Is the provision of land cadastral survey services effectively monitored in the state?

Riga, 2018
Dear reader!

The State Audit Office has completed the audit entitled “Is the provision of land cadastral survey services effectively monitored in the state?”.

The land cadastral survey is a set of specific activities and can be performed only by specially qualified and certified persons. The land cadastral survey is mandatory due to the reason that the land border plan is one of the documents required for recording of the land ownership rights at the Land Registry Office. Furthermore, this is a pay service for a consumer. Due to the specific nature of this sector a consumer without any prior knowledge cannot assess the quality of the service provided by the land surveyor. By imposing the obligation to purchase this service to ensure the protection of real estate, the State should also exercise adequate control over the provision of these services.

Unfortunately, the performance of an audit by the State Audit Office was triggered by the complaints of those residents who had come across the problems of border irregularities within the National Real Estate Cadastre caused by errors made by land surveyors. Having investigated the matter closer, we established that national monitoring in the field of performing land cadastral survey has decreased to the minimum and the latter may undermine the quality of data obtained as the result of land survey activities. Thus, we conducted this audit in order to ascertain about whether the current land surveyor certification and monitoring mechanism can ensure the provision of high-quality and professional land cadastral survey services completed within the interests of consumers and the entire State.

The quality of data contained in the National Real Estate Cadastre and the compliance thereof with the actual situation in the area are among permanent priorities of the State. The quality of land surveying services is highly important also because of the fact that nearly 46% of the overall number of land units in Latvia are still surveyed by using instruments as at the beginning of the land reform the establishment of land borders by applying the allotment method was the only technologically possible way how to execute the and survey work.

In Latvia there has been a lasting situation where none of the ministries have been assigned a clear responsibility regarding the field of land cadastral survey. Until 2016 the Ministry of Justice was responsible for elaborating the land policy, but later on this function was narrowed to elaborating and coordinating a policy in the field of maintaining a national real estate cadastre.

As the result of failures in the regulatory framework, currently implemented monitoring in the State does not provide assurance about the quality of land survey services provided to consumers. If monitoring measures are not implemented effectively enough in practice, service recipients cannot find out about deficiencies in the quality of the provided land survey services in due time and therefore are unable to exercise their rights stipulated by laws and regulations, namely, to demand the land survey to correct the errors without any remuneration or to make a claim for loss.

Taking into account that the Ministry of Justice is responsible for the elaboration and coordination of the policy in the field of maintaining the national real estate cadastre and its subordinate institution – the State Land Service – is the holder of the National Real Estate Cadastre and the methodological management of the cadastral survey is within the competence of the Service, the State Audit Office, upon providing recommendations, called upon the Ministry of Justice to take the initiative in order to establish order in the field of the land cadastral survey.

We would like to express our sincere gratitude to the State Land Service, professional organisations – Latvian Association of Surveyors and Latvian Association of Cartographers and Geodesists – and also certification authorities – Certification Centre of the Latvian Association of Surveyors and Certification Office of SIA “Mācību un konsultāciju centrs ABC” – for the information provided in the course of the audit.

Yours faithfully,
Director of the Department

Ilze Grīnhofa
Summary

Motivation

The provision of land surveying services covers a substantial public interest. Land surveying is closely related to drawing up of the real estate, thereby ensuring the protection of certain fundamental human rights specified in the Constitution of the Republic of Latvia. Land surveying data and the quality thereof are important field of land administration and to the national economy of Latvia in general. The relevant data affect the quality of planning the territorial development, planning of forest management, public road management, tax revenue and the interest of private individuals.

In May 2016, the State Land Service organised the conference “Cadastre Development, Opportunities and Challenges” which brought together the representatives of interested authorities and establishments that use the data available in the National Real Estate Cadastre Information System on a daily basis (hereinafter – the Cadastre Information System). Speakers at the conference pointed at quality problems with regard to the cadastre data leaving a negative impact on their daily work, including errors that have occurred at the stage of the land cadastral survey.

