

The Italian Land Registration System

Data as at 31 December 2023





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1 THE BASIS OF THE SYSTEM

The land registration system is a form of legal publicity, aimed at making publicly knowable the deeds by which ownership and other rights in rem related to immovable properties are constituted, modified, transferred or extinguished. Land registration is carried out through the maintenance and update of **Land Registers**, whose consultation allows to trace ownership of a certain asset and the possible existence of burdens or constraints that limit its availability in different ways.

It is a complex system, with the main purpose of accomplishing a reasonable balance between the need to protect private autonomy and the security of legal transactions, as well as the entrustment of third parties.

As private property is recognised by law, its regulation is absolutely necessary in such a way that both the individual and the whole society can benefit from it.

The constitutional basis of the land registration system can be found in the art. 42, second paragraph, of the Italian Constitution, that states: *“Private property is recognized and guaranteed by law, that regulates the ways of its acquisition, availability and limits, in order to ensure its social function and make it accessible to everyone.”*

Thus, the requirement of publicity, imposed by law to the public officials who have drawn up or received deeds, appears clearly justified by the needs of the social principle, which is the basis of all the limitations placed by the law itself on the will of individuals in general and of owners in particular.

The land registration system is also naturally connected with the need for security, *certainty of availability of the property*, which is in relation with the effects of the warranty that it can offer for credit access, and *certainty of movement*, as the value of a property increases also in relation with its marketability.

In conclusion, as also stated in a recent decision by the Court of Cassation, the system *“finds its ‘ratio’ in the very general principles of protection of the security related to movement of goods and entrustment of third parties, in particular creditors and successors in interest of the original debtor”* (Civil Cassation, Section III, Judgment n. 30625 of 27th November 2018).

1.1 Background information

The land registration system in force in Italy derives from the French system, introduced in the first Reign of Italy in 1806 with the *Napoléon Code*.

It is called *“transcription system”* because the document that attributes the right is “transcribed”, that is reproduced on government-maintained public registers, and it is based on the personal data obtained from the deed itself and thereafter used to direct searches.

The Civil Code of the Reign of Italy, issued in 1865 and almost entirely incorporated into the current Italian Civil Code of 1942, was inspired by the principle of “opposability” established in France in 1855. According to this principle, deeds of transfer can be enforceable to third parties only once they are “transcribed”.

1.2 Land registration systems in force in Italy: main differences

In Italy, in addition to the transcription system, which is force in most of the national territory, there is also the so-called “*Tavolare system*”, which is a title registration system, set up in the territories of the past Hapsburg monarchy and afterwards maintained. Concretely this system is in force in the provinces of Trento, Bolzano, Trieste, Gorizia and in some Municipalities in the provinces of Udine, Belluno,



Vicenza and Brescia (as established by the Royal Decree n. 499 of 28th March 1929, called “*Tavolare law*”). However, the Filing system, without protection of public faith, is still used in the municipalities of Livinnallongo del Col di Lana and Colle Santa Lucia, located in the province of Belluno. This system is a historical legacy and was used before the present “*Grundbuch*” was implanted (i.e. the Land Book in German, as it is commonly known).

With regard to the municipalities included in the provinces of Trento and Bolzano, Cadastre and Land Register are managed by different administrative bodies of the same local Authority, whereas in the other abovementioned municipalities only Land Register is administered by the Local Authorities while Cadastre is administred by *Agenzia delle Entrate*.

The “*Tavolare system*”, derived from the German legal tradition, significantly differs for its nature and effects from the transcription system regulated under the Civil Code of 1942. It is based upon the principles of registration, legality and good faith and the procedure of inscription in the “*Grundbuch*” is within the remit of a judge, supported by a public servant called “*Registrar*”.

The land registry is composed of a main register, “*Libro Maestro*”, and the collection of documents. It is under the control of a judge in non-contentious jurisdiction and when a right is registered in favor of a person in the Land Register, it is to be presumed that the right belongs to him/her. It consists of land register sheets (so-called “*Partite tavolari*”) and each sheet consists of three sections: A (list of properties), B (ownership), C (encumbrances).

The Land registry is public and any modification of cadastral maps must be introduced on the basis of a “*Foglio di Notifica*”, a document produced by the office of Cadastre, according to the principle of the perfect concordance of the acts of Cadastre and Land Register: “*each modification of configuration of the state of real estates must be accomplished in the acts of Cadastre as well as in the acts of Land Register*” (BLI-Official Gazette of Imperial Laws: “*Reichsgesetzblatt*” n. 83 of 23rd May 1883, paragraph 11, transposed into the “*Tavolare law*”).

