real estate rights and transactions.

In conclusion, until completed, implementation of the reforms will continue to raise questions for both individuals and legal entities, and for the state authorities and institutions involved in the reforms. The Economic Development Ministry has issued letter No. D23i-449 of 22.03.2013 to the Registration Authority clarifying the current powers of Rostekhinventarizatsia and other state authorities with respect to the registration of real estate. It is likely that a number of regulatory legal amendments will be prepared in the near future in order to bring certainty with respect to the completion of cadastral reforms.

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