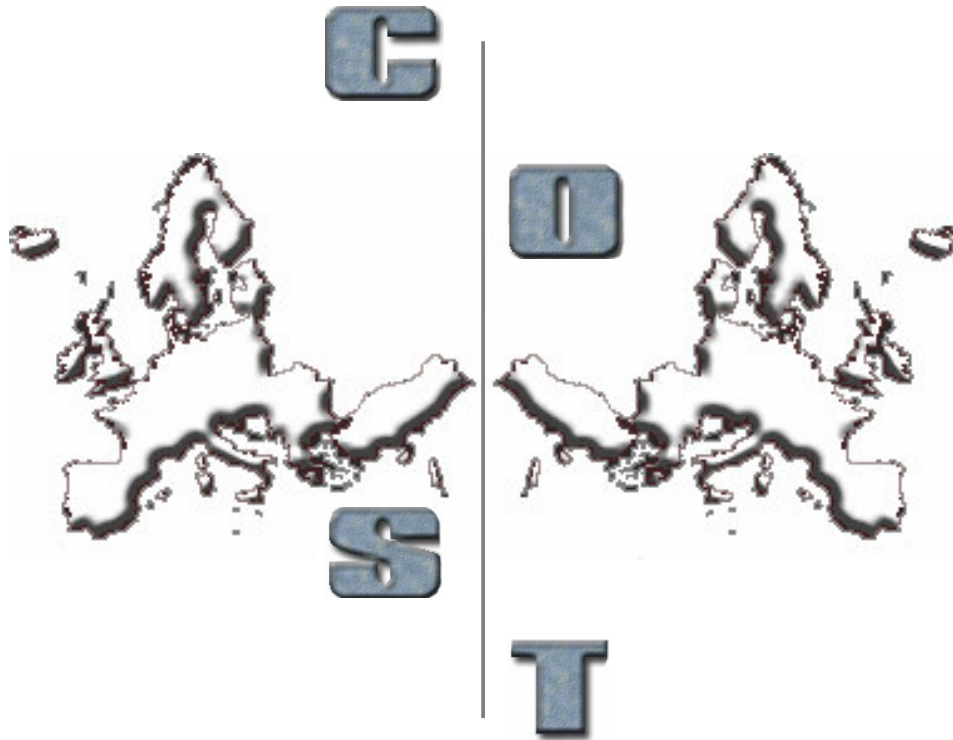


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The Greek National Report within the framework of COST G9

1st draft 25/05/2005



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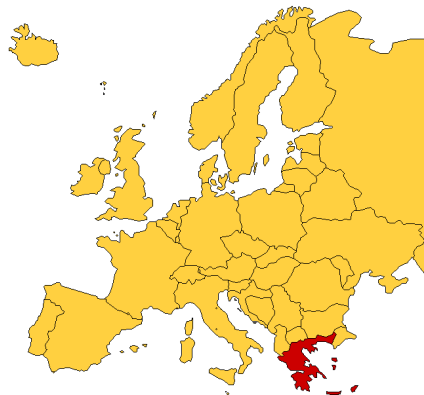
COST Action G9 – Modelling Real Property transactions
7th Workshop and 8th Mc meeting, 9th -11th June 2005, Thessaloniki - Greece

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A. GENERAL INFORMATION

Located in Europe, Greece forms an irregular shaped peninsula in the Mediterranean Sea. The country occupies the southernmost part of the Balkan Peninsula and borders on the Ionian Sea in the west, on the Mediterranean Sea in the south, on the Aegean Sea in the east, on Turkey and Bulgaria in the northeast, on Former Yugoslavian Republic of Macedonia (FYROM) in the north, and on Albania in the northwest.



Capital: Athens
Official language: Greek
Area: 131,940 km²
Population: ≈ 11 millions
GMT: +2h (winter), +3h (summer)
Currency: euro (EUR)
Flag: 

Figure 1. General information about Greece

Greece, also known as the Hellenic Republic, is covering an area of approximately 132.000 km² with a population of almost eleven million inhabitants. The largest city and capital is Athens, with a population that rises up to four millions people who live in the greater Athens area including Piraeus. Thessaloniki, located in Northern Greece is the second largest city with a population of one million.

Greece is mainly a mountainous country. More than two thirds of the country is classified as hilly and mountainous. Country's surface, beyond the mainland, consists of approximately 3,000 islands, out of which about 200 are inhabited, while the coastline (mainland and islands) exceeds to 15,000km. The urban areas represent 6% of the total country's surface (8000km²) while agricultural land covers 30% (39500 km²), forest areas (forest, pasture, barren land) 62% (82000 km²) and others (lakes, etc.) 2% (2500 km²). Concerning the administrative division of the country, Greece is divided in 13 geographic regions, 52 prefectures and approximately 6000 municipalities.

B. LEGISLATIVE FRAMEWORK

B.1 Constitutional Framework - General

Greek Law is a typical European civil law (with a few differences from the other European legal systems), substantially influenced by the German legal tradition. The origins of Modern Greek Law go back to Ancient Greek Law which was the precursor and the intellectual source of Roman Law of the classical period. After the conquest of Greece by Rome, Roman law was officially introduced to Greece but many Greek laws continued to be in effect. During the Byzantine period, Greek customs and the remnants of ancient law influenced the codification of Justinian. The legislation and codification of subsequent emperors, who were of Greek origin, was increasingly novel. From the beginning of the 15th century to 1821, Greece was part of the Ottoman Empire.

After the 1821 War of Independence, the modern Greek state was created and the "Laws of our Byzantine Emperors" were reintroduced. These laws remained in effect (with many amendments by modern legislation) until the introduction of the various codes (Commercial Code-Civil Code, Criminal Code, Code of Civil Procedure, Code of Criminal Procedure, etc.).

In brief, the constitutional history of Greece goes as follows:

Year	Project
1821-1829	Interim/Revolutionary Governments under a Republican (Parliamentary) regime.
1829-1831	First Republic (Governor Ioannes Kapodistrias).
1832-1843	Absolute Monarchy.
1843-1875	Constitutional Monarchy.
1875-1924	Parliamentary Democracy under a Constitutional Monarch
1924-1935	Second Republic (Parliamentary Republic).
1935-1936	Parliamentary Democracy under a Constitutional Monarch.
1936-1941	Dictatorship by Royal approval.
1941-1944	Occupation by the Axis forces.
1945-1967	Parliamentary Democracy under a Constitutional Monarch.
1967-1974	Dictatorship without the Royal approval.
1974-today	Third Republic (Parliamentary Republic)

Table 1. Constitutional history of Greece

Prof. D.Balodimos "The Use of Cadastral Information in Projects Financed by the EU: The Hellenic Cadastre".

The 1975 constitution, which describes Greece as a "presidential parliamentary republic," includes extensive specific guarantees of civil liberties and vests the powers of the head of state in a president elected by parliament and advised by the Council of the Republic. The Greek governmental structure is similar to that found in many Western democracies and has been described as a compromise between the French and German models.

B.2 Civil Code - General

The civil law is codified in the Civil Code which was enacted in 1940 and put in force after the end of the Second World War in 1946. The Greek Civil Code is divided into the following five books:

- General Principles (art. 1-286, 11 chapters)
- Law of Obligations (art. 287-946, 40 chapters)
- **Property Law** (art. 947-1345, 11 chapters)
- Family Law (art. 1346-1709, 18 chapters)
- Inheritance Law (art. 1710-2035, 20 chapters)

(Source: Hatzis, An Introduction to Greek Contract Law, Global Jurist Topics)

The part of General Principles is applicable to all areas of private law. It contains the general rules about contracts. The Second Book contains the law of obligations, which is itself divided into two parts: the General Part, including the general rules on the evolution of Obligations, and the Specific Part, which regulates specific types of contracts and the non contractual obligations (unjust enrichment, torts etc). The third Book is devoted to Property Law, and finally the Fourth and the Fifth Book contain the Family Law and the Law of Successions, respectively.

B.3 Property Law

The Civil Code constitutes the main source of the property law in Greece. The ownership, the easements, the pledge, the mortgage and the possession are referred as the types of authority over the "*objects*" (movable and real property objects). The law provides a semantic

approach of the mentioned types of right over the “*objects*” as well as it describes the special morphs that each type of right is applied over them.

The Property Law consists of eleven chapters, which are:

- The objects and the property rights on them (1st chapter)
- The possession (2nd chapter)
- The ownership and its content (3rd chapter)
- The acquisition of property (4th chapter)
- The security of the ownership (5th chapter)
- The joint-ownership (6th chapter)
- The real easements (7th chapter)
- The personal easement (8th chapter)
- The transfer (9th chapter)
- The pledge (10th chapter)
- The mortgage (11th chapter).

(Source: D.Papasteriou, Law of Property, 1999)

Apart from the Civil Code, other Greek Codes as well (e.g., Code of Civil Procedure, Commercial Law, Code of Private Maritime Law, etc.) and other provisions of the public law contain rules regarding the property rights. Thus, the Code of Civil Procedure, among other things, provides for issues related to the acquisition of property by knocking down at an auction, the injunction measure of registration of notice of mortgage etc.

B 3.1 Constitutional Framework about Property Law

In Greece, the institution of ownership and, by extension, the law of real property is primarily established and protected by the Constitution of 1975, as is currently in force following its revisions of the years 1986 and 2001. It is clear from Article 17 of the Greek Constitution that ownership is under the protection of the State, along with the rights arising from it, however, it may not be exercised against public interest. No one is dispossessed of its property, except for public utility, which has been duly proven, as is by law enacted, following full indemnification corresponding to the value of the expropriated property during the hearing of the case

on the provisional assessment of indemnification before the Court. On the other hand, the Article 18 of the Greek Constitution provides for the protection of real property and establishes special cases and limitations of ownership. In detail, it is specified that special laws provide for ownership related issues and the disposal of mines, caves, archaeological sites and treasures, mineral water springs, flowing waters, underground waters, and underground resources, in general. Issues related to ownership, exploitation and administration of lakes, as well as issues related to the disposal of areas resulting from their drainage, are also regulated by law.

In Greece, there haven't been any spectacular changes in the law of real property during the last decades. The latest changes are more associated with environmental issues, residential needs and better organization, within the framework of information society, and law of real property. Some indicative examples are: articles 17 and 18 of the Greek Constitution (revised in 2001) and the establishment of the National Cadastre Organization, whose role (among others) is to register the real property rights in a cadastral database in Greece according to Laws 2308/1995, 2508/1997, 2664/1998 and 3127/2003. Finally, there have been changes in the law regarding the selling of real property, the most significant of which were: the abolition of the right of reversion of a sale and the increase in the liability of the seller for real and legal defects on a real estate (L. 3043/2002, Official Gazette Issue A No. 192).

B 3.2 Special Laws about Real Property

Various special laws are also of great importance for property law. Firstly, property law in the Civil Code contains only a part of the provisions referring to movable things or real property, while the rights of the persons on them are only specified by substantive private law of property. Public property law (i.e., rules on property owned by the State or by Legal Entities governed by Public Law) and procedural property law (i.e., issued related to the registration of deeds concerning real property on Registration Books, Mortgage Books, etc., and the keeping of these books) are specified by special laws. Secondly, some institutions of substantive

private law of property (e.g., horizontal ownership, vertical ownership) have not been included in the Civil Code, but are rather specified by special laws, such as:

a) Special laws regarding property law. Such laws are, L. 3741/1929 "on ownership per floors", Decree-Law 1024/1971 "on divided ownership on buildings erected on a uniform building site, Decree-Law 210/1973 "on the Mining Code", Decree-Law 3899/1958 "on the preferred mortgage on ships", L. 4112/1929 "on the setting up of mortgage on mechanical or other facilities", Decree-Law 797/1971 "on compulsory expropriations".

b) Laws that contain more or less provisions referring to issues related to property law. Such laws are, Decree of 21st/23rd September 1836 "on the enforcement of the law on mortgages", Decree-Law of 17th July/16th August 1923 "on plans of cities, towns, and settlements of the State and building", emergency law 1539/1938 "on the protection of public estates", emergency law 2344/1940 "on seashores and coasts", decree of 19th/23rd July 1941 "on the coding in a uniform text of the provisions of emergency laws 434/1937, 1933/1939, 2182/1940, and 5232/1940 "on the organization of Land Registries of the State", Decree-Law 4201/1961 "on the amendment and completion of the organization of Land Registries of the State and some provisions on notaries public", emergency law 522/1968 "on the allotment of littoral areas for exploitation and other related provisions", Decree-Law 8/1973 "on the General Building Regulation", L. 947/1977 "on the re-allotment of land etc.", L. 947/1979 "on residential areas", L. 1337/1983 "extension of urban plans, residential development and related provisions", L. 1577/1985 "General Building Regulation", L. 1772/1988 "amendment to the provisions of L. 1577/1985 and other related provisions", L. 1892/1990 "on modernization and development and other provisions".

The above mentioned laws that are prior to the Civil Code were maintained in force by virtue of explicit provisions of the Introductory Law.