Along with a change in the procedures for providing and monitoring the services for the land cadastral survey, the certification and monitoring of land surveyors have been entrusted to bodies governed by private law whose primary goal is to gain profit. The methodological management of the cadastral survey is the only responsibility of the State in this field, instead of monitoring the work of the land cadastral survey.

The users of the National Real Estate Cadastre Information System claim that the data registered in the system are not complete and accurate that makes it difficult to acquire up-to-date and complete information on the real estate. The Ministry of Justice and the State Land Service agree with the previous statement.

Taking into account the aforementioned and thus coming to the conclusion that the quality of data acquired as the result of land surveying is exposed to a risk, the objective of the audit conducted by the State Audit Office was to ascertain about whether the current land surveyor certification and monitoring mechanism can ensure the provision of high-quality and professional services for the land cadastral survey completed within the interests of consumers and the entire State.

The following aspects were assessed during the audit:

- upon transferring the certification and monitoring of land surveyors in the field of the land cadastral survey to certification authorities, adequate control over the provision of these services and the execution quality thereof is retained;
- monitoring implemented by the State in the field of cadastral survey can ensure the quality of the provided services and the information acquired in from the documents of the land cadastral survey.
Taking into account the fact that the cadastral survey data are registered in the Cadastre Information System, which is a national information system and contains official, reliable and accessible data, and the Ministry of Justice is responsible for the elaboration and coordination of the policy in the field of maintaining the national real estate cadastre, within the scope of this audit the State Audit Office provides recommendations to the Ministry of Justice and its subordinate institution – the State Land Service – that is the holder of the National Real Estate Cadastre (hereinafter – the Cadastre) and the methodological management of the cadastral survey is within the its competence. Furthermore, the Ministry of Justice has defined its mission as follows: to ensure justice in Latvia, and particularly in the field of real estate policy – to ensure safe, effective and reliable protection of the rights and interests of real estate owners, possessors and users.

Main Conclusions

The land cadastral survey is a service which has been set by the legislator as “mandatory” in the laws and regulation in order to exercise the protection of rights to real estate and so that residents would be able to exercise the fundamental human rights to real estate stipulated in the Constitution of the Republic of Latvia. The land border plan is one of the documents which is required to corroborate the rights to real estate in the Land Register.

The quality of the services for the land cadastral survey is crucial both in terms of the protection of property rights and in terms of the data quality in the Cadastre Information System because the data contained in the documents on the land cadastral survey are registered in the Cadastre Information System.

The land cadastral survey may be conducted only by a certified person with professional civil liability insurance. The certification of land surveyors and monitoring their professional activity have been entrusted to certification authorities.

The land cadastral survey is a pay service and the price thereof is specified by the land surveyor. The price for the cadastral survey of the borders of land units may vary within the range from 200 euro for surveying a land parcel with the approximate total area of 1000 m² in suburban areas up to 900 euro and more for surveying a land parcel with total area of at least 3 ha in a rural area.

The service for the land cadastral survey is a set of specific activities, and a customer without any specific knowledge cannot evaluate the compliance of the service with laws and regulations and the quality thereof. Therefore it is highly important to develop such monitoring mechanism by the State that would ensure the quality of the provided service and respectively – the registration of high-quality and adequate data corresponding to the factual situation in the Cadastre Information System.

As the result of inadequate legal framework, the monitoring measures imp provision of the services for the land cadastral survey do not provide assu
provided land survey services and the compliance thereof with the requirements stipulated in laws and regulations due to the following reasons:

- there is a lack of sufficient control mechanism over the work certification authorities in general, as well as over the quality and compliance of the services provided by land surveyors with the requirements specified in laws and regulations while operating in the present market circumstances. The monitoring of certification authorities that is implemented within the scope of the accreditation system by the national accreditation authority (SIA “Latvijas nacionālais akreditācijas birojs”) is unable to reveal drawbacks and risks in the field of services for the land cadastral survey and related deficiencies in the legal framework.