Unlike the *tavolare* system, the principle of civil law to which the *transcription system* makes reference is laid down in the art. 1376 of the Civil Code, according to which “*In contracts having as their object a transfer of property of a given asset, a constitution or transfer of a right in rem, or a transfer of another legal right, the ownership or right is transferred and acquired by effect of the legally given consent of the parties.*”

Therefore, unlike the registration in the *tavolare* system, the transcription has a declaratory effect of opposability over third parties outside the transactional agreement, that does not affect the perfection of the transfer. In fact, pursuant to the above mentioned art. 1376 c.c., a property is transferred as the result of the legally given consent of the parties of the contract.

Furthermore, the registration in the *tavolare* system has a constitutive effect: *"Property rights and other real rights on immovable properties are not acquired by inter vivos act until their registration in the land book"* (art. 2 of the *Tavolare* law).

2 THE LAND REGISTRATION SYSTEM

The land registration system refers to a complex set of legal provisions contained mainly in the Civil Code and in several special laws, such as the fundamental Law n. 52 of 27th February 1985 and its subsequent integrations.

The complexity of these rules imply a high level legal skills of the officials in charge of the keeping and updating of the land registration system, and mostly of the **registrar**, the so-called **conservatore dei registri immobiliari**, who is the primary responsible for the register.

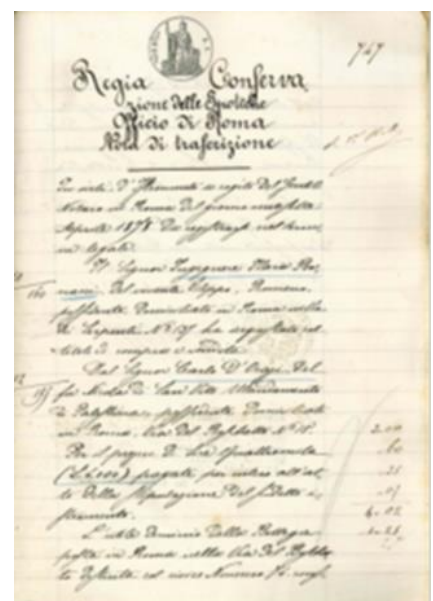
The Civil Code establishes the limits of the registrar's prerogatives and responsibilities, as well as the rules for resolution of disputes on the requests for registration that the registrar deems to reject or accept "under reserve" (cf. Civil Code, art. 2673 and following).

Registrars, although subject to the supervision of the Ministry of Justice (art. 25 of the Law n. 52 of 27th February 1985), are currently hierarchically incorporated within the Revenue Agency.

2.1 Deed and note

In order to register a document in land registers, it is necessary to submit to the registrar an authentic act, namely a document - in the form of judgment, public deed, or private writing with authenticated or judicially ascertained signature - that gives evidence for its origin with certainty, through the validation of the identity of the parties.

In the context of the negotiating activities, the authority of authentication is generally attributed to notaries, the only public officials who are empowered by law to "draft inter vivos acts and last wills and testaments, attribute public validity to them, keep their custody, issue their copies, certificates or extracts" (notarial law, art. 1, paragraph 1, Law n. 89 of 16th February 1913). This exclusive competence assures that all acts, received or authenticated by the notary, are subject to a rigorous preventive check of substantive legality (art. 28 of the notarial law, as amended by the art. 12 of the Law n. 246 of 28th November 2005). This guarantees that the notarial "validation of legality" to the deed corresponds to an effective verification by this





public official and specialised jurist, which can exclude access to land registration of those deeds not certified as conforming to law.

Therefore, in the current Italian legal system, the “exclusivity” given to notaries for the drawing up of the negotiating title of transcription and the impossibility of transcribing non-authentic instruments attributes to them an institutional role in assisting the activity of registrars, whose checking powers are actually more limited. The legal system shares between these two public officials the tasks and functions necessary for the correct functioning of the publicity mechanism of land registration.

In addition to the authentic act, the applicant must submit to the registrar a **note** including all the essential elements that identify the parties of the contract, the formal title on whose basis the entry is requested, reporting the identification data of the public official who received or authenticated the deed, or the judicial authority that issued the judgment, the nature and state of the assets the deed refers to, and its cadastral data.

The computerised note, which has replaced the one in free format since 1986, organises the above information in three sections: section A concerns information on the formal title, section B on property (the object) and section C on subjects (the parties) and rights traded. A fourth section D is provided for any further information that can be added in open form. The registrar checks that the deed is suitable for transcription or inscription in the register, the correctness and formal completeness of the note and, if there is not any condition for rejection or strong and well-grounded doubts on the registration executability, he/she immediately ensures its acceptance. This is the way the formation and updating of land registers takes place.