B 3.3 Main types of Rights

The main types of rights of Real Property Law in Greece are presented in the following table:

Type of Right	Subtype
<i>Ownership</i>	
	Absolute
	Naked
	Under precedent condition
	Under subsequent condition
<i>Real Easement</i>	
	Right of way
	Right of siphonage
	Right of drainage
	Right of drawdown
	Right of pasture
	Right of coppicing
	Right of balcony
	Right of overhang
	Right of building supporting in conterminous building
	Right of sewer
	Right of non-construction
	Right of non-blockage of view of the dominant estate
<i>Personal Easement</i>	
	Usufruct
	Residence
	Right of way
	Right of siphonage
	Right of drainage
	Right of drawdown
	Right of pasture
	Right of coppicing
	Right of balcony
	Right of overhang
	Right of building supporting in conterminous building
	Right of sewer
	Right of non-construction
	Right of non-blockage of view of the dominant estate
	Right of gum resin collection
<i>Property assurance</i>	
	Mortgage
	Prenotification of mortgage
<i>Mining right</i>	
<i>Transfer of building factor</i>	
<i>Possession by land consolidation</i>	
<i>Seizure</i>	
	Compulsory seizure
	Seizure based on special law
	Announcement of claim
	Continuance of auction

<i>Other rights</i>	
	Compulsory administration
	Judicial receivership
	Right of implantation
	Right of discrete ownership in plantation, trees or buildings
<i>Real action</i>	
	Action at law
	Repeive
	Repeive of a third party
	Decision (in action at law/Repeive/Opposition by a third party)
<i>Lease</i>	
	Long-term lease
	Financing lease
	Time sharing lease

Table 2. Types of Rights

(Source: Technical Specifications provided by KTHMATOLOGIO S.A., May 2003)

B 3.4 Main ways of acquisition of a Right

The main ways of acquisition of a right in Greece are presented in the following table:

Way of acquisition of a Right
Sale
Sale under precedent condition
Sale under subsequent condition
Transfer of building factor
Donation inter vivos
Revocation of donation inter vivos
Donation causa mortis
Revocation of donation causa mortis
Parent grant
Dowry
Revocation of parent grant
Property exchange
Amalgamation
Voluntary allotment
Condemnation of expression of one's will
Formation of vertical ownership
Modification of vertical property
Abolition of vertical ownership

Way of acquisition of a Right
Formation of horizontal ownership
Modification of horizontal property
Abolition of horizontal ownership
Inheritance without will
Inheritance by will
Inheritance by law
Bequest
Bequest under precedent condition
Bequest under subsequent condition
Trust
Adjudgement
Land Consolidation
Expropriation
Modification of urban plan
Land readjustment
Auction
Granting of a right from Public Authority
Judicial allotment
Law
Adverse possession by color of title
Constructive without title adverse possession
Define the boundary lines
Correctional act
Formation of parking lot
Granting of a right in common use
Usance
Revocation of subsequent condition
Tenancy of ascendant
Waiver of a right of usufruct
Partial revocation of expropriation
Repetition of drawing up a deed

Table 3. Main ways of acquisition of a Right

(Source: Technical Specifications provided by KTHMATOLOGIO S.A., May 2003)

C. LAND REGISTRATION SYSTEM IN GREECE

The system for recording land rights in Greece was (and still is) the System of Transfers and Mortgages, operated by the Mortgage Offices. It was introduced in 1856 based on the French Publicity System's legislation principles. It comprises 398 offices distributed in Greece, supervised by the Ministry of Justice, with territorial jurisdiction accordingly to the division of the Courts.

One or more registrar offices operate within the district of each Local Court, and offer the following services, according to the legislation:

- a) Registration, attachment, or distraint of real property located within their jurisdiction.
- b) Transcription, in accordance with Action Law that must be transcribed.
- c) Registration of suit and every other action or relevant details of real estate.

The legal rights concerning land, such as: land ownership, lease, mortgage, charge, easement, seizure, claiming etc, are registered in a person-centric system. Under such a system, a copy of each deed of transfer of property rights is deposited in the deed registry in chronological order. Consequently the storage of these large quantities of documents makes the retrieval of data difficult, costly and time consuming.

The Greek registration system resulted from the legal perspective rather than the land management and it is not directly connected with land use and development, since this kind of information is not kept in the registers. The registration of parcels is usually coupled with an extensive description of boundaries or/and a graphical sketch, attached to every transaction, obligatory since 1977 and deposited to the Notary Public and the Mortgage Office during the registration of the deed. This system keeps data only about the land tenure, using ownership titles, and it doesn't have any cadastral maps at all. It only includes topographic diagrams depicting the land parcel of the deed and maps and cadastral tables of mortgages, expropriations and acquisitions. The files are in analogue form and they can only be accessed and researched by lawyers who can determine the status of property titles.

Because of that reason, the system introduces difficulties in access and data processing, it provides no correlation between descriptive and geometrical data, provides no land taxation policy and it doesn't guarantee the public owned land constituting an inappropriate tool for country's development, including the environmental monitoring and the development of the land market.

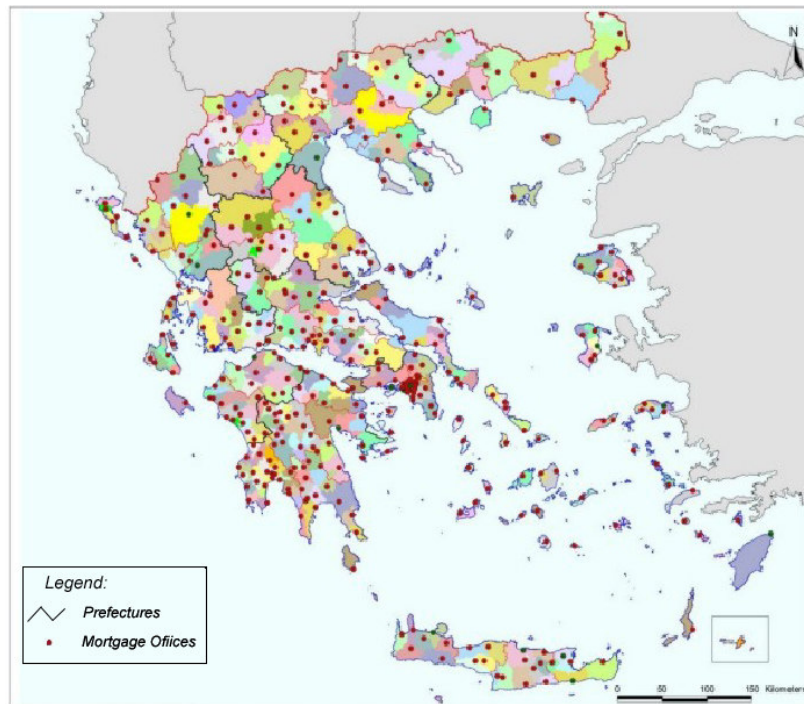


Figure 2. Mortgage Offices all over the Country

(Source: C.Ioannidis, "The Hellenic approach for implementation of a modern cadastre – Difficulties and perspectives")

In Greece there is no central computerized system including the land titles. Every local area has its own Land Registry where all transactions regarding real estate are recorded. Therefore, the Greek publicity system presents several obvious disadvantages and it is characterized by a rather traditional, cumbersome and inefficient process for maintaining and updating information. Despite the mentioned problems arising from such a system, this registration system is the only official source concerning property rights. Greece is one of the very few European countries where Cadastre does not exist. The implementation of the Hellenic Cadastre is a long-term project of significant importance for the development of the country.

C.1 Real properties in Greece

The real properties in Greece are classified into categories which are presented below:

Real properties
Land parcels
Horizontal Ownerships
Vertical Ownerships
Composite Vertical Ownerships
Special Property Objects
Mines

Table 4. Real properties in Greece

The **horizontal** ownership is defined as the ownership in a distinct property of a building such as an apartment, with a joint ownership in the communal parts of the land parcel. **Vertical** ownership is the ownership on one independent building of a land parcel that cannot be divided according to the building regulations, with a joint ownership in the communal parts of the land parcel. The term **composite vertical** ownership refers to the ownership in a distinct property in one of the buildings (such as an apartment) that exist in a land parcel, with a joint ownership in the communal parts of the land parcel. Finally, the **special property objects** are the buildings or constructions that don't belong to one of the above mentioned types of real properties, or other areas.

In Greece the law 3741/1929 which is still valid regulates the "horizontal ownership". After the introduction of the Greek Civil Code the articles 1002 and 1117 have set the basic principles of the "horizontal ownership". As a result, the individual ownership of the apartment exists combined with the joint ownership of the land. The owners of the land where the block of flats is built or shall be built can set up this separate ownership only with a notarial act which must be registered or with a will in an existing apartment or in a future one.

C.2 Property values in Greece

In Greece, every real property is determined by two values:

1) **The objective value**

This value is determined by the Tax Office and it is usually smaller than the market value. Any taxes due will be calculated by the Tax Office based on this value.

2) **The market value**

This is the actual value of the real property in the market.

In order to calculate the objective value of the property, the land is classified into the following categories:

- Residences
- Offices (in an apartment)
- Shops or offices (in the ground floor)
- Building Plots (plus percentages of future building and servitudes)
- Storehouses
- Parking places
- Agricultural or range facilities
- Hotels, hospitals
- Schools, Stadiums
- Museums, Theaters, Cinemas, Conference Rooms, Music Halls, Exhibition Centers, e.t.c.

C.3 Real Property Transactions

The term **Real Property Transaction** is defined as every real, spatial or administrative act. The **real act** concerns the creation, the transfer or the abolition of a real property. The **spatial transaction** concerns every mutation that takes place in a real property. The **administrative cadastral changes** are carried out by Public Institutions and Organizations. At this point, it must become clear the fact that the above definitions are not exclusive. In other words, a cadastral act can either be real and spatial, or spatial and administrative on the same time.

Main property transactions

Transfer of real property rights:

- Sale
- Donation
- Parental grant
- Bequest
- Inheritance
- Adverse possession
- Property exchange
- Addition of a floor in existing building

Spatial Transactions:

- Amalgamation
- Land Consolidation
- Subdivision
- Allotment
- Modification of urban plan
- Land Readjustment
- Formation / Abolition of vertical ownership
- Widening or expanding an existing road
- Change of the boundaries position
- Creation of a new building
- Demolition of a building
- Large scale mutations caused by expropriations
- Correction of errors involving geometrical elements
- Formation of a mine

Administrative Transactions:

- Amalgamation
- Land Consolidation
- Allotment
- Expropriations
- Modification of urban plan
- Land readjustment
- Change of use of real property
- Rename of a road
- Change of personal details of a right holder

C.4 Registry in the current Registration System

According to the 1198 article of the Civil Code, a transfer of the ownership of the real estate or an establishment, a transfer or an abolishment of a right, is not valid without a transcription. This means that immediately after the signing of a relevant contract that concerns the establishment, transfer or abolishment of a right, its transcription must be performed without fail. The ownership is acquired by the first transcribing party, and thus we realize the speed and the necessity of the immediate transcription. Likewise in Greek practice it is common for many contracts to be drawn up in the form of preliminary agreements, which according to article 166 of the Civil Code are obligatorily subjected to the form stipulated by the law for the main contract that is a private document or a notary public document.

In order the real property to be transferred, an official copy of the deed is required. In particular the transfer consists of the registration of the summary of the deed to be transferred in the Book of Transfers by a chronological order of submission. The summary of the transfer is drawn up by the notary who has drawn up the relevant contract.

The summary of transfer must include the following:

- a) The number and the year of the submitted instrument as well as the full name and the status of the person or the authority that has performed its drawing up.
- b) The names of the parties involved.
- c) A brief description of the real estate.
- d) The object of the deed that concerns the establishment, transfer or abolishment of a right.
- e) The ownership title of the party performing the sale.

In Hellenic legal system the transfer of real property is completed by the signature of notarial act and its registration in public books of the land register. In the cases the Cadastre is compiled, the transfer of real property is completed by the record of the transfer in the cadastral books and other relative data.

The principal of time precedence is valid, which means that the registration that has been performed earlier is preferred. This rule is not explicitly referred in the Chapter on the transfer in the Civil Code, but it results indirectly from the whole system that rules transfers and which is established by the Civil Code and in particular article 1198 in combination with the general principle that is valid for rights of the time precedence. Without the existence of that rule, there would be no meaning for the existence of the specific stipulations of articles 1205 and 1206 of the Civil Code. Article 1206 of the Civil Code: "Among many transfers that have been conducted on the same day in relevance with the rights on the same real estate, the one that even remotely relies on the even by the least preceding title is preferred". Article 1207 of the Civil Code: "Should a transfer and a registration of a mortgage coincide on the same day and regard the same real estate, the one that has been registered earlier, even by the least, is preferred".