- Already for a long period of time there is no clearly defined public administration institution responsible for the field of the land cadastral survey in Latvia. Though as part of the execution of functions the Ministry of Justice is responsible for the elaboration and coordination of the policy in the field of maintaining the national real estate cadastre and it is within the national interest to ensure adequate data quality, the Ministry does not take active steps to resolve the problems identified in the field of and surveying, thus, preventing the improvement of the cadastre data quality. Until the present date the Ministry of Justice has not taken the initiative with regard to determining a monitoring mechanism applied to the certification and monitoring of land surveyors that would comply with the national interest and the interest of the recipients of the services for the land cadastral survey.

By entrusting the obligation to ensure the monitoring of professional activities to certification authorities without clearly defining the public administration institution responsible for the relevant field, the measures implemented to monitor the professional activity of persons certified in the cadastral surveying of land fail to achieve the goal defined in principle – to determine stricter monitoring in order to ensure the provision of high-quality, professional services within the interest of consumers and within national interest’ due to the following reasons:

- failure to ensure the correction of errors discovered as the result of monitoring the professional activity of land surveyors in the Cadastre Information System and the protection of the rights and legal interest of land owners;
- the results of monitoring measures are not used to identify and to eliminate the problems and deficiencies in the legal framework governing the field of certification and the land cadastral survey;
- the monitoring process is not based on risk assessment (absence of more intense (stricter) monitoring of persons with previous infringement history);
- failure to focus the monitoring measures on the extension of liability, including the absence of penal measures commensurate with the severity of the infringement or the degree of liability;
- the mechanism applied to eliminate the established infringements is not practicable and is not fully operational, thus, fostering the feeling of impunity.

The role of the State in the area of monitoring land survey services has changed significantly. In Latvia there has been a lasting situation where none of the ministries have been assigned a clear responsibility regarding the field of land cadastral survey.
The quality and compliance of the cadastre date with the actual situation on-site are part of the national priorities in the field of ensuring the functionality of the cadastre. Accurate and high-quality documents and files containing information on the land cadastral survey are among the most important sources to acquire adequate quality cadastre data.

Since the 1990s, the field of the land cadastral survey has undergone fundamental changes, including a change in the role of public administration in ensuring and monitoring the referred to service. Since 2006, the State Land Service is no longer responsible for the land cadastral survey. Meanwhile since 2011, the State Land Service does not also ensure the monitoring of persons licensed for work in the land cadastral survey, as well as the monitoring of certified persons. Currently the competence of the State Land Service covers the methodological management of the land cadastral survey, as well as the review and taking of decisions on contested administrative acts issued by certification authorities.

Over a period of ten years the functions and tasks assigned to the Ministry of Justice have also undergone a substantial change. Until 2006 the Ministry was responsible for elaborating the land policy, but later on this function was narrowed to elaborating and coordinating a policy in the field of maintaining a national real estate cadastre. Currently the implementation of the land policy and ensuring of land administration are within the competence of several ministries (Ministry of Defence, Ministry of Environmental Protection and Regional Development, Ministry of Agriculture, etc.).

The certification of persons in the field of land cadastral survey was commenced to promote professional provision of land surveying services within public and national interests, and to ensure stricter monitoring of the activity of land surveyors; however, laws and regulations lack a sufficient monitoring mechanism over the performance of the task assigned to certification authorities with regard to the certification of land surveyors and the monitoring of their professional activity.