2.2 Land registers

Land registers consist of a set of documents, volumes and registers, organised and kept by the registrar to be made available for consultation, certification and issue of copies (art. 2673 Civil Code).

In addition to the **General Order Register** (art. 2678 c.c.), which governs the order of submission and therefore the precedence and rank among the entries executed on a given day, the registrar must keep the **Particular Registers of transcriptions, inscriptions and annotations** (art. 2679 c.c.), in the ways provided by art. 2664 c.c. These registers consist of the collection, ordered on annual basis, of the entries carried out, and distinguished according to three types: transcriptions, inscriptions and annotations.



More in detail, the **Register of transcriptions** represents a type of register of deeds, which mostly produces to third parties the so-called *negative effect*, opposing effect of registered rights against non-registered rights.

The **Register of inscriptions** produces indeed a constitutive effect, being the registration necessary to the constitution of the guarantee.

The **Register of annotations** keeps records of legal events related to a previous transcription, inscription or annotation.

This register provides appropriate publicity to the various phases of the cancellation process. For each communication, it indicates the protocol number, the annual progressive number according to the order of reception, the reception date, the numbers of the general register and particular register, the year of inscription of the mortgage the communication refers to, the name and tax code of the company or institution the submission is done on behalf of, the expiring date of the obligation, the outcome of the communication and any remark when cancellation is not executable.

Digitalisation of land registration services, stated by the Law n. 52 of 27thFebruary 1985, begun in the autumn of 1986 and initially involved 82 offices.

Despite the digitalisation made a large amount of documents available online, inspections on paper volumes were still very frequent. They essentially concerned searches for subjects on paper registers (*"Rubriche"*, *"Tavole"* and *"Repertori"*) and for the notes of transcription submitted before the digital period.

[illegible]

The digitally acquired documents are currently about 114 million (80 million of which are already searchable by subject's data).

With the Decisions of 20thOctober 2016 and 9thAugust 2017, adopted by the Revenue Agency jointly with the Ministry of Justice, it was established that land registers starting from 1stJanuary 2015 must be kept only on IT supports in compliance with the technical rules, as required by the art. 71 of the Legislative Decree n. 82 of 7thMarch 2005 (Digital Administration Code).



In particular, the digital repository concerns:

- the general order register;
- the particular registers of transcriptions, inscriptions and annotations;
- the register of communications and the related communications of cancellation.

Those titles submitted electronically are kept in electronic format too.

2.2.3 Land registry entries

In order to accomplish publicity of an act, deeds must be submitted to the Land Registry with territorial responsibility, accompanied with a note of transcription or inscription, or with a request for annotation, with the summary of the data obtained from the deed itself. Such means for access the system are called in the Italian language **“formalità”** (hereinafter “entries”).

The term “entry” is used by the law everytime it is intended to comprehend, with one word, the concept of note or deed of transcription, inscription and annotation (cf. the Presidential Decree of 26th October 1972, “Regulation of mortgage and cadastral taxes”).

The acquisition of the information detected from notes, thanks to the digital processing, allows a real-time access to data-bases, by both subject’s data (personal data, or name of entity for others than natural person, and tax identification number) and the property identifying data (Cadastral ID number), optionally associated with the subject’s data, either individual or entity.

2.2.4 Transcription

Transcription, to be performed at the office in whose district a property is located, as stated in the art. 2663 c.c., is the way a transfer of ownership from one subject to another is made public, as well as a constitution or variation of any other right in rem. It is also the means of recording in the Register that a certain right is disputed before the court (judicial request), or it is subject to a legal constraint (foreclosure, seizure, etc.) or it is under specific limitation (such as a landscape, architectural, archaeological constraint, etc.).

The transcription performs, in the cases established by law, a “declarative” function, meaning that it allows knowledge of an act that otherwise would be only valid and effective between the parties, but actually not enforceable against third parties holding conflicting interests on the same property.

The mechanism of the transcription system makes it possible, instead, to protect a purchase against those who could acquire the same right or incompatible rights from the same transferor, thus regulating the correct movement of goods under law.

The Civil Code enumerates the deeds subject to transcription in the art. 2643. Art. 2645 of the Civil Code adds to this list *“any other deed or measure that, with reference to real estate or rights in rem, produces any of the effects of the contracts mentioned in the art. 2643...”*.

Art. 2644 of the Civil Code establishes the main effect of transcription: *“the deeds subject to transcription have no effect to third parties who, for any reason, acquired rights over a property on the basis of a deed transcribed or inscribed before their transcription”*.