C.5 Main Actors involved in a property transaction in Greece

The main actors that are involved, in general, in a property transaction in Greece are presented in the following table:

Main Actors involved in a property transaction	
Active	Passive
Right Holders	Holder of Rights in the unit
Notary	Neighbors
Lawyer	Real Estate agency
Surveyor	Bank
Taxation Office	Urban Planning Office
Municipality	Other public Authorities
Registration System <ul style="list-style-type: none"> ▪ Cadastral Office or ▪ System of Transfers and Mortgages 	

Table 5. Main Actors involved in a property transaction in Greece

(Source: S.Koukopoulos, A.Sismanidis, "Administrative Procedures of Property Transactions in Greece" in COST Action G9 in Helsinki, Finland, 2004)

D. HELLENIC CADASTRAL SYSTEM

D.1 Introduction of the Hellenic Cadastral Project

In the year 1994, the Hellenic government, with the support of the European Union, started a major project for the establishment of the Hellenic Cadastre (H.C.), which is aimed to be a title registration information system in fully digital form. The new system will be a 'land parcel-centric' system and it will cover the whole jurisdiction of Greece.

The Hellenic Cadastre is being developed in every prefecture of the country. The program covers urban and rural zones, areas of special natural beauty, flora and fauna habitats and environmentally sensitive ecosystems. According to this plan, the HC is designed to be a modern and valuable Information System, which will improve the efficiency of land transactions. In addition, it will provide different kind of information necessary for land management and developmental activities, urban and rural planning, agricultural policy, land administration and above all environmental monitoring.

The "Hellenic Cadastre Project" is considered to be the most significant infrastructure project under construction in Greece, in recent years, and one of the most important projects of that kind all over the world (McLaughlin, 1998). Its purpose is the systematic collection, registration, organization and multipurpose management of the spatial information in relation with its legal/ownership status all over the jurisdiction. (Source: C.Potsiou, M.Volakakis, P.Doublidis, "Hellenic cadastre, state of the art experience, proposals and future strategies", National Technical University of Athens, Ktimatologio SA.)

D.2 The history of establishing a Cadastre in Greece

The first effort to establish a National Cadastre in Greece is dated in 1836 by a decree issued by king Othon. Ever since, many efforts have been made, however none of them was effective and integrated.

Year	Project
1836	First decree to support land market and mortgages.
1853	French Mortgage Bureau System was established.
1895	Proposal for new law.
1911	Law for the cadastre.
1917	Cadastre of Thessaloniki.
1923	Codification of urban areas.
1930	Cadastre of Dodecanese.
1932	Rural Cadastre started.
1943	Cadastral project in Kalithea and P.Faliron.
1973	1 st Face of New Cadastre based on aerial photos.
1976	An attempt to establish a forest cadastre.
1986	Establishment of HEMCO.
1994	Beginning of the Hellenic Cadastral Project.

Table 6. The history of establishing a Cadastre in Greece

(Source: C.Potsiou, N. Galidakis, M. Volakakis, P. Doublidis,
 “The Hellenic Cadastral System: Progress and Future Strategy”)

In 1994, the most substantial effort initiated, with the beginning of the Hellenic Cadastral Project. This project is funded by the European Commission as well as the Greek Government.

D.3 Commutative Period

The Hellenic Cadastral Project is currently in transition between the old system of registration of deeds and the new Hellenic cadastral system of register of titles.

The establishment of the Hellenic National Cadastre replaces the current land registration system. Occasionally, the Mortgage and Cadastral Offices have to operate in parallel as they don't cover the same entire area. One of the future targets of the Cadastral Project is the substitution of the Mortgage Offices by the Cadastral Offices in the area where the implementation of the cadastral program has been completed.

The cadastral offices are supervised by the Hellenic Mapping and Cadastral Organization (HEMCO). Once a cadastral office is established in an area, there will be a transfer of functions from the existing registry office to the cadastral office. At present, the registry offices are under the supervision of the Ministry of Justice while the cadastral offices are under the supervision of the Ministry of Environment, Physical Planning and Public Works. The establishment of a new cadastral office in an area would thus result, among other things, in a transfer of functions and jurisdictions from one ministry to another.

D.4 Progress of the Hellenic Cadastre

In July 1994 both the Hellenic Government and the European Union (E.U.) ratified the Proposal for a major project: 'The Establishment of the Hellenic Cadastre' (HC). Since then an important project began for the establishment and the operation of a modern Cadastral system, which will be a registration information system in fully digital form.

Briefly, the progress of the Hellenic Cadastral Project is described in the following table:

Year	Action
1986	Establishment of HEMCO.
1994	Proposal – Original Action Plan.
1995	Law for the implementation of the Hellenic Cadastre
1996	Establishment of the KTIMATOLOGIO S.A. Beginning of the Cadastral Surveys.
1998	Law for Operation of the Hellenic Cadastre

Table 7. Main actions during the implementation of the Hellenic Cadastre

The implementation process comprises of five phases, so far: two Pilot phases and three phases (A, B and C) of the Main Program. The areas included in the Pilot Program are scattered all over most of Greece (in 34 out of 50 prefectures), so that most representative results will be achieved, taking into consideration the particular characteristics (legislative, land type, etc) of the various areas.

Until today the processing of the deliverable data of the cadastral surveys which resulted from the two pilot phases and the first main phase result the following data:

Project	Municipalities	Area (km ²)	Land Parcels
A' Pilot	66	2.332	436.429
B' Pilot	54	1.193	223.159
1 st Main	218	4.930	1.232.146
Total	338	8.455	1.891.734

Table 8. Progress of the Hellenic Cadastre

(Source: Technical Chamber of Greece, <http://www.tee.gr>)



Figure 3. Hellenic Cadastral Program's land coverage

(Source: Technical Chamber of Greece, <http://www.tee.gr>)

The compilation of the Hellenic Cadastre has been completed in several areas, covering approximately 10% of the country. In the above mentioned areas, the cadastral offices have replaced the Mortgage Offices. In other words, Greece is under a transition phase, as the Cadastre is replacing the System of Transcriptions and Mortgages. Hence, nowadays, both systems are valid and the property system depends on whether in the municipality, in which the land parcel is belonging, the Cadastre has been compiled.

Nowadays, the implementation of the Hellenic Cadastre faces problems because of the big delays at the completion of the pilot projects, of the cost's enlargement, and the small covered areas.

D.5 Legislative Framework of the implementation of the HC

More than ten years have passed since the institution of the Hellenic Cadastre Project. In the meantime a great deal of organizational, administrative, legislative, technical and fiscal activity has taken place concerning its implementation. Laws and Technical Specifications are instituted and Cadastral Surveys are executed in various areas of Greece.

Basically, the Hellenic Cadastre is governed by three laws: Law 1647/86, which is the main legislation under which the Hellenic Mapping and Cadastral Organization (HEMCO) was established in 1986, Law 2308/95 "Cadastral survey for the establishment of the National Cadastre", which specifies the procedure by which the cadastral data are collected and validated and Law 2664/98 "National Cadastre and other regulations", which specifies the operation of the cadastre.

The essential step for the implementation of the Cadastre in Greece was the institution of the Law 1647/86. This law established HEMCO, which belongs to the Ministry of Environment, Physical Planning and Public Works that is responsible for the mapping of the country, the implementation and the running of the Cadastre and the creation of Databases of the national resources and the environment. According to this Law, HEMCO is responsible for the preparation of strategies and guidelines for the compilation of the HC. This means that it is responsible for providing the necessary infrastructure data (topographic data and

aerial photography), for the promotion of the project. HEMCO is also developing the legal framework and technical specifications for the cadastral surveys take place all over the country.

The Law 2308/1995 rules the cadastral surveys for the establishment of the HC and describes the adjudication procedure concerning the first registration in the cadastral records and other provisions. This law also established the organization KTIMATOLOGIO S.A., which mission includes the planning, the development and the operation of the National Cadastre. Finally, the Law 2664/98 specifies the operation of the Hellenic Cadastre.

D.6 Principles of the Hellenic Cadastre

The **fundamental principles** concerning the operation of the Hellenic Cadastre (Hellenic Republic, 1998, article 2) are:

1. Cadastral data shall be organized on a parcel basis. This means that each legal land parcel is characterized by a unique identifier and is depicted on the cadastral diagrams.
2. The legality of the requested transactions shall be checked. Each transaction, before being registered in the system, is checked to ensure that its legal prerequisites are met (the submitted titles and the other supporting documents are legally appropriate and sufficient).
3. The chronological order of the transactions to be processed shall be maintained.
4. Public access to the contents of the cadastral books shall be provided.
5. Public trust regarding the cadastral data shall be assured. This means that individuals who make transactions based on the cadastral data are insured against any losses due to data deficiencies or errors.
6. The Cadastre shall be "expandable". This means that, in the future, the Hellenic Cadastre may incorporate additional data other than those specified in Law 2664/98.

D.7 The execution of the project

The project of the HC is under the political supervision of the Ministry of Environment, Physical Planning and Public Works. It is executed through two institutions belong to the government, which are the HEMCO and the KTIMATOLOGIO S.A.

The Hellenic Mapping and Cadastral Organization (HEMCO) was founded by the law 1647 voted by the parliament in 1986. HEMCO is a state organization, under the auspices of the Ministry of Environment, Physical Planning and Public Works. The organization is responsible for the cadastral and mapping activities in Greece. It plays primarily a strategic planning and coordinating role. It has the legislative mandate to develop and operate the Hellenic Cadastre.

The state responsibility for the compilation of the HC has the KTIMATOLOGIO S.A., a private sector company. It is founded in 1996. It is supervised by the Ministry of Environment, Physical Planning, and Public Works, but the Company works based on the principles of private economy. Its main aim is to carry out and manage the project of the Hellenic Cadastre. That means that the Company enhances the administrative, the financial and the technical activities which are necessary for the implementation of the whole program.

The above organizations (HEMCO and KTIMATOLOGIO S.A.) are cooperating on issues related to the development and the operation of the Hellenic Cadastre. The compilation of the HC is a shared public and private responsibility, so it is carried out by the public sector and private companies. Private companies undertake the task of collecting the cadastral data through surveys all over the country, maintaining those data during the collection and validation period, and developing the initial state of the cadastral database.

Major Actors responsible for the implementation of the HC	Actions
Ministry of Environment, Physical Planning & Public Works Ktimatologio S.A. Hellenic Mapping and Cadastral Organization The Greek State and the European Union Private Companies	Overall responsibility Development of the HC Operation of the HC Funding Compilation (Cadastral surveys, etc)

Table 9. Main Actors for the implementation of the Hellenic Cadastre

D.8 Information System of the Hellenic Cadastre

Greece aims to introduce a unique organization responsible for both the collection of all necessary spatial information concerning land parcels and the registration of all legal rights on them. This organization will be supervised by the Ministry of Environment, Physical Planning, and Public Works.

All cartographic and textual information will be in digital form. This digital information will be on a network which allows real-time access. It will also contain additional information such as land uses, land cover and administrative information.

The implementation of the modern Information System at National Level by collection, registration, organization of the digital spatial and the associated legal information and the creation of an effective managing system will continuously serve updated cadastral information.

It should be mentioned that the information collected is in accordance with the distinction of the properties into land parcels, horizontal, vertical and composite vertical ownerships, mines and special property objects.

D 8.1 Model of the Greek Cadastral Database

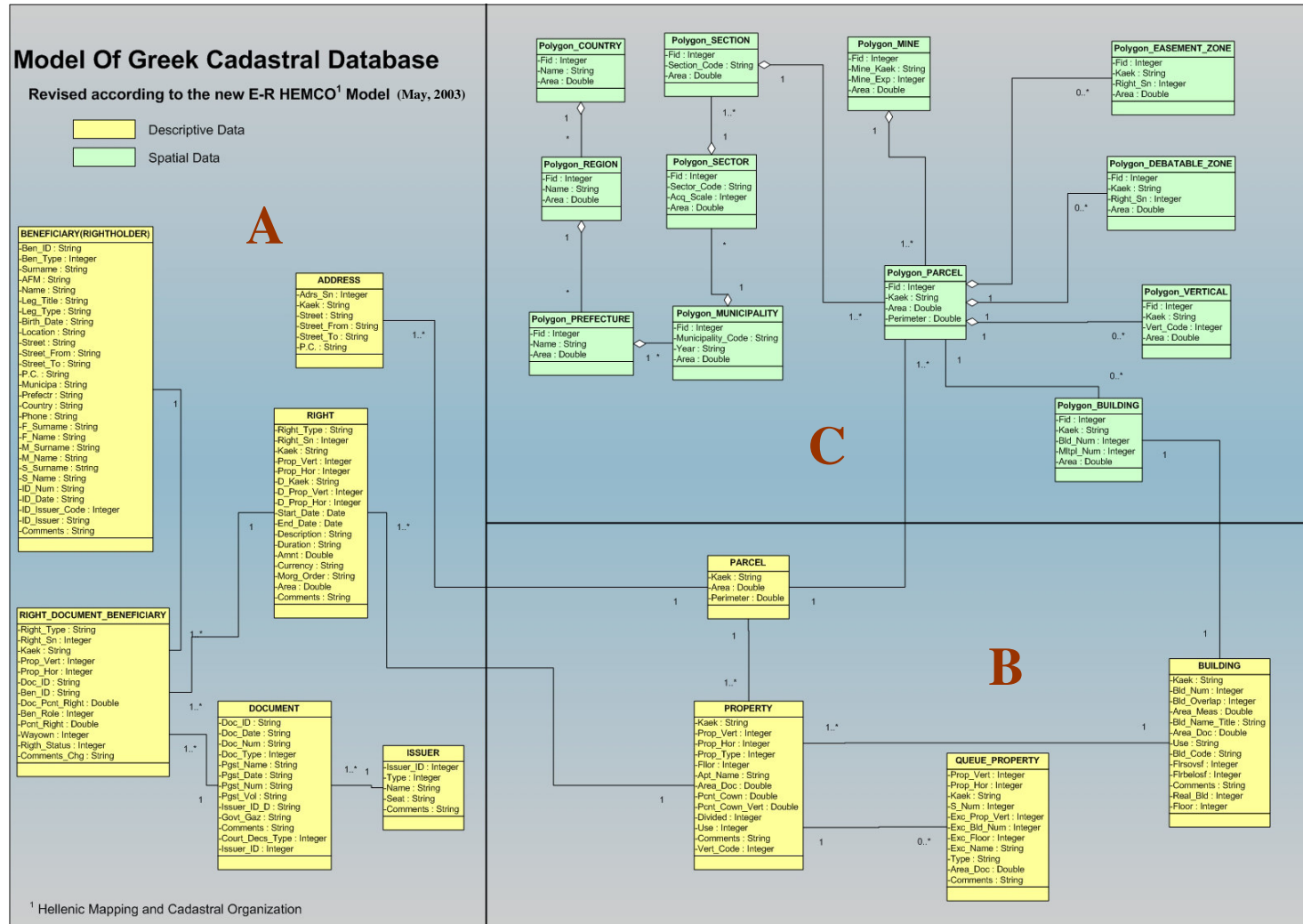


Figure 4. The model of the Greek Cadastral Database
(Source: Based on Technical Specifications provided by
KTHMATOLOGIO S.A., May 2003)