In accordance with the National Real Estate Cadastre Law, land cadastral survey is performed by certified persons. With regard to the field of the certification and monitoring of land surveyors, the Cabinet has authorised three private persons or certification authorities (one of the mentioned certification authorities had not yet started the certification of land surveyors during the audited period). The respective legislative act does not define the authority under whose subordination the authorised persons are. Moreover, there is a lack of monitoring procedures with regard to the performance of the delegated task. Thus, the respective legislative act provides for an insufficient monitoring mechanism to ensure timely identification of problems and deficiencies in the field of providing the land cadastre survey service. There is also no common approach in the field as each certification authority operates in accordance with its own resources and the conditions of competition.

Certification authorities are accredited and monitored by the national accreditation authority. The accreditation certifies only specifically determined activities (for example, a certification authority is competent to certify specific products according to certain standards). Therefore it is crucial for sectoral ministries to also stipulate in laws and regulations the monitoring mechanism for the quality and compliance of a product, service or person’s activity with the requirements laid down in laws and regulations while operating in the market due to the reason that the relevant monitoring is not ensured by the national accreditation authority.
In 2013 and 2015, the State Land Service established problems in the process of monitoring certified land surveyors due to the competence and organisational skills of certification authorities, also discovering that national authorities were deprived of receiving detailed information on the process of monitoring certified persons. In 2013, the Ministry of Justice acknowledged the problem in laws and regulations in relation to determining a monitoring authority in the field of the certification and monitoring of land surveyors and this will be assessed by introducing the concept of building cadastral survey.

Professional organisations of land surveyors have also identified various problems, risks and necessary improvements in the field of the certification and monitoring of land surveyors and have approached with them to the Ministry of Justice. The Action Plan for 2015 of the Ministry provided for the task to draft proposals for the improvement of legal framework in the procedures for the certification of persons and monitoring of the certified persons in geodesy, land use planning and land cadastral survey. As the result, in 2017, the Ministry of Justice prepared draft amendments to Certification Regulations by including therein only a small part of the proposals provided by authorities.

Unfortunately, after having identified the problem with regard to determining the monitoring authority in the field of the certification and monitoring of land surveyors, until the present date the Ministry of Justice has not taken the initiative to raise the issue of determining a monitoring mechanism over the certification and monitoring of land surveyors that would comply with the interests of consumers and the entire State. Consequently, already for a long period of time there is no clearly defined public administration institution responsible for the field of the land cadastral survey in Latvia, whereas the Ministry of Justice can afford to be reluctant in situations it is necessary to resolve problems in the field of land surveying by arguing that external laws and regulations do not provide for such function or competence for the Ministry.

In the opinion of the State Audit Office, the Ministry of Justice must assess the current situation and clearly define the role (position) of the Ministry in the field of land cadastral survey or also must ensure that another responsible authority is stipulated in laws and regulations.

Cadastre data are essential for implementing high-quality functions of the public administration. Real estate owners are also interested in the quality of cadastre data because current cadastre data are used to corroborate the rights to real estate in the Land Register, as well as to calculate the real estate tax.

In order to improve the quality of cadastre data, the Cabinet has granted certain competence to the State Land Service with regard to the data to be registered and updated in the Cadastre Information System. Therefore a system for the assessment of documents on cadastral surveying submitted by land surveyors has been created at the State Land Service. As part of the referred to system the Service examines whether all documents necessary for the registration have been submitted and these documents contain complete and no contradictory information, whether the cadastral survey data are not contradict with the current data of the Cadastre Information System and whether cadastre information provided by the State Land Service has been used for the cadastral survey.

The provisions laid down in laws and regulations do not provide for an obligation of the State Land Service to assess the content of the technical documents of land surveying, the quality and precision of survey data, as well as to conduct on-site inspections. According to audit results, the on-site inspections of land cadastral surveys are highly important, because in 88% of cases border irregularities, including errors and infringements committed in the process of land survey, may be discovered only by on-site
inspections of the completed land cadastral surveys. In accordance with the provisions laid down in the legislative act \textsuperscript{v} the on-site inspections of the completed land cadastral surveys and technical documentation of works must be performed on a random basis within the scope of monitoring measures by the certification authorities of land surveyors.