Once the transcription is registered in favour of a specific person, any transcription or inscription of rights acquired from the same transferor may not be claimed, even if this purchase precedes it in the time. This means that the transcription system, independently from the date of purchase, gives priority to those who first take care of performing the transcription of their purchase. Therefore, the buyer who has not promptly transcribed his/her acquisition will succumb to those who promptly transcribed, though the transcribed property was bought from someone that had already transferred his/her right. Hence the negotiated right is recognized to the first transcriber, while the other purchaser is only entitled to get a reimbursement for damages from the same transferor.

The relevant consequences deriving from a failed or late deed transcription imply the duty of the notary or other public official, who has received or authenticated the deed to be transcribed, of ensuring that transcription of the deed is carried out as quickly as possible. In case of delay, notaries are required to pay damages and, when delay exceed the 30 days from the date of the received or authenticated deed, they are subject to the penalties provided for by special laws (art. 2671 c.c.).

Besides those circumstances in which transcription performs a **declaratory** effect, in some situations it may also have a mere function of “**news**” on a fact or act. These are the cases in which a property acquisition is not the result of a transfer but of a situation of acquisition based on an original right (adverse possession) or, furthermore, when transcription is required for different aims (e.g. tax purposes, as for the certificate of declared succession).

On the contrary, there are circumstances when transcription performs a “**constitutive**” function. It is the case of seizure, a measure that “is executed” through its transcription (art. 555 Code of Civil Procedure).

2.2.5 Inscription

Mortgages, pursuant to the art. 2808 c.c., confer creditors the right to expropriate the assets bound as their credit warranty and be paid with the incomes of the expropriation price, with privilege over any other creditor who is not supported by such guarantee.

Differently from transcriptions, inscriptions always perform a **constitutive** effect of a guarantee, meaning that mortgages do not arise until their inscription in the register. Before the inscription in the Land Registry, an obligation between the parties and a creditor’s right to carry out its inscription does exist based on the debtor’s given consent, or of its legal title, but the guarantee is constituted only by means of registration.

The main effect of a mortgage is, therefore, the constraint that mortgaged assets bear in favour of the creditor’s rights.

A mortgage must be registered at Land Registry of the district where a property is located according to art. 2827 c.c.

With reference to the sources of law, a mortgage can come:

- From the will of the parties (voluntary mortgage), when someone who borrows an amount of money offers as guarantee his/her property or an asset of a third party unconnected to his/her debt (third guarantor);



- From a court decision (judicial mortgage), such as, for example, a judicial order to payment of an amount of money or another obligation;
- By law (legal mortgage), in the cases strictly defined by the art. 2817 c.c., such as, for example, the mortgage of the transferor over the transferred assets for the payment of the price, or the fulfilment of the duties deriving from such alienation;
- From tax debts or social security liabilities (revenue mortgage), such as a notice of enforceable tax-assessment, a notice of enforceable debt, from collection register (a compulsory tax collection carried out by revenue agents), a tax injunction (a compulsory tax collection directly carried out by Municipalities), from decisions of a tax judge with regard to preventive measures.

2.2.6 Annotation

An annotation is also identified as an auxiliary entry to indicate its connection with another entry (such as a transcription, inscription or annotation) which is therefore called “primary entry”. The function of an annotation is informing of those situations or deeds that extinguish or modify preceding entries.

An annotation can result with “a side-note” on a transcription, in order to indicate, for example, the annulment, withdrawal or ineffectiveness of a transfer, or to extinguish a mortgage (with constitutive effectiveness). Annotations play therefore an important role in the land registration system and largely involve the registrar’s responsibility, as the resulting extinguishing or modifying effects are unrecoverable. For example, from an undue cancellation or restriction of a mortgage, the creditor would irreparably lose his/her guarantee or, at least, its rank. In such case, the creditor could only register again a mortgage if the title allows it, but with a new rank. Pursuant to art. 2656 c.c., annotations must be performed according to the rules established by the articles concerning transcription, as they are applicable.

2.2.7 Simplified cancellation of mortgages and portability by subrogation

The provisions of the Decree Law n. 7 of 31st January 2007, converted with amendments into the Law n. 40 of 2nd April 2007, introduced a special favourable regime for mortgage cancellations and loans portability, both with regard to simplification of fulfilments and in terms of taxation.

Simplified cancellation of mortgages, currently regulated by the art. 40-bis of the Legislative Decree n. 385 of 1st September 1993, is a procedure that concerns mortgages inscribed as warranty for loans and financing, also not related to land, granted by those entities that carry out banking and financial activities and institutes for compulsory social security in favour of their employees and members.

In order to apply for a simplified mortgage cancellation, a creditor shall forward electronically a declaration of extinguished debt to the competent Land registration Service.