D.9 Cadastral Products

The products that are or may soon be available are:

- Cadastral maps
- Cadastral tables (owners, rights)
- Orthophotos maps
- Photogrammetric and topographic maps
- Air photos
- Levelling data (contours, DTM)
- Forest maps
- Coordinates of trigonometric or other control points
- Administrative boundaries
- Certificates,
- etc.

(Source: C.Potsiou, N. Galidakis, M. Volakakis, P. Doublidis, "The Hellenic Cadastral System: Progress and Future Strategy")

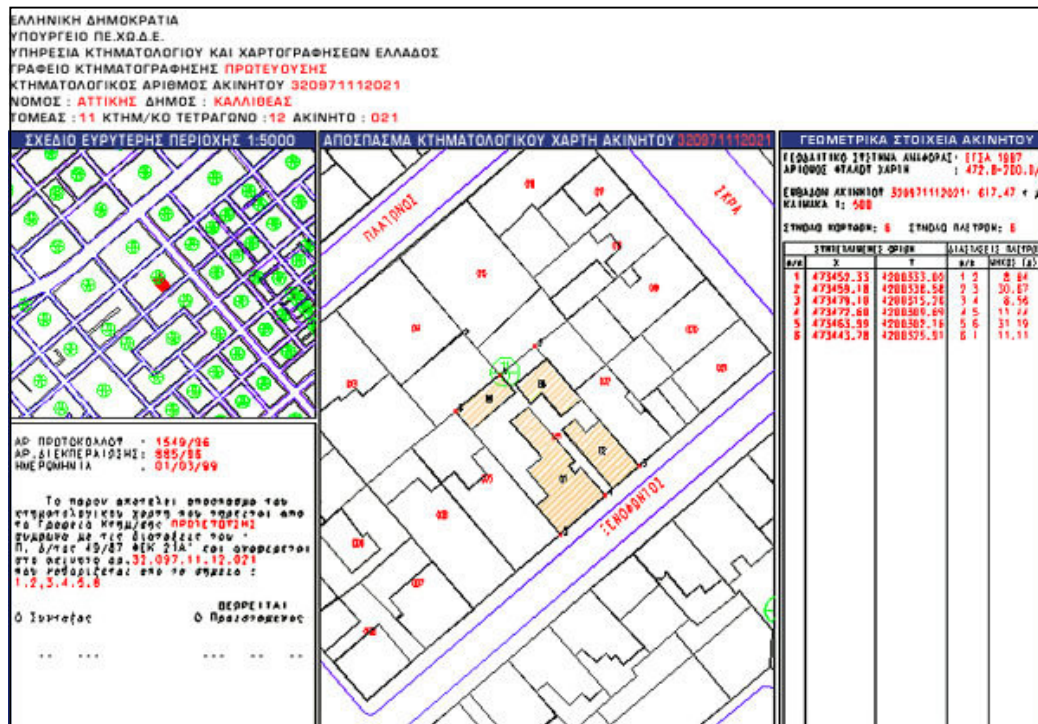


Figure 5. Extract of a Cadastral Map

D.10 Basic characteristics of Cadastral Maps

Greece has started a major cadastral project which aims at the establishment of a new title land registration system based on cadastral maps and unique identification of the parcels which will form the Hellenic Cadastre.

Each land parcel is characterized by the administrative code number (Property Number - KAEK) which is based on the administrative division of the country and consists of 12 digits. The first two refer to the prefecture, the following three to the municipality or the community, the following two to the cadastral sector, the following two to the cadastral unity and the last three to the parcel serial number.

The geodetic reference system (Datum) of the HC is the "Hellenic Geodetic Reference System of 1987", with the GRS'80 as a reference ellipsoid. The projection reference system of the cadastral maps is the "Traverse Mercator" projection.

The main scales used in HC are the scales of 1:1000 for urban and 1:2,000 (special occasions) for suburban areas, 1:5,000 for rural areas and 1:10,000 in forest or mountainous areas. Finally, the accuracy of the cadastral surveys, indicating the accuracy of the cadastral maps, is describing in the following table:

Map scale	Tolerance in X,Y coordinates	Tolerance in Z coordinates
1:1000	40 cm	50 cm
1:5000	200 cm	250 cm
1:10000	400 cm	500 cm

Table 10. Tolerances in cadastral surveys

(Source: C.Potsiou, M.Volakakis, P.Doublidis, "Hellenic cadastre, state of the art experience, proposals and future strategies", National Technical University of Athens, Ktimatologio SA.)

E. DESCRIPTION OF PROPERTY TRANSACTION

In the following templates, standardized within the framework of COST G9, the cases of sale and subdivision as they take place in Greece are described analytically.

E 1.1 A formal description of sale - The Greek case

Activity	Sale recorded in Cadastral or Mortgage office.
Remarks	Up until today the valid land registration system in Greece, is the System of Transcriptions and Mortgages, which is realized by the Mortgage Offices. From the year 1997, a serious effort of compiling the Hellenic Cadastre has been started. Numerous areas are under cadastral compilation nowadays. In some areas the Cadastre is complete and the Cadastral Offices have replaced or working simultaneously with the Mortgage Offices.
Context	Owner sells a land parcel to a natural or legal person.
Actors	<i>Active:</i> Owner, buyer, notary, lawyer, Cadastral or Mortgage Office. <i>Passive:</i> Holders of rights in the unit, Real Property Agency, Municipality, neighbours, Bank, Taxation Office, other public services.
Trigger	The owner motivates the purchase by addressing to a Real Estate agency, or by putting an add in a newspaper in order to come in contact with the candidate buyer. On the other hand the buyer can address to an intercessor to find a suitable real property.
Pre-conditions	<ol style="list-style-type: none"> 1. Assent on selling the real property by the joint owners in case there isn't only one person that holds the real property. 2. Settlement of any under sale property's debt by the owner to the Taxation Office. 3. Elimination of any mortgage that charges the real property by the owner. The existing mortgages can be transferred together with the ownership with a pre-arrangement between the owner and the buyer. This condition must be included in the deed that the notary will draw up. From that moment the new owner undertakes the mortgage's elimination. 4. Existing servitude on the real property is transferred together with the ownership.

Sub-activities

1. By taking the decision to sell the real property, the owner addresses either to a Real Estate agency or to an intercessor, or finally to newspaper notices in order to come in contact with the candidate buyer. On the other hand the buyer can address to an intercessor to find a suitable real property.
2. The owner and the buyer make an agreement about the price of the purchase and the way of settlement. In that point they can make a pre-contact which they both sign.
3. The owner and the buyer appeal to separate lawyers if the land parcel is located in Athens or Thessaloniki and the price of the purchase is over 12.000€, otherwise the buyer only appeals to a lawyer.
4. The buyer's lawyer controls the under sale property's title regarding the last twenty years. The potential of existence of any charge such as a mortgage, servitude the requisition from any other Natural or Legal Person or the State are investigated. In the case where the land parcel has been transferred to the owner from heritage, the relative documents are checked. The buyer can interrupt the procedure of property transaction based on the lawyer's checking.
5. The owner hires a surveyor in order to design a plan depicting the real property. He can also use a recent plan, which the surveyor updates according to the new changes.
6. The surveyor collects the required data (regulations, detailed cadastral map, ownership data, easements etc.) from the owner, and the Cadastral or Mortgage Office, and designs the real property's plan.
7. The surveyor is paid by the owner or/and the buyer, depending on the deal that have been made between the owner and the buyer.
8. The owner and the buyer collect the necessary documents (including the plan depicting the real property, documents from the Taxation Office, the Municipality and other authorities and finally some forms they ought to fill in before addressing to a notary.
9. The above mentioned checking concerning the property's title is usually also made by the notary, who checks all the documents that the transaction parties have concentrated.
10. Finally the notary calculates the fiscal value of the real property, draws up the deed (purchase deed) which the owner and the buyer sign.
11. The buyer pays the real property transfer tax to the Taxation Office. He pays diminished transaction costs, in case he buys a real property for a first time.
12. It is up to the new owner or to the notary to deliver the necessary documents to the land registry authority (Cadastral Office or Mortgage Office).
13. The buyer pays the price of purchase to the initial owner according to the way of settlement that the notary has defined in the purchase deed.
14. The new owner can address to a bank in order to take a loan.
15. A special officer of the bank checks the deed and other necessary documents the buyer ought to collect and defines if the loaning is permitted.
16. The land registry system registers the new title. If the Cadastre is compiled in the area where the real property is located, the new owner

	<p>addresses to the Cadastral Office in order to register the property transaction otherwise he addresses to the Office of Transcriptions and Mortgages.</p> <p>17. The cadastral or the mortgage officer checks for the legality of the documents. If the checking is valid the new title is registered. In the Cadastral System, if the check is not valid or there is any lack in the prerequisite documents, the new registration gets a temporary character until the new owner brings all the appropriate documents. The temporary registration is being removed from the database after a short period of time in case the owner doesn't arrange the issue. On the other hand the registration is permanent and the cadastral authority updates the descriptive cadastral database.</p> <p>18. The new owner pays the fee to the registry authority.</p>
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E 1.2 A formal description of subdivision - The Greek case

Activity	Subdivision recorded in Cadastral or Mortgage office.
Remarks	Up until today the valid land registration system in Greece, is the System of Transcriptions and Mortgages, which is realized by the Mortgage Offices. From the year 1997, a serious effort of compiling the Hellenic Cadastre has been started. Numerous areas are under cadastral compilation nowadays. In some areas the Cadastre is complete and the Cadastral Offices have replaced or working simultaneously with the Mortgage Offices.
General Context	Owner sells a parcel of his unit of real estate or a Natural or Legal person inherits the subdivided parcel.
Special context	A public authority may perform a construction project or an expropriation process.
Actors	<i>Active:</i> Owner, buyer or inheritor, surveyor, lawyer, notary, Cadastral or Mortgage Office <i>Passive:</i> Holders of rights in the unit, Municipality, neighbours, Bank, Taxation Office, Municipality, Urban Planning Office, Office of Ministry of Agriculture, other public services.
Trigger	The owner motivates the subdivision by requesting the service of a surveyor or an authority performs a construction project or an expropriation process.