Within the scope of its competence, the State Land Service promotes the registration of complete submitted information and land cadastral survey data corresponding to the data of the Cadastre Information System in the Cadastre Information System. However, the extent of powers granted to the State Land Service is insufficient to provide full assurance about the quality of data submitted for registration. Furthermore, in the opinion of the State Audit Office, the State Land Service has not fully exercised the possibilities granted by the task defined in the legislative act in relation to the methodological management of the cadastral survey. Although laws and regulations do not provide for the content of the methodological management, in the opinion of auditors all options must be used to promote the quality of services provided by land surveyors through collaboration with certification authorities and to prevent the recurrence of the identified errors.

Thus, the currently effective mechanism for the certification and monitoring of land surveyors \textsuperscript{vi} implemented by certification authorities, in the opinion of the State Audit Office, is an essential tool and the registration of high-quality data in the Cadastre Information System must be promoted by applying this tool.

However, statistical data of the past three years show worrying trends as the number of identified border irregularities is increasing significantly with every year. In 2013, the total number of identified border irregularities reached 1349 cases, whereas in 2016 – already 2966. In addition, it should also be emphasised that the number of border irregularities which have not yet been identified is unknown.

An indication relating to deficiencies in the Cadastre Information System is an important indicator of data quality because this may result not only in restrictions of economic nature, but also inadequate tax revenue in the budget and inadequate payments from the State and European Union funds.

In the course of the audit, upon investigating the overall situation in the sector and conducting random checks of border irregularities, it can be concluded that the quality of data contained in the Cadastre Information System and the number of border irregularities in Latvia are under remarkable impact of both the current quality of land survey services and various historical aspects beyond the scope of competence of land surveyors (including the fact that the borders of nearly a half of land units in Latvia have not been surveyed by using instruments, as well as problems related to local geodesic networks).

According to the results of border irregularity assessment, irregularities in nearly half of the examined cases are caused by errors
and infringements committed by land surveyors in the process of land cadastral survey, including incorrectly selected survey method, incomplete or false border point survey, incorrect portrayal of the on-site situation in the plan, etc. Although in most cases discrepancies apply to comparatively old land surveys, irregularities caused by the errors made by land surveyors are discovered also in surveys conducted within the past six months.

The aforementioned confirms that the monitoring of the professional activities of land surveyors is highly important, and effective completion of this task would promote the quality of services provided by land surveyors and also the quality of data contained in the Cadastre Information System. In view of the aforementioned, the introduction and implementation of a sufficient monitoring mechanism over the activity of certification authorities are within the interests of the State and the society.

According to the conclusions drawn during the audit, as the result of inadequate legal framework, the monitoring measures implemented in the State over the provision of the land cadastral survey services do not provide assurance about the quality of the provided land survey services and the compliance thereof with the requirements stipulated in laws and regulations.

The legal framework in the field of the certification and monitoring of land surveyors, as well as land cadastral survey is insufficient and there is a lack of mutual harmonisation to ensure the prevention of all infringements identified within the scope of monitoring, the protection of the rights of land cadastral survey service recipients and the correction of data in the Cadastre Information System.

The Certification Regulations provide for the right, instead of an obligation of the certification authority, to examine whether the infringements specified in the inspection report have been eliminated. Furthermore, no rights have been determined to certification authorities as to imposing an obligation to eliminate infringements related to repeated performance of land cadastral survey activities. Consequently, the mechanism for the prevention of infringements is only partly functional and the elimination of the most significant infringements remains as the responsibility of land surveyors. As the result of the audit it was established that, after drafting the report, in none of 39 surveys, where infringements were discovered within the scope of routine monitoring measures, the correction of cadastral survey data and documents or the updating of data in the Cadastre Information System were not conducted.