The use of the service is subject to prior authorisation to the submission of documents.

The Registrar receives and checks the “declaration of extinction of obligation”, enters it in the “Register of Communications” in order to make the entire procedure known to third parties, checks the lack of requests for “permanence” of the related mortgage for 30 days since the extinction of the obligation, and then the following day he/she cancels the mortgage ex-officio, free of charge. Actually, if there are reasonable grounds

against the cancellation, the creditor may request the annotation of permanence of the mortgage. Such annotation makes the cancellation not executable.

The lawmaker resumed the legal measure of subrogation by debtor's will, provided for by the art. 1202 c.c. in general terms, through the introduction of the art. 120-quarter in the Legislative Decree n. 385 of 1st September 1993, with a view to simplifying and lightening the obligations insisting on the consumer-taxpayer.

The portability by subrogation allows a debtor, freely from the will of the refunded creditor, to replace it with any other third party the debtor borrows the amount from for the payment of the debt.

The subrogation is carried out through an annotation consisting in a side note on the original mortgage. The related submission can be filled in *ex officio*, upon request of the user. This entry is exempt from land registry and stamp duties and it is only subject to payment of a mortgage tax. With the Decision dated 26th June 2012, the Agency has regulated the procedures for the electronic submission of deeds of subrogation.

2.2.8 Declaration of succession

The declaration of succession, according to the Italian tax legislation, is the means by which the State collects taxes related to succession. Whereas, the acquisition of inheritance rights, according to the Italian civil law principles, requires either a formal act of acceptance, or an explicit activity by which the beneficiary acts as the owner of the asset (so-called "tacit acceptance of inheritance"). However, when the



transmission of the rights listed at numbers 1, 2 and 4 of art. 2643 of the Civil Code, or the expiration of limited real rights (such as the usufruct) are involved, according to art. 2648 of the Civil Code the successor has to register the acceptance of the inheritance (or the legacy acquisition) in the Land Registry. Such transcription is required by law in order to complying with the principle of continuity dictated by art. 2650 of the Civil Code, as the heir is entitled to dispose of the asset in the moment of the death of the antecedent.

The **declaration of succession** must be presented by heirs, subjects holding rights to inheritance and legatees, within 12 months from the date of the opening of the succession. Generally, it coincides with the date of the death of the taxpayer. With reference to successions opened as from 3rd October 2006 and, except for particular exemptions, anyway from 1st January 2019 declarations of succession and requests for cadastral changes in ownership **have to be submitted only by electronic means**.

Declarations of succession can be submitted through the online services by taxpayers directly, or by an authorised intermediary, or going to the Provincial Office in charge of the Revenue Agency. The **Declaration of succession and cadastral changes application** drawing-up software, available free of charge through the website of the Agency, allows to fill in and send declarations of succession electronically. Through the submission of a declaration of succession, the cadastral ownership changes of the indicated properties are automatically carried out after specific checks and unless otherwise requested by the declarant.

A **Pre-compiled declaration of succession (web)** service is also available. This is a declaration of succession already partially filled in with data and information held by the Agency, which facilitates taxpayers to the



fulfilment. To access the web declaration of succession, the credentials of the SPID (Public System of Digital ID), or EIC (Electronic ID Card), or NCS (National Card of Services), or Fisconline/Entratel are needed.

The corresponding certificate of declared succession, together with its note, is sent to the local land registration service by the Provincial Office of the Agency for the purposes of its transcription pursuant to art. 5 of Legislative Decree n. 347 of 31st October 1990, with the effect of notice. This fulfilment is exclusively of fiscal nature, meanwhile -as said before- the transcription of acquisitions upon death can only be obtained on the basis of a legal act such as an express or tacit acceptance of inheritance.

2.2.9 Compilation of notes and applications

The legal rules to be referred to when filling in notes and applications to be submitted to the Registrar are contained in the Civil Code, articles 2659 and 2660 (note of transcription), 2826 and 2839 (note of inscription) and 2656 (request for annotation). It is also required to bear in mind, from the point of view of the validity of entries, the consequences prescribed by the articles 2665 and 2841 in the cases of omissions or inaccuracies contained, respectively, in a note of transcription or inscription.

The Circular of the Ministry of Finance, Department for Land Administration, n. 128 of 2nd May 1995, pursuant to the Law n. 52 of 27th February 1985, issued *"Instructions for filing in the note templates approved with the Inter-ministerial Decree dated 10th March 1995"*.

These instructions provide guidelines for a correct compilation of all the sections of the note, which is the sole and key source of knowledge of registers. Indeed, the judgements of the Supreme Court of Cassation always state that, in case of discrepancy between the data comprised in the note and those inferable from the title, the first ones always prevail.