<p>Pre-conditions</p>	<ol style="list-style-type: none"> 1. The surveyor checks for the minimum area/dimensions of the subdivided land parcels, which the legislation defines. 2. The surveyor checks if the created land parcels are buildable according to the urban planning legislation, in case the initial land parcel is placed inside the urban area. 3. The surveyor checks if the land parcel originates from a land consolidation or a distribution that the Ministry of Agriculture had executed. In that case is subdivision is forbidden. 4. Elimination of any mortgage that charges the real property by the owner. The existing mortgages can be transferred together with the ownership with a pre-arrangement between the owner and the buyer. This condition must be included in the deed that the notary will draw up. From that moment the new owner undertakes the mortgage's elimination. 5. Settlement of any under subdivided property's debt by the owner to the Taxation Office.
<p>Sub-activities</p>	<ol style="list-style-type: none"> 1. By taking the decision to sell a parcel of the real property, the owner addresses either to a Real Estate agency or to an intercessor, or finally to newspaper notices in order to come in contact with the candidate buyer. On the other hand the buyer can address to an intercessor to find a suitable real property. 2. The owner receives a certification from the relevant authority (the Urban Planning Office or the Office of Ministry of Agriculture). 3. The owner motivates the subdivision by hiring a surveyor in order to design a plan depicting the real property and the subdivided parcels. 4. If the Cadastre has compiled in the area which the real property is located, the owner applies to the Cadastral office for a cadastral diagram and the number of the land parcel that will be divided. 5. The surveyor collects the required data (regulations, detailed cadastral map, ownership data, easements etc.) from the owner, and the Cadastral or Mortgage Office. 6. The surveyor depicts in a sketch the land parcels and updates the sketch according to the mutation that took place. He names the new created points in the cadastral map and gives a table of coordinates of the new points in the Hellenic Geodetic Reference System 1987. He signs and seals all the above mentioned papers. 7. All these documents (cadastral map of parcel and report) are delivered by the surveyor to the owner. 8. The owner and the buyer make an agreement about the price of the purchase and the way of settlement. In that point they can make a pre-contact which they both sign. 9. The surveyor usually establishes the new boundary points according to the subdivision process. 10. The surveyor is paid by the owner or/and the buyer, depending on the deal that have been made between the owner and the buyer. 11. The owner and the buyer appeal to separate lawyers if the land parcel is located in Athens or Thessaloniki and the price of the purchase is over 12.000€, otherwise the buyer only appeals to a lawyer. 12. The buyer's lawyer controls the under sale property's title regarding the last

	<p>twenty years. The potential of existence of any charge such as a mortgage, servitude the requisition from any other Natural or Legal Person or the State are investigated. In the case where the land parcel has been transferred to the owner from heritage, the relative documents are checked. The buyer can interrupt the procedure of property transaction based on the lawyer's checking.</p> <ol style="list-style-type: none"> 13. The owner and the buyer collect the necessary documents (including the plan depicting the real property, documents from the Taxation Office, the Municipality and other authorities and finally some forms they ought to fill in) before addressing to a notary. 14. The above mentioned checking concerning the property's title is usually also made by the notary, who checks all the documents that the transaction parties have concentrated. 15. Finally the notary calculates the fiscal value of the under sale real property, draws up the deed (purchase deed) which the owner and the buyer sign. 16. The buyer pays the real property transfer tax to the Taxation Office. He pays diminished transaction costs, in case he buys a real property for a first time. 17. It is up to the transaction parties or to the notary to deliver the deed, the plan of subdivided land parcels and the rest of the documents to the land registry authority (Cadastral Office or Mortgage Office). 18. The buyer pays the price of purchase to the initial owner according to the way of settlement that the notary has defined in the purchase deed. 19. The buyer of the subdivided land parcel can address to a bank in order to take a loan. 20. A special officer of the bank checks the pre-contact and other necessary documents that the buyer ought to collect and defines if the loaning is permitted. 21. The cadastral or the mortgage officer checks for the legality of the documents. If the checking is valid the new titles are registered. In the Cadastral System, if the check is not valid or there is any lack in the prerequisite documents, the new registrations get a temporary character until the transaction parties bring all the appropriate documents. The temporary registrations are being removed from the database after a short period of time in case they don't arrange the issue. On the other hand the registrations are permanent and the cadastral authority updates the descriptive and the spatial cadastral database. 22. Both the initial and the new owner pay the fees to the registry authority.
Variations	<p>In the case an authority (for example the municipality, etc.) carries out a construction project or an expropriation process the owner is informed about the new boundaries according to the administrative process. The State reimburses the owners of the expropriated real properties.</p>

F. MODELLING THE PROPERTY TRANSACTIONS

F.1 Modelling property transactions using the UML

The contemporary tendencies of globalization have inevitably influenced the field of Cadastre. The transactions that are carried out from persons and organizations from different countries, gain continuously more territory, bringing simultaneously the problems that spring from the particularities of the Register Systems and the legal acts of each country. For these reasons, it is of high importance the need for modelling the cadastral transactions. The tool that is used in order to solve the communication problems and the information exchange problems between the different cadastral systems is the Unified Modelling Language (UML). UML is a graphical language which is used for the designing of mainly object – oriented applications, offering at the same time the possibility of visualization and documentation of flow charts of processes within an organization, as well as the planning of systems requirements. The UML graphical modelling language constitutes the best way of ontological modelling, because it provides a rich and a widespread known vocabulary of communication and standardized graphical representations. (Source: A.Arvanitis, E.Hamilou, "Modelling Cadastral Transactions Using UML in Greece" FIG Athens, 2004.)

Regarding the effects of modelling on international level, the modelling of cadastral transactions with the use of a widespread known graphical language, like UML, entails the successful information exchange and communication between the various cadastral systems. Consequently, the transactions between two countries are simplified, in a way that the actors of the transaction are aware of their responsibilities and their obligations towards the current Registry System of each country. The model that will be created for each country constitutes a standard of efficiency and faculty and it will improve the cadastral processes, regarding to the reduction of the transaction costs as well as their duration, and increases the transparency of the real property markets.

The diagrams that are being selected in order to model the property transactions are the activity diagram and the use case diagram of the Unified Modelling Language. The activity diagram represents the activities

that are realized and the operations that should have been executed within a system and the use case diagram represents the interaction between the different actors and the system. By using the appropriate UML symbolisms the output models will depict the procedures of property transactions and the actors who are involved in them, from the time that one provokes the selected transaction until its completion.

F 1.1 Modelling the transaction of the sale – Greek case

In order the property transfer to be realized the buyer addresses either to a Real Estate agency, or checks over the newspaper notices in order to come in contact with the seller. The real estate agent, as far as his professional jurisdiction is concerned, he mediates in the selling of a real estate, as he represents a professional class that helps the transactions by finding and offering real estate for a certain consideration. As soon as the seller finds a buyer, he presents the ownership title to the notary for the drawing up of the declaration-statement of the Transfer Tax, which is submitted prior to the drawing up of the contract, together with the Sheets of Objective Estimation of the Value of the real estate to the competent Taxation Office for the payment of the corresponding transfer tax. An attested copy of the statement together with the duplicate receipt of the payment of the transfer tax, which is attached to the contract, are presented to the notary public who will draw up the contract.

Likewise prior to the drawing up of the contract, a control of the ownership title, which is of the proprietorship of the seller, and it is performed by the Lawyer appointed by the buyer. This control includes checking owner's property rights, regarding the last twenty years. Moreover, the potential of existence of any charge such as a mortgage, servitude the requisition from any other Natural or Legal Person or the State are investigated. In the case where the land parcel has been transferred to the owner from heritage, the relative documents are checked. In case the real property has been registered from the Cadastral System, the seller addresses to the cadastral office in order to receive an updated cadastral diagram, otherwise he hires a surveyor for depicting a plan of the real property.

After that, the notary calculates the objective (usually) value of the real property, draws up the deed, and finally the owner and buyer sign it. The sale contract in case the price that is stated exceeds the amount of – 11,738.00 – and the land parcel is located in Athens or Thessaloniki Euros, is drawn up according to a plan of Lawyers. There are also some documents from different public services that need to be attached to the contract.

Instead of the final contract, it is possible to draw up a preliminary contract, however this action since it concerns real estate, in order to be valid it has to be conducted only by means of a notary public instrument. The preliminary agreement establishes bilaterally only contractual obligations (Municipality, Taxation Office, etc).

After the sign of the deed, it is up to the notary or to the new owner to register the action to the appropriate land registry. If the Cadastre is compiled in the area where the land parcel is placed, the new owner addresses to the Cadastral Office in order to register the property transaction otherwise he addresses to the Office of Transcriptions and Mortgages. The new property registration is recorded after the necessary check of property's title. The control concerns the legality of the title and the relevant documents. In the Cadastral System, if the check is not valid or there is any lack in the prerequisite documents, the new registration gets a temporary character until the owner brings all the appropriate documents. The temporary registration is being removed from the database after a short period of time in case the owner doesn't arrange the issue. On the other hand, the registration is permanent.

The case of the sale does not involve any change of the spatial data, so the cadastral diagrams are not been updated. On the other hand, it affects the descriptive data. The records concerning the initial rights and the initial beneficiaries are firstly registered in a separate database before their removal from the original database.

The payment of the purchase is performed prior or after the contract on the condition of an annulling clause in case the payment is delayed or the buyer refuses to pay off the price. The buyer may finance his purchase, either by mortgaging the real estate he purchases or by mortgaging some other real estate property of his. In Greece, the citizens

at a quite great rate resort to borrowing from banks in order to proceed to the purchase of a house. This happens because in Greece there is a legislative regulation in regard with “means of acquisition” of the money a citizen affords for the purchase of a house. That is, he should justify the legitimacy of the acquisition of the money that he will afford for the purchase of real estate, a fact that is not always easy. Thus he obligatorily resorts to borrowing. This by definition also means the mortgage of the real estate that is being bought.

In the following figures, an activity diagram and a use case diagram are depicted, describing the property transaction of the sale that takes place in Greece. It should be mentioned that a couple of figures for each diagram have been designed depending on the current registration system which is valid.

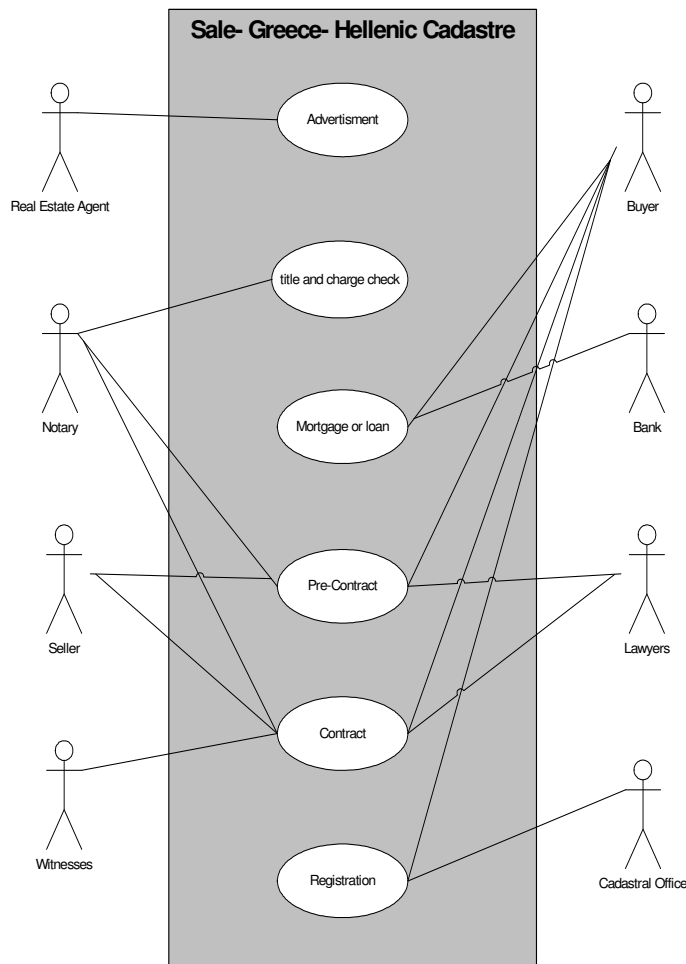


Figure 6. Use Case Diagram for the sale in Greece (Hellenic Cadastre)

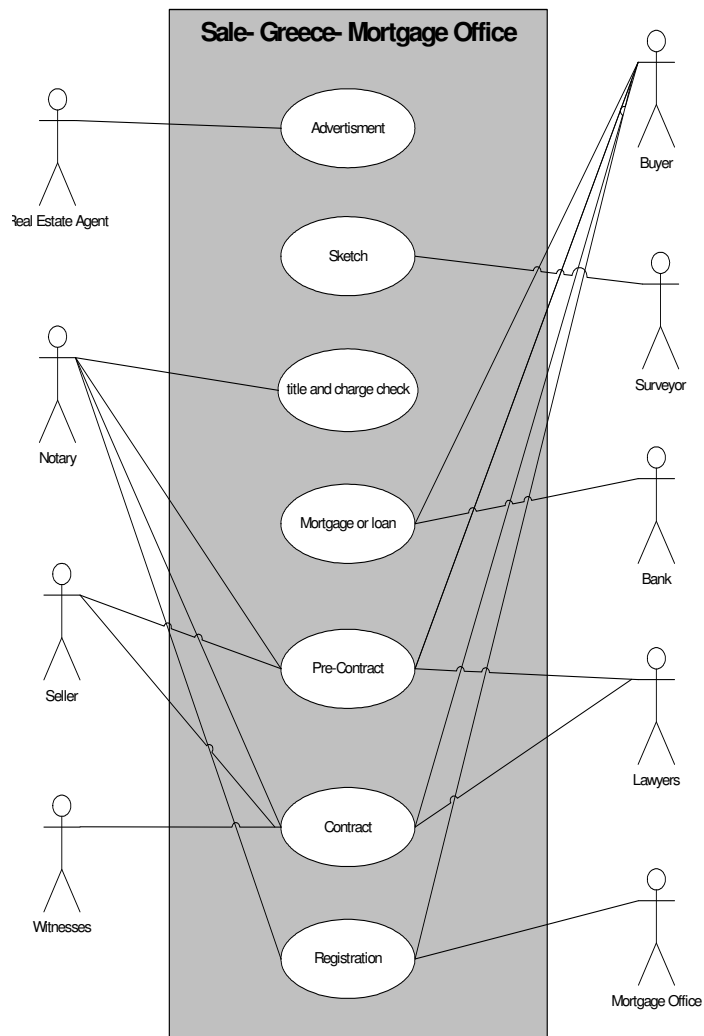


Figure 7. Use Case Diagram for the sale in Greece
(System of Transcriptions and Mortgages)