In the course of the audit it was established that it is not possible to gain assurance about the honesty of land surveyors with regard to the fulfilment of their obligations stipulated in laws and regulations in relation to eliminating discrepancies and that the real estate owner and the initiator of the land cadastral survey process would be informed about this in order to exercise the rights stipulated in the respective legislative act to demand the correction of errors by the land surveyor.

The mechanism, which has been established to eliminate the infringements discovered in monitoring, is not fully functional, thus, fostering the feeling of impunity of land surveyors who act in bad faith, as well as increasing the risk that monitoring becomes merely formal in nature. Furthermore, it was discovered in the audit that the professional civil liability insurance of land surveyors is not a sufficient
 protection mechanism in the event of failure in the professional activity of land surveyors due to the reason that service recipients are not sufficiently informed about the possibility to make a claim for loss. Usually errors in the land cadastral survey are discovered after the end of the insurance period or the end of the extended period for making a claim for loss.

The effective monitoring of land surveyors implemented by certification authorities is not based on risk assessment and does not provide complete and sufficient assurance about the professional activity of persons certified in the area of land cadastral survey and the quality of the completed surveys.

Drawbacks and different approaches in terms of implementing the monitoring process and the application of the requirements specified in the legislative act were identified in the course of the audit with regard to the conducted routine monitoring of land surveyors, including the following:

- upon conducting routine monitoring of surveys completed by land surveyors, on-site inspections are not conducted. It was established in the audit that on-site inspections have not been conducted to all 40 randomly selected persons subject to the inspection of the completed surveys within the scope of routine monitoring;

- in most cases routine monitoring inspections are conducted in the minimum extent specified in laws and regulations irrespective of the risks identified within the professional activity of the person. The monitoring volume is not influenced by the number of surveys completed by the land surveyor, the number of complaints and the nature of discovered infringements, as well as the number of registration refusals by the State Land Service, etc.

  - the number of surveys inspected for 95% or 38 persons of 40 randomly selected persons subject to the inspection of the completed surveys within the scope of routine monitoring does not exceed the minimum number of routine monitoring inspections specified in the Certification Regulations, thus, at least three land cadastral surveys completed by the certified person. Meanwhile the number of inspected surveys of 20% or eight certified persons does not reach the minimum threshold;

- routine monitoring inspections include the inspection conducted within the scope of the review of a complaint, thereby reducing the number of routine monitoring inspections even more.

Laws and regulations stipulate certain monitoring measures, as well as professional civil liability insurance of land surveyors, yet if monitoring measures are not implemented effectively enough in practice, service recipients cannot find out about deficiencies in the quality of the provided land survey services in due time and therefore are unable to exercise their rights stipulated by laws and regulations, namely, to demand the land survey to correct the errors and irregularities without any remuneration or to make a claim for loss.

There are no conditions set forth for certified land surveyors for the continuation of their professional activity in relation to further education and raising their qualification level.

Further education and raising the qualification level in the area of regulated professions most frequently is mandatory, yet the relevant requirement is not stipulated in Cabinet Regulation No. 1011 of
1 November 2010, Procedures for the Certification of Persons and Monitoring of the Certified Persons in Geodesy, Land Use Planning and Land Cadastral Survey (hereinafter – Certification Regulations).

The following facts indicate to the necessity of improving the professional competence of land surveyors and continuing further education:

- the results of monitoring the professional activity of land surveyors – infringements discovered within the scope of routine monitoring activities conducted over a period from 2010 until 2016 or the established non-compliance of the inspected surveys with the requirements specified in laws and regulations are identified in 6% of the total number of inspected land cadastral surveys;

- The annual statistical data compiled by the State Land Service regarding border irregularities and registration refusals – for example, in 2016, the number of registration refusals was 4.5% of the total number of land cadastral survey files submitted to the State Land Service. According to the results of the opinion poll of the cadastre engineers of the State Land Service, some of the most frequent errors are, for example, insufficient feasibility studies of borders, evasion to determine or resolve border irregularities, errors in assessing the legal basis of the documents of right of way and their portrayal, as well as other errors that can negatively impact the quality of data in the Cadastre Information System.