With the further Circular n. 24/E of 17th June 2015 of the Revenue Agency, new codes for deeds were added in order to categorize entries that have entered the land registration system later, as consequence of more recent regulatory interventions. The new lists codify both new cases in issue and already existing hypotheses with no specific codification so far managed with general codes.

3 UPDATE OF LAND REGISTERS

As a property deed must be registered at the Revenue Office, submitted to the land register, submitted to the cadastre for the changes of ownership and it is subject to payment of various taxes, a procedure is provided to allow execution of the different fulfilments related to the same property deed.

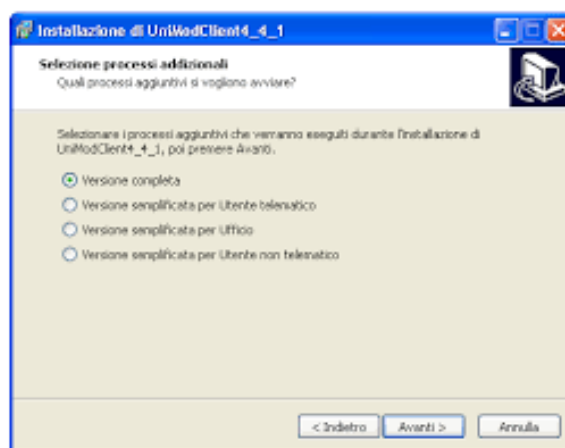
This procedure consists of sending online a unique model: the single IT model, which is structured to contain requests for registration, notes of transcription and inscription, requests for annotation and requests for cadastral ownership changes. Additionally, notaries pay taxes by reverse charge.

3.1 *Single electronic fulfilment*

Documents, notes and applications are filled in using the UniMod software, available in a number of versions, according to the kind of user, and are sent through the Agency's web service Sister, upon authorisation to the service "Submission of documents".

It is also possible to send electronically the deed.

For notaries and other public officials, the electronic transmission concerns a certified copy of the deed, fully drawn up by IT tools and digitally signed.



For tax collection agents, instead, the electronic transmission concerns the digitally signed documents, which constitute the title for the execution of entries.

For all online-submitted entries, the related certificate of executed entry is issued to the applicant via the telematic services, signed by the Registrar or his/her delegate with digital signature attesting the related functions.

Citizens can submit the updating documents on digital support directly to the front office of the competent Service for land registration, if they have a certified copy of the title on whose basis the entry is requested.

Users non-subscribed to the telematic services can obtain the certificate of executed entry by using the web application "*Request for return of duplicate copy*", available in the Restricted Area of the Agency's portal, by accessing it through their SPID credentials (Public System of Digital ID), or National Card of Services (NCS), or Electronic ID Card (EIC).

The Unimod software, required for drawing up the notes, is available on the website www.agenziaentrate.gov.it.

Alternatively, it is possible to use the "online" edition of the software, which is available on the Dashboard of Territory. It is a virtual working environment that includes a set of services in a single user interface, designed for the exchange of information with the Revenue Agency's cadastral and land registration databases, aimed at simplifying the professional's activities and fostering compliance.

Once the Dashboard of Territory is installed, users can access a new generation of software applications able to provide the information of the databases of reference without need to browse through the Agency's website.

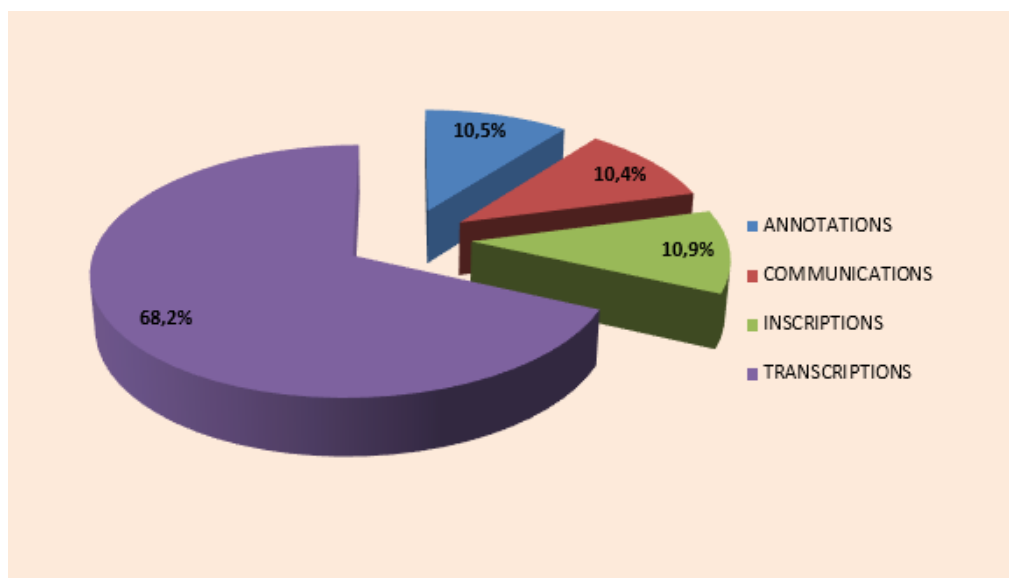
Delivery of documents will continue being performed through the Sister web service as usual until the development within the Dashboard of transmission tools.