(Source: T,Koukopoulou, "Comparison of Modeling Property Transactions between Greece and Sweden", Report on the Short-Term Scientific Mission, 2005)

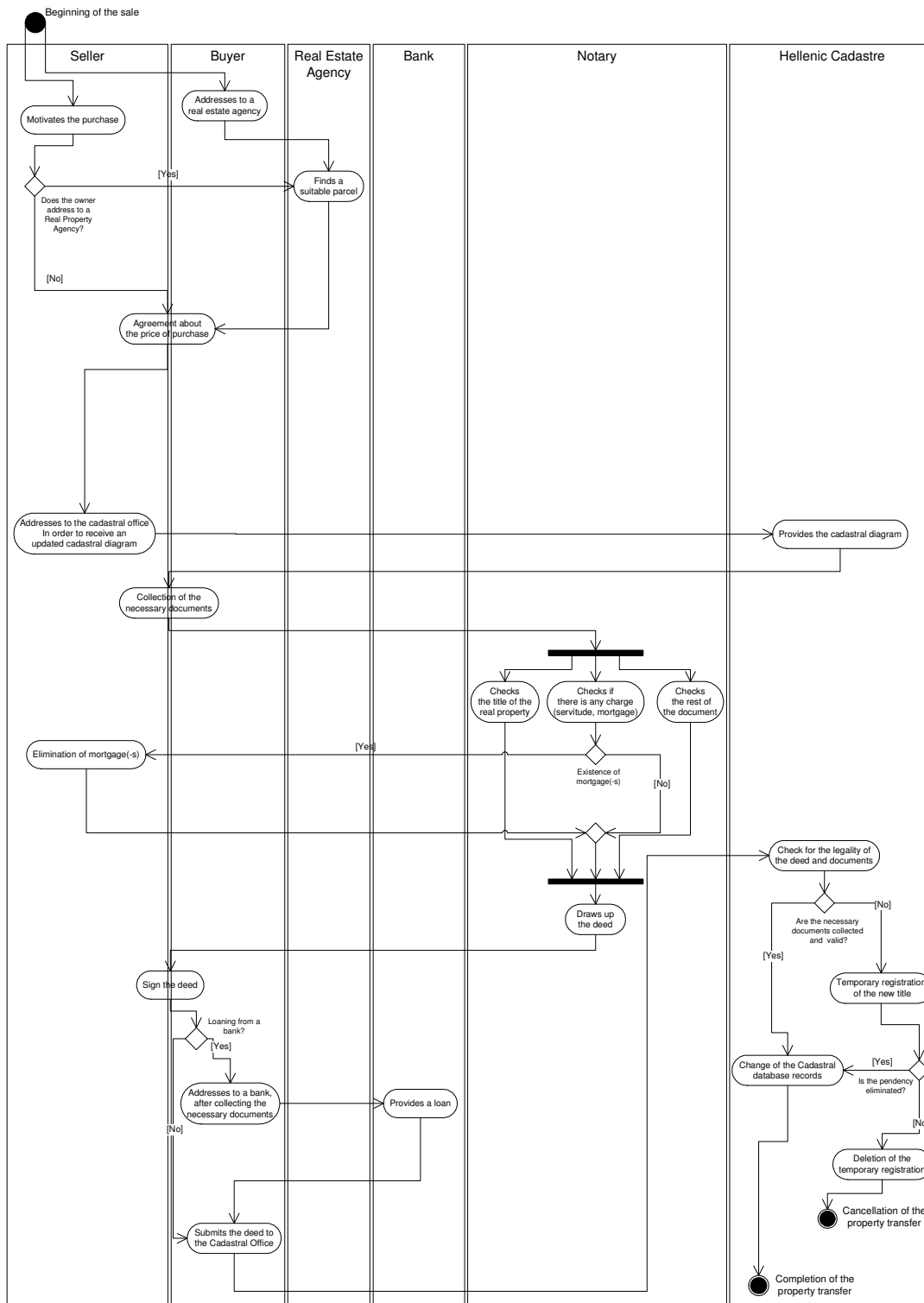


Figure 8. Activity Diagram for the sale in Greece (Hellenic Cadastre)

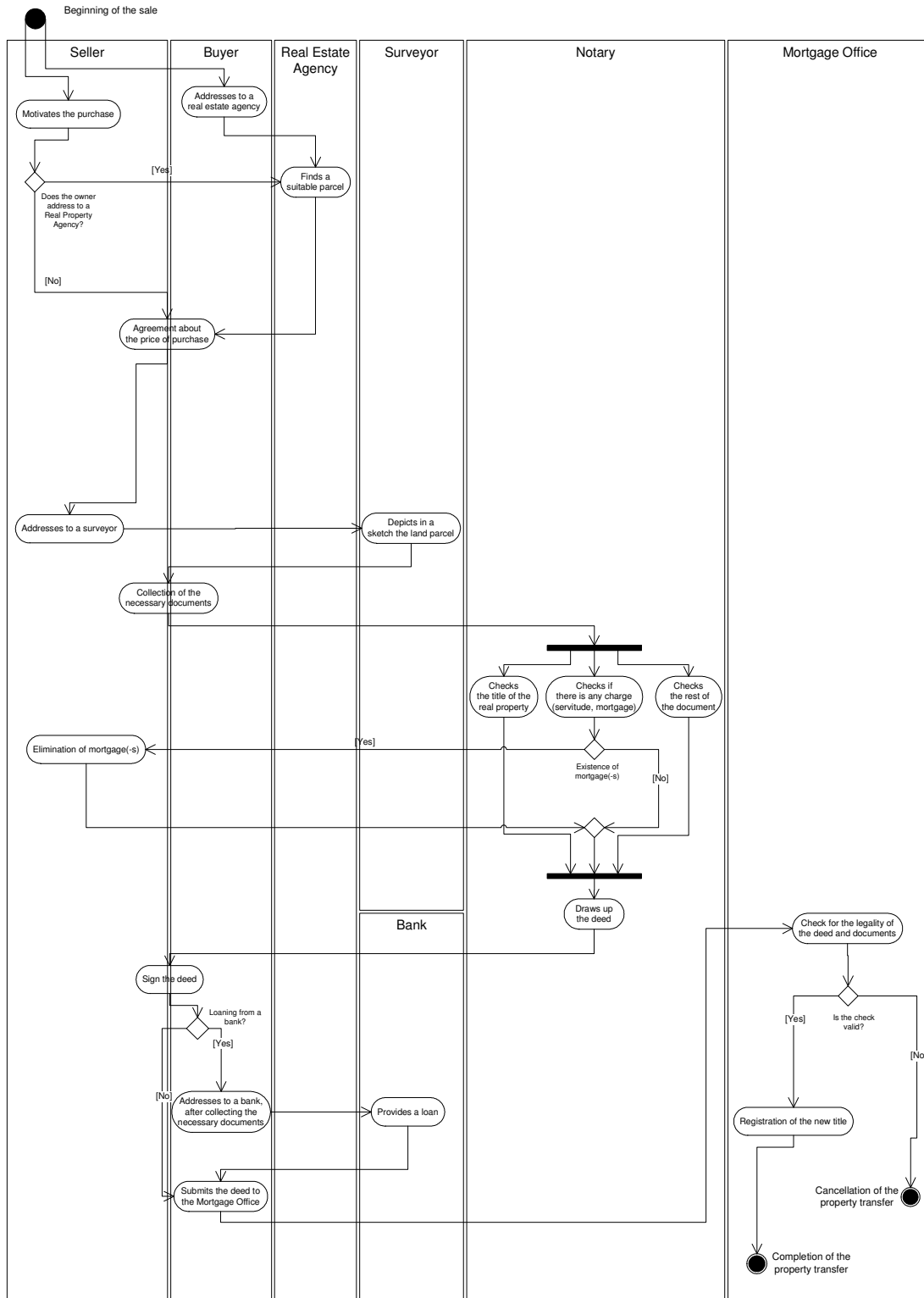


Figure 9. Activity Diagram for the sale in Greece
(System of Transcriptions and Mortgages)

(Source: A.Sismanidis, "Modelling the cadastral transactions of sale and subdivision in Greece – Modelling the spatial data of Hellenic Cadastre and generating the geodatabase schema" in COST Action G9, Székesfehérvár, Hungary, 2004.)

F 1.2 Modelling the transaction of the subdivision – Greek case

The subdivision can be motivated either by a Natural or a Legal person. The subdivision in Greece usually takes place when the owner has decided to transfer a part of the initial land parcel. This person addresses to a surveyor in order to check the documents concerning the real property.

The surveyor does the following:

- Depicts in a sketch the land parcels and update the sketch according to the mutation that took place.
- Names the new created points in the cadastral map.
- Gives a table of coordinates of the new points in the Hellenic Geodetic Reference System 1987 (HGRS87)
- Checks out for any deviations of the shape or the area based on the tolerances given by the technical specifications of the Hellenic Cadastre
- Signs and seals all the above mentioned papers
- Because there are some cases where the subdivision of a land parcel is forbidden in Greece, the surveyor also checks if the subdivision of the specific land parcel is permitted by the law restrictions.

After that, the owner addresses to the relevant office (Urban Planning Office or the Office of Ministry of Agriculture) in order to receive a certification that the parcel's subdivision is permitted. Then he addresses to a notary in order to check the owner's property rights, regarding the last twenty years. Moreover, the potential of existence of any charge such as a mortgage, a servitude, or requisition from any other Natural or Legal Person or the State are investigated. In the case where the land parcel has been transferred to the owner from heritage, the relative documents are checked. The notary also checks some other documents which owner collects including documents from the Taxation Office, the Municipality and some forms he ought to fill in. After that, the notary calculates the economic value of the real property, draws up the deeds, which he finally signs.

After the sign of the deed, it is up to the notary or to the owner to register the action to the appropriate land registry. If the Cadastre is compiled in the area where the land parcel is placed, the owner addresses to the Cadastral Office in order to register the property transaction otherwise he addresses to the Office of Transcriptions and Mortgages. The new property registration is recorded after the necessary check of property's title. The control concerns the legality of the title and the relevant documents. In the Cadastral System, if the check is not valid or there is any lack in the prerequisite documents, the new registration gets a temporary character until the owner brings all the appropriate documents. The temporary registration is being removed from the database after a short period of time in case the owner doesn't arrange the issue. On the other hand the registration is permanent.

The payment of the purchase is performed prior or after the contract on the condition of an annulling clause in case the payment is delayed or the buyer refuses to pay off the price.

In the following figures, an activity diagram and a use case diagram are depicted, describing the property transaction of the subdivision that takes place in Greece. It should be mentioned that a couple of figures for each diagram have been designed depending on the current registration system which is valid.