By introducing the requirement to improve professional qualification, it would be possible to establish a feedback system among the results of the monitoring process and individual infringements identified in the work of land surveyors or drawbacks therein and the necessary training thereof. The acknowledgement of the necessary qualification course would enable certification authorities to take a more reasoned decision on the extension of the duration of the certificate.

In addition, the current Certification Regulations in the field of land surveying do not provide for the verification of the practical knowledge of applicants in order to receive the certificate. Therefore there is a risk that persons with inadequate skills for the performance of land cadastral surveys are certified and provide services. The results of the audit show that the first routine monitoring inspections of certified persons were conducted only on average four years after the date of issue of the certificate. Furthermore, on-site inspections of the surveys completed by land surveyors are not conducted.

Audit findings suggest that much work remains to improve the effectiveness of the process of certifying and monitoring land surveyors and in order to ensure successful improvement of this process, it is necessary to:

- improve the legal framework in the procedures for certifying persons and monitoring the certified persons;

- appoint the responsible authority in the field of land cadastral survey;

- ensure adequate national control over the activity of certification authorities in the field of the certification and monitoring of land surveyors that would improve the protection of the rights of consumers – the recipients of land surveying services, and also the implementation of a responsible policy in the field of maintaining the national real estate cadastre.
Main Recommendations

Based on the audit findings and taking into account that the Ministry of Finance is responsible for the elaboration and coordination of the policy in the field of maintaining the national real estate cadastre, the Ministry drafts legislative acts in the field of land cadastral survey and its subordinate institution – the State Land Service – is the holder of the National Real Estate Cadastre and the methodological management of the cadastral survey is within the competence of the Service, as well as taking into account the fact that the Ministry of Justice in its strategic development document has defined its mission as follows: to ensure justice in Latvia, and particularly in the field of real estate policy – to ensure safe, effective and reliable protection of the rights and interests of real estate owners, possessors and users, the State Audit Office provides its recommendations to the Ministry of Justice.

Overall ten recommendations were provided in order to ensure adequate quality of the land cadastral survey service and in order to improve the process for the certification and monitoring of land surveyors.

The State Audit Office asks the Ministry of Justice in collaboration with the involved authorities to assess the current situation where none of the national authorities in Latvia has been assigned the responsibility about the field of the land cadastral survey and to propose the Cabinet to appoint the responsible authority in the referred to field by stipulating it in laws and regulations.

In order to improve the legal framework in terms of the certification of persons and the monitoring of certified persons in the field of land cadastral survey, the State Audit Office invites the Ministry of Justice to assess the situation and to take the relevant measures that would:

In the field of certification

- ensure that in the course of certification assurance is gained about the fact that persons who are ready to ensure the provision of the land surveying service not only in theory, but also in practice;
- ensure the requirement about raising the professional qualification of a land surveyor (further education) with regard to the extension of the duration of the certificate;

In the field of monitoring the professional activity of land surveyors

- review and update the minimum extent and content of routine monitoring inspections, including the prevention of the different approach applied by certification authorities in relation to the inclusion of the reviewed applications (complaints) in the extent of routine monitoring inspections;
- ensure unequivocal requirement towards on-site inspections of surveys completed by land surveyors;
- ensure the legal basis for effective process of monitoring certified persons that is based on risk assessment;

In the field of preventing infringements committed by land surveyors
ensure the elimination of errors made by land surveyors and infringements of laws and regulations identified in the course of monitoring inspections and registered in the Cadastre Information System.