The installation software of the "Dashboard of Territory" is downloadable on the website www.agenziaentrate.gov.it.



Entries performed - by result and submission channel - Year 2023

		ACCEPTED / PERFORMED CANCELLATIONS		ACCEPTED UNDER RESERVE		REJECTED / UNEXECUTED CANCELLATIONS		PERFORMED ENTRIES TOTAL
		Number	%	Number	%	Number	%	
ANNOTATIONS	IT STORAGE DEVICE - WITH THE TITLE	3.114	96,05%	0	--	128	3,95%	3.242
	IT STORAGE DEVICE - WITHOUT THE TITLE	194.218	96,16%	0	--	7.751	3,84%	201.969
	ONLINE - WITH THE TITLE	211.607	97,57%	0	--	5.279	2,43%	216.886
	ONLINE - WITHOUT THE TITLE	2.253	95,79%	0	--	99	4,21%	2.352
	Total	411.192	96,88%	0	--	13.257	3,12%	424.449
COMMUNICATIONS	ONLINE COMMUNICATIONS	418.213	99,42%	0	--	2.441	0,58%	420.654
	Total	418.213	99,42%	0	--	2.441	0,58%	420.654
INSCRIPTIONS	IT STORAGE DEVICE - WITH THE TITLE	20.727	98,20%	1	0,00%	379	1,80%	21.107
	IT STORAGE DEVICE - WITHOUT THE TITLE	60.080	96,45%	15	0,02%	2.198	3,53%	62.293
	ONLINE - WITH THE TITLE	348.815	99,02%	1	0,00%	3.462	0,98%	352.278
	ONLINE - WITHOUT THE TITLE	6.750	98,38%	0	--	111	1,62%	6.861
	Total	436.372	98,61%	17	0,00%	6.150	1,39%	442.539
TRANSCRIPTIONS	PAPER DOCUMENT	0	--	0	--	12	100,00%	12
	IT STORAGE DEVICE - WITH THE TITLE	2.545	90,25%	3	0,11%	272	9,65%	2.820
	IT STORAGE DEVICE - WITHOUT THE TITLE	155.203	94,34%	184	0,11%	9.133	5,55%	164.520
	FROM OTHER PUBLIC BODY - WITH THE TITLE	610.442	100,00%	0	--	7	0,00%	610.449
	FROM OTHER PUBLIC BODY - WITHOUT THE TITLE	446	75,98%	0	--	141	24,02%	587
	ONLINE - WITH THE TITLE	1.905.226	97,03%	44	0,00%	58.264	2,97%	1.963.534
	ONLINE - WITHOUT THE TITLE	22.184	96,08%	6	0,03%	900	3,90%	23.090
	Total	2.696.046	97,51%	237	0,01%	68.729	2,49%	2.765.012
Total		3.961.823	98%	254	0%	90.577	2%	4.052.654



4 CONSULTATION OF LAND REGISTERS: QUERIES AND CERTIFICATES

Among the Agency's main goals, there is the constant improvement of the quality of the services offered to users, in order to promote transparency, simplification of processes and easy access to services, as well as exchange of data on real estate assets with other Public Administrations.

In this perspective, given the different needs of users interested in land registration data (citizens, businesses, professionals, Public Administrations, etc.), the Agency has implemented specific services and carried out dedicated channels, particularly favouring the telematics way.

4.1 Land registry queries

The art. 2673 c.c. states that anyone can consult the real estate registers in the manner established by law.

Land registry queries allow to view the notes and titles deposited at the land registration Services of the Agency, in order to identify the real estate assets of a subject (natural or legal person), as well as possible constraints, liens or mortgages that may affect them.

The available information concerns the types of entries of the land registry database (transcriptions, inscriptions and annotations). Filters by entries (e.g. only transcriptions "against" a subject) and/or by properties are also possible.