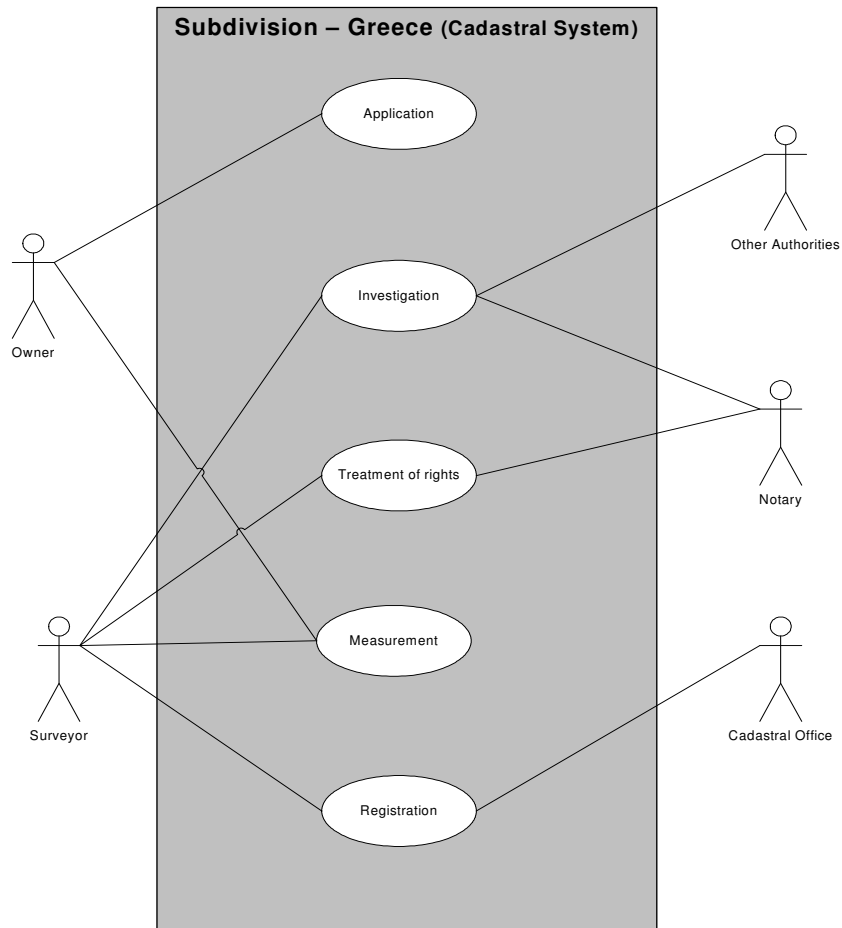


Figure 10. Use Case Diagram for the subdivision in Greece (Hellenic Cadastre)

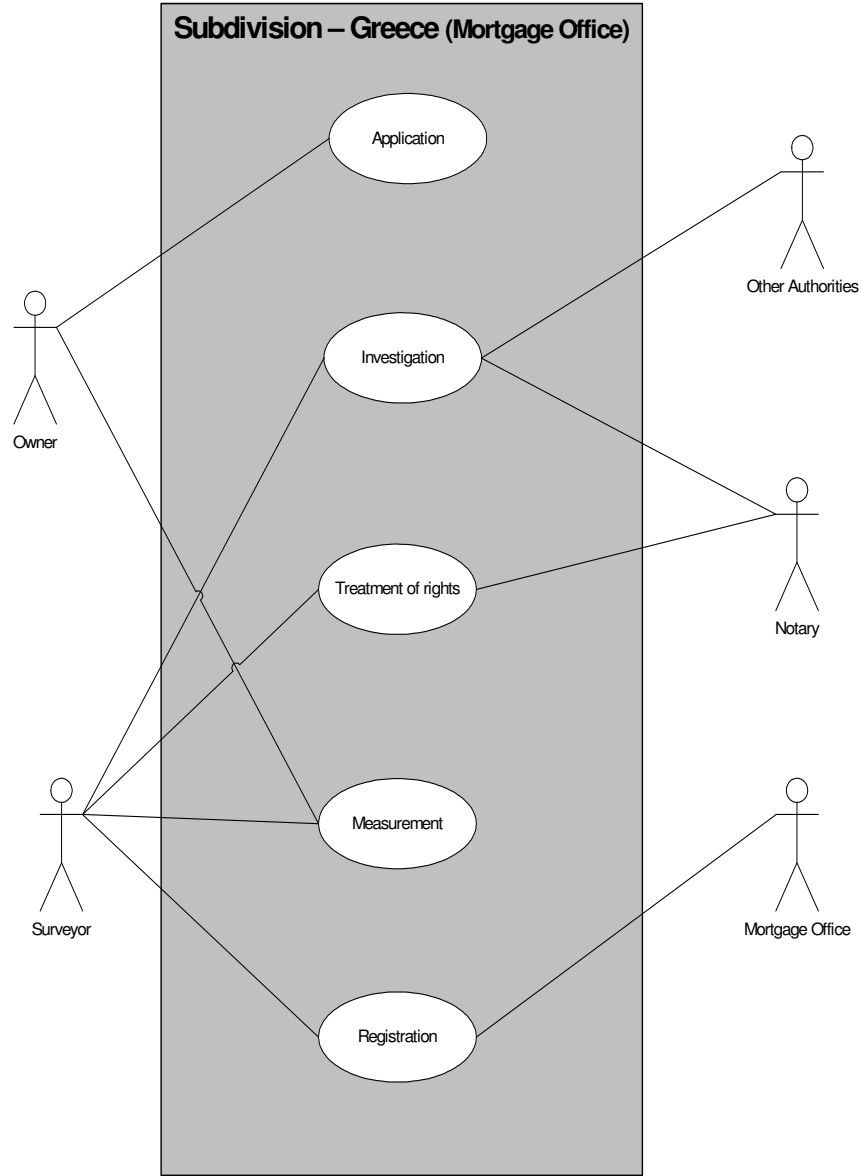


Figure 11. Use Case Diagram for the subdivision in Greece
(System of Transcriptions and Mortgages)

(Source: T,Koukopoulou, "Comparison of Modeling Property Transactions between Greece and Sweden", Report on the Short-Term Scientific Mission, 2005)

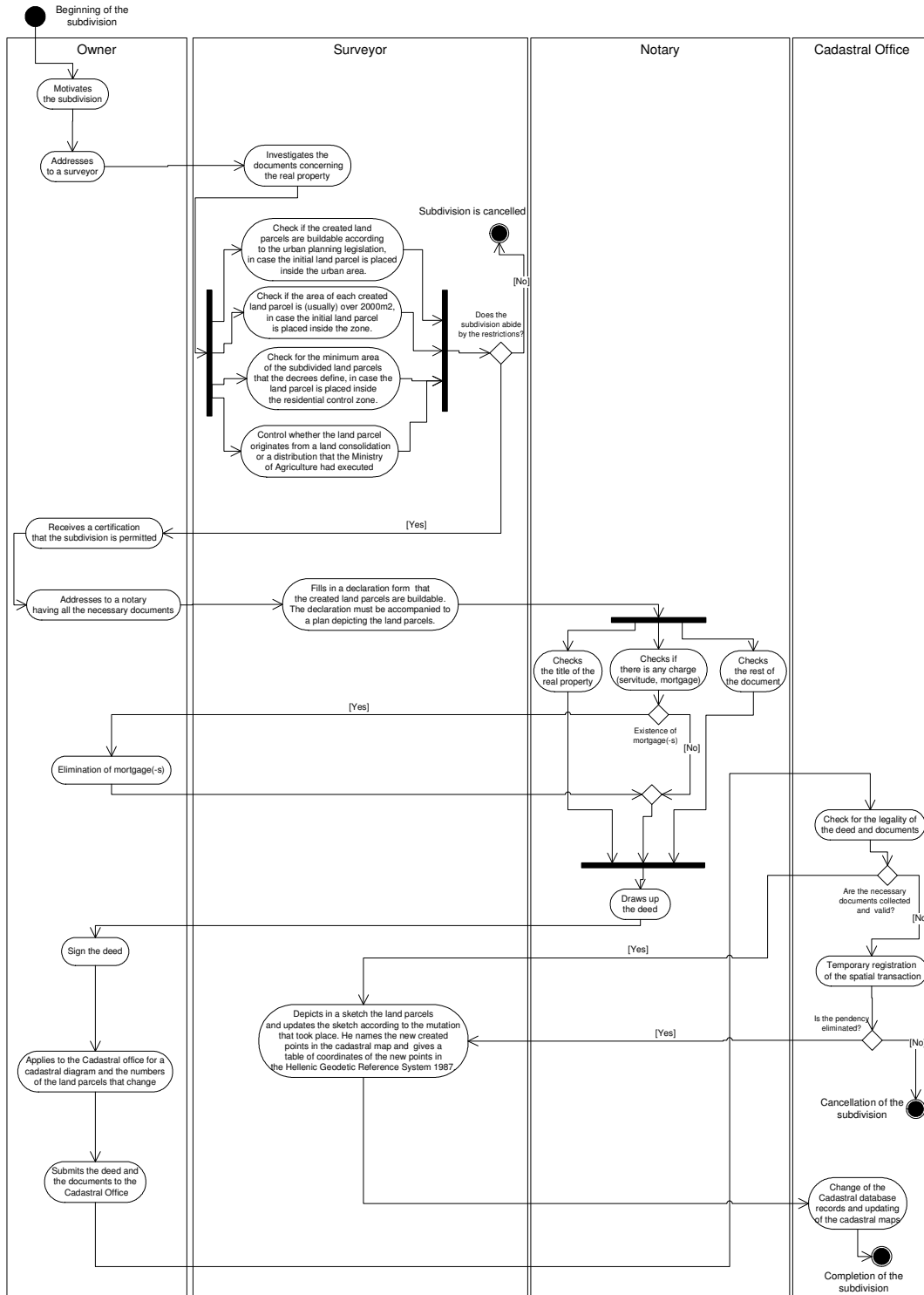


Figure 12. Activity Diagram for the subdivision in Greece (Hellenic Cadastre)

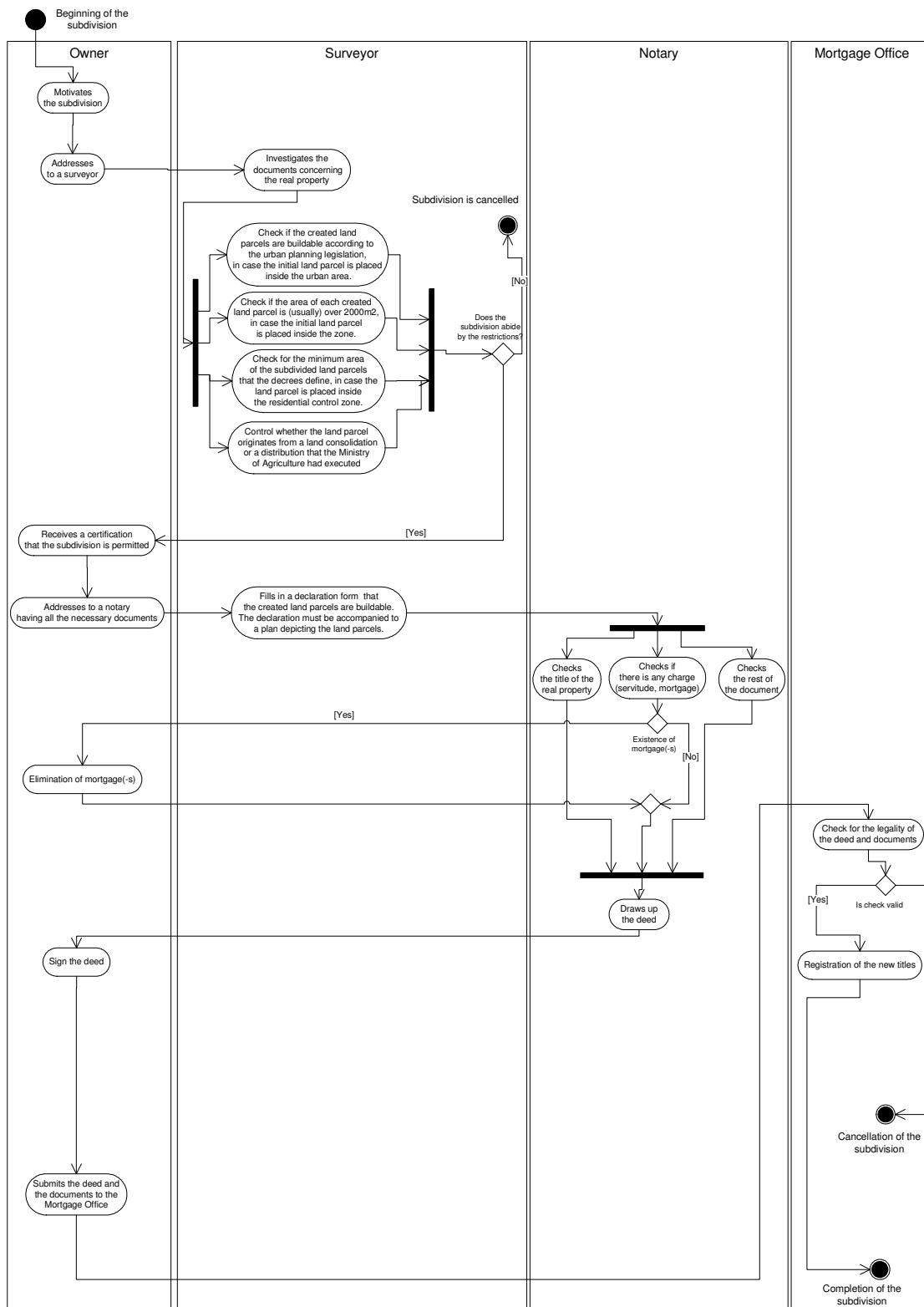


Figure 13. Activity Diagram for the subdivision in Greece
(System of Transcriptions and Mortgages)

(Source: A.Sismanidis, "Modelling the cadastral transactions of sale and subdivision in Greece – Modelling the spatial data of Hellenic Cadastre and generating the geodatabase schema" in COST Action G9, Székesfehérvár, Hungary, 2004.)

G. TAXES AND DURATION OF PROPERTY TRANSACTIONS

G.1 Taxes in Real Property Transactions in Greece

The objective method of valuation is implemented for properties inside or outside urban areas, and it is used for taxation purposes. It is applied by the Ministry of Finance, and it is the only method approved by the Greek law. In order to calculate the tax, the value of the land parcel on the 1st of January of the current year is taken into account. are presented in the following table:

Sale Taxes
Inheritance Taxes The main taxes which are assessed in the property transactions
Grant Taxes
Other Transfer Taxes (exchange, merge, e.t.c.)