In order to improve the procedures for and the process of the assessment of the documents on land cadastral survey, as well as to improve the quality of surveys completed by land surveyors, the State Audit Office invites the State Land Service:

- to assess the content of the methodological management implemented by the State Land Service jointly with the Ministry of Justice and to take further measures in order to improve the quality of services provided by land surveyors and to prevent recurrence of the identified errors;
- to assess the possibility of supplementing and improving the content, structure and traceability of methodological materials used in the process of assessing the documents on land cadastral surveys;
- to take further measures that would ensure evenly distributed workload for cadastre engineers with an aim to promote adequate assessment of the documents on land cadastral surveys submitted to the Service.

As the current legal framework lacks a sufficient monitoring mechanism over the professional activity of certified persons and the compliance of the provided land cadastral survey services, the State Audit Office will address the Cabinet in order to propose the establishment of order in the field of land cadastral survey in accordance with public interest.

Report Structure

The information contained in the report is set out in the following sequence:

- the description of the audited area which covers the characteristics of the field of land cadastral surveys and information on policy development in the field of maintaining the national real estate cadastre;
- audit findings and conclusions, divided into three sections. The introductory part of each section contains the opinion and conclusions of the State Audit Office by specifying the most essential matters supported by audit findings;
- general description of the audit (objective, volume, legal basis, methods, criteria, responsibilities of the State Audit Office and audited entity).

The first chapter of the report describes the matter about whether the powers delegated by the Cabinet to certification authorities for the purpose of conducting the certification and monitoring of land surveyors are exercised effectively by retaining adequate State monitoring and control over the performance of the task and the performance quality. Different documents, drawn up by various authorities, and wherein certain problems and risks have been identified are analysed in the chapter, also providing proposals for improvements in the field of the certification and monitoring of land surveyors that have been also submitted to the Ministry of Justice. The position of the Ministry in the field of monitoring the land cadastral surveys is analysed in the chapter.

The tasks stipulated by laws and regulations to the State Land Service and certification authorities and whether they are able to ensure the identification of deficiencies in the professional activity of land surveyors and promote the registration of accurate data and the correction of errors in the Cadastre Information System are analysed in the second chapter.

Findings and conclusions regarding the current procedures for the certification and monitoring of persons in the field of land cadastral surveys are outlined in the third chapter. This chapter analyses the weaknesses in the legal framework that have contributed to drawbacks in the actual process of certifying and monitoring land surveyors.

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1 Sub-paragraph 4.1.7 of Cabinet Regulation No. 243 of 29 April 2003, By-law of the Ministry of Justice (effective by 19 August 2017). Sub-paragraph 4.1.11 of Regulation No. 474 of 16 August 2017, By-law of the Ministry of Justice.
iv Information provided by the executive director of the Latvian Association of Cartographers and Geodesists on 24 December 2017.
vi Section 29, Paragraph one of the National Real Estate Cadastre Law.
viii The report by the Ministry of Economics No. 24-6-9012 of 8 December 2017, On the Provision of Information upon Request of the State Audit Office.
ix The report by the State Land Service of 2013 entitled “On the Activities of Certification Authorities” and the report by the State Land Service of 7 December 2015 entitled “Proposals for the Improvement of Legal Framework in the Procedures for the Certification of Persons and Monitoring of the Certified Persons in Geodesy, Land Use Planning and Land Cadastral Survey”.
xi The letter by the Ministry of Justice No. 1-18/2223 of 6 June 2013, On the Certification System.
xii The concept for the development of the process of building cadastral survey (approved by Cabinet Order No. 170 of 20 April 2011).
Letter No. 1-17/3396 by the Ministry of Justice of 10 November 2017, On questions, criteria and methods raised in the audit entitled “Is the provision of land cadastral survey services effectively monitored in the state?”

Sub-paragraph 48.2 of Cabinet Regulation No. 1011 of 1 November 2010, Procedures for the Certification of Persons and Monitoring of the Certified Persons in Geodesy, Land Use Planning and Land Cadastral Survey.

Cabinet Regulation No. 1011 of 1 November 2010, Procedures for the Certification of Persons and Monitoring of the Certified Persons in Geodesy, Land Use Planning and Land Cadastral Survey.

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