Searches can be made for any district of the national territory, except the Provinces of Trento, Bolzano, Trieste, Gorizia and the other areas where the Tavolare system is in force.

Queries can be submitted at the office and, only for the information stored in electronic format, online.



4.1.1 Land registry queries at the office

As a rule, queries shall be carried out at the land registration service in charge for territorial area. For the time frame in which digital data are available, queries may also be submitted for other territories than those under the responsibility of the office where requests are presented (e.g. a query submitted in Rome on the land registration service of Naples).

Users must submit their queries at the counter on Form 310, available also in a simplified version for the less experienced. Both forms are accessible in editable format through the Agency's website www.agenziaentrategov.it.

They are also at disposal in paper copy at the offices.



At the offices users can consult all documents kept, related to natural and legal persons, both in paper and in electronic format.

In order to reduce presence of users at our offices, new functions have been implemented, making available “on request” those documents still kept in paper, after their digital acquisition by operators. In particular, the developed functionality allows consultation of non-electronic titles, non-digitalised notes and registers of transcriptions (*«Repertori»* - see glossary), otherwise only available at the territorial Service for land registration in which they are stored.

If the applicant, whether a natural or legal person, is the subject holding title, even a shared one, to a property or to real rights upon one or more properties, consultation of the database is free of charge (the so-called personal query).

In order to identify the “current ownership”, the elements that are taken into account are the presence of transcriptions “in favour” of the applicant in relation to deeds with transferring or declarative effects (e.g. sales, barter, gifts, transfers of assets and rights upon death, partitions, decrees of transfer, judgements on adverse possession, etc.) and the absence of succeeding entries involving the transfer of the same property.

The exemption excludes queries for transcriptions “in favour” of the applicant with reference to judicial requests, seizures and foreclosures. The ownership of collateral rights, i.e. the status of “mortgage creditor”, does not allow for the tax-free query (for example, in the case of inscribed mortgages “in favour” of the applicant). Furthermore, consultation is free of charge for inscribed mortgages “against” the applicant.

An entitlement to a property right shall result on a cadastral survey or, if the available cadastral heading is not up-to-date, on a substitutive declaration containing the cadastral identification data of the real estate to which the survey, or query, refers.

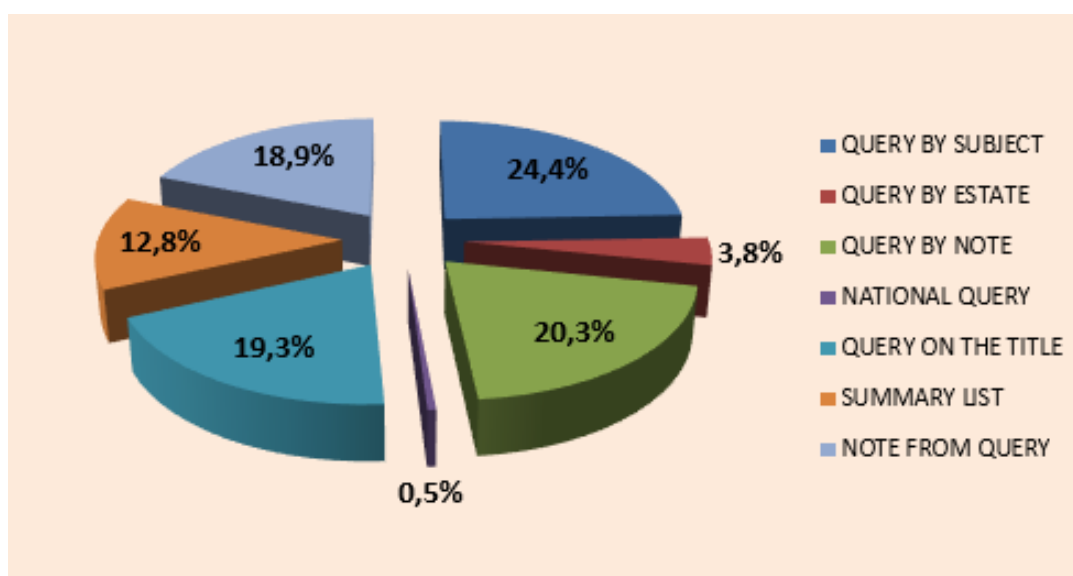
When a person other than the holder of an ownership right submits the request on behalf of the owner, also the copy of the document of the represented person must be acquired, further to the document of the delegate.

Legal persons - companies, associations, entities - can carry out personal consultations through their representative, either legally or organically referable to the organisation. In this case, the applicant must prove to be the representative of the subject to whom the survey or interrogation refers, also by means of a substitutive declaration.

If any mistakes are found in the cadastral archives information