Table 11. Kind of Taxes in Property transactions

(Source: A,Arvanitis, S.Koukopoulou, A.Sismanidis, "Taxes in Real Property Transactions in Greece" in COST Action G9, in Grange Over Sands, England, 2005)

Sententiously, the transfer tax in sales is (normally):

- 7% of the property value for rural areas and $\leq 15000\text{€}$
- 9% for rural areas and property value $>15000\text{€}$
- 9% for urban areas and property value $\leq 15000\text{€}$
- 10 -11% for urban areas and property value $>15000\text{€}$

The persons and main constitutions that are entitled to a tax exemption for buying a first residence or first a building plot are:

- Permanent residents of Greece
- Greeks or fellow countrymen who have worked abroad for six years minimum and are registered in the municipal rolls
- Public Organizations
- Churches
- Monasteries
- Non – profit organizations

In the first case the main condition in order the person to be entitled to the tax exemption is that the property should remain under his ownership for at least five years.

In a more detail way, for buying a first residence the tax exemption is applied in a different way, depending on the familial situation of the person. Analytically, the tax exemption is applied for the amount of:

- 65 000 € in unmarried persons
- 100 000 € in married, divorced, widowed, or unmarried parents
 - +20 000 € for each one of the first two children
 - +30 000 € for each one the third, forth child e.t.c.

In the case of buying a buildable land parcel, the tax exemption is applied for the amount of:

- 30 000 € in unmarried persons
- 55 000 € in married, divorced, widowed, or unmarried parents
 - +8 000 € for each one of the first two children
 - +10 000 € for each one the third, forth e.t.c. child

Regarding the inheritance and grant taxes in transferring a residence or a buildable land parcel the taxation rates are classified into five different categories, which are the following:

- Class A – Children, Parents, Spouses: 5 – 25%
- Class B – Grand Children, Brothers, Sisters: 10 – 35%
- Class C – Step parents, Sons in law: 20 – 25%
- Class D: All the rest: 35 – 65%

Respectively, the persons and the main constitutions that are entitled to a tax exemption are:

- Person who inherits from devisor whose death occurred before 31/12/1984
- Public Organizations
- Temples
- Non – profit organizations (Greek and foreigner)
- Political Parties
- Olympic and National Gyms
- Universities
- Public Hospitals

In order a residence or a buildable land parcel or an agricultural land to be inherited there are special law provisions which define the maximum tax free amount and other tax exemptions.

Finally, there are some other kinds of transfer taxes, such as:

- Exchange Tax: 5,5%
- Merge Tax: 5,5 %
- Allotment Tax: 2,75%
- Adverse Possession Tax: 9 – 11%

For the completing of the mentioned real property transactions a registration to the land registration System is required. The expenses are different according to the current registration system.

- Transcription Fees (Mortgage System): 4,5 - 7,5 o/oo
- Cadastral Record Fees (Hellenic Cadastre): 20 €

G.2 Duration of Real Property Transactions in Greece

In the following example the case of sale is described analytically concerning the duration of each process of the real property transaction that is realised, from the time that one provokes the transaction up to its completion. The process is analysed in two different ways, depending on the minimum and the maximum duration of each procedure that is required in order to be completed. Aside from this, the case of loaning by the candidate buyer is taken into consideration which is analysed as the above way (maximum – minimum duration of each procedure of the loaning).

It should be mentioned that the following data have been resulted from recently completed transactions, after contacting with some qualified persons and competent organizations (lawyers, notaries, Taxation Offices, Municipalities' Offices, etc). (Source: Arvanitis, E.Baziota, "Economic Aspects of Property Transaction in Greece", COST Action G9, Helsinki, Finland 13-15 May 2004.)

G 1.1 Case of Sale – (minimum duration)

1. Owner addresses to a Real Estate Agency	1d
2. Real Estate Agency finds buyer	8d
3. Buyer's lawyer researches the land parcel existence of servitude and claims	2d
4. Buyer and seller hire a notary	1d
5. Surveyor compiles a diagram	4d
6. Buyer deposits transfer tax at the Taxation Office	4d
7. Insurance payment certification	2d
8. Buyer deposits taxation insurance	2d
9. Real property certificate from the municipality	2d
10. General Organization of land reclamation from the municipality	2d
11. Buyer's Family status certification from the municipality if the property is the first residence	1d
12. Owners and buyers declarations considering administrative and technical details	1d
13. Certificate from HEMCO that the parcel has been declared at the cadastre and the cadastral diagram	5d
14. Table from the land readjustment from the urban planning office	2d
15. Certificate that all debts at the municipality are paid	2d
16. Certificate that the ownership has been declared	2d
17. The bank's approval (necessary in case of loan)	2d
18. Notary draws up deeds	4d
19. a)Transcription at the Mortgage Office	2d
20. or b)Application for registration of the transaction to the cadastral office (in a completed cadastre)	5d

(d=day/s)

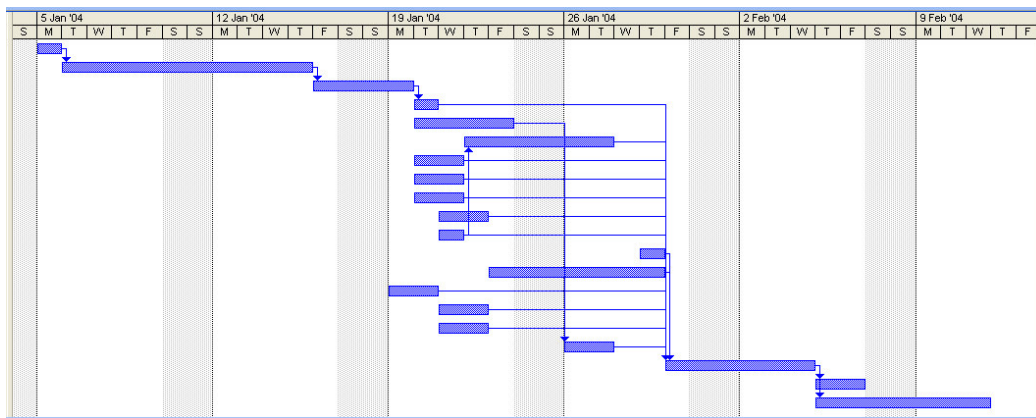


Figure 14. Duration of procedures of the sale (min)

Case of Sale – (maximum duration)

1. Owner addresses to a Real Estate Agency	1d
2. Real Estate Agency finds buyer	8d
3. Buyer's lawyer researches the land parcel existence of servitude and claims	2d
4. Debts repayment	8d
5. Buyer and seller hire a notary	1d
6. Surveyor compiles a diagram	4d
7. Buyer deposits transfer tax at the Taxation Office	5d
8. Insurance payment certification	2d
9. Buyer deposits taxation insurance	2d
10. Real property certificate from the municipality	2d
11. General Organization of land reclamation from the municipality	2d
12. Buyer's Family status certification from the municipality if the property is the first residence	2d
13. Owners and buyers declarations considering administrative and technical details	1d
14. Certificate from HEMCO that the parcel has been declared at the cadastre and the cadastral diagram	6d
15. Correction act at urban planning office when the ownership isn't declared	35d
16. Prefect's decision that confirms the transaction at the Mortgage Office	5d
17. Certificate that all debts at the municipality are paid	3d
18. Certificate that the ownership has been declared	2d
19. The bank's approval (necessary in case of loan)	2d
20. Notary draws up deeds	5d
21. a) Transcription at the Mortgage Office	2d
22. or b) Application for registration of the transaction to the Cadastral Office (in a completed cadastre)	

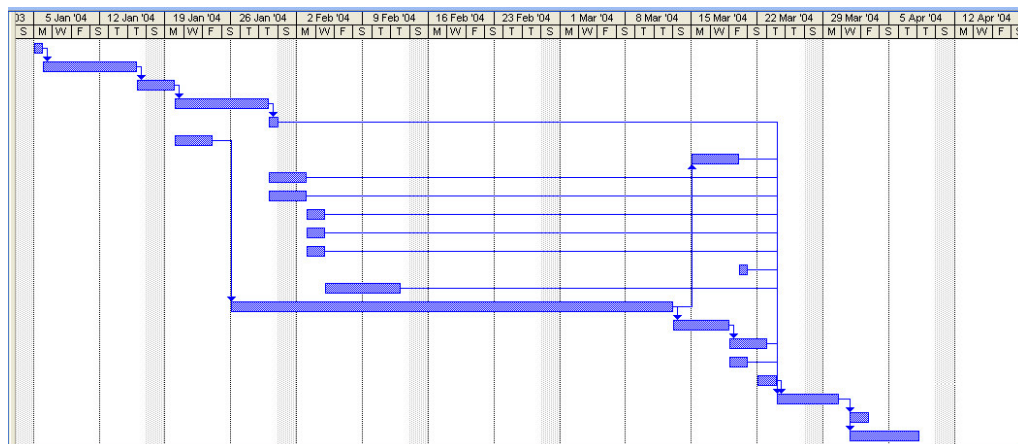


Figure 15. Duration of procedures of the sale (max)

G 1.2 Case of Loaning – (minimum duration)

- | | |
|---|-----|
| 1. Approval for the loan by the bank | 2d |
| 2. The buyer deposits to the bank the deed, building permission and the surveying plan | 2d |
| 3. The buyer's lawyer gives to the bank the research he has performed about the land parcel | 2d |
| 4. The bank checks all the necessary papers | 2d |
| 5. Sign the contract between the buyer and the bank | 2d |
| 6. The buyer accedes for the mortgage (judicial act) | 10d |
| 7. The bank's lawyer transcribes the mortgage in the mortgage office | 1d |
| 8. The buyer draws the money to pay the land parcel | 2d |
| 9. The notary draws up the repayment act | 2d |
| 10. The seller and the buyer sign the repayment act and transcript in the mortgage office | 2d |

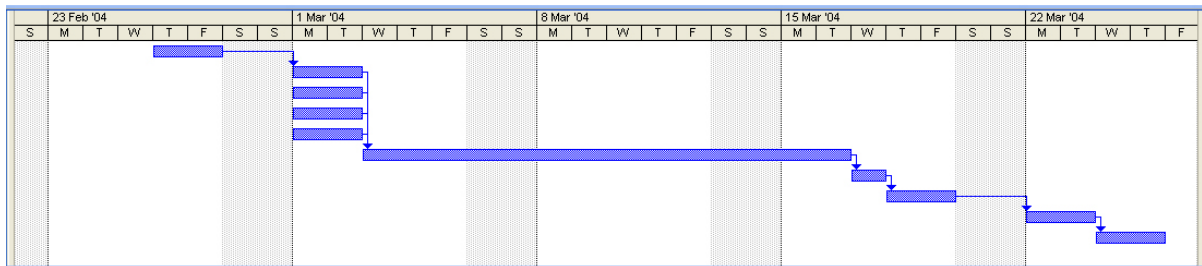


Figure 16. Duration of procedures of loaning (min)

Case of Loaning – (maximum duration)

- | | |
|--|-----|
| 1. Approval for the loan by the bank | 2d |
| 2. The buyer deposits to the bank the deed, building permission and the surveying plan | 2d |
| 3. The buyer's lawyer gives to the bank the research he has performed about the land parcel | 2d |
| 4. The bank checks all the necessary papers | 2d |
| 5. The bank's land evaluator evaluates the land parcel (if the loan value is bigger than 40% of the objective value) | 10d |
| 6. Sign the contract between the buyer and the bank | 2d |
| 7. The buyer accedes for the mortgage (judicial act) | 14d |
| 8. The bank's lawyer transcripts the mortgage in the mortgage office | 1d |
| 9. The buyer draws the money to pay the land parcel | 2d |
| 10. The notary draws up the repayment act | 2d |
| 11. The seller and the buyer sign the repayment act and transcript in the mortgage office | 2d |

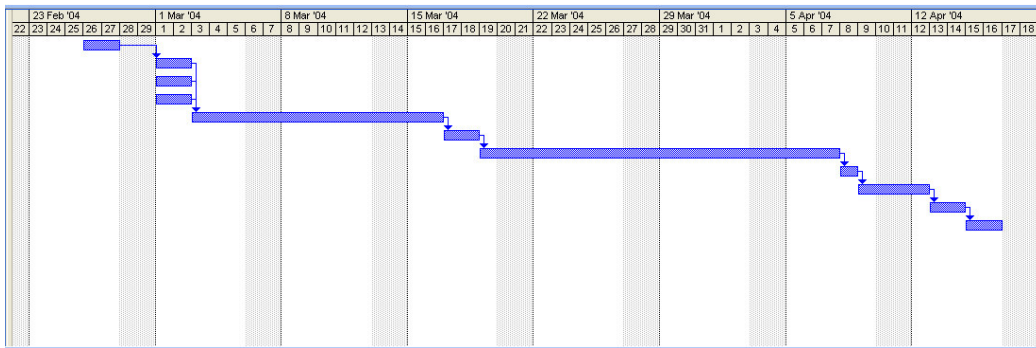


Figure 17. Duration of procedures of loaning (max)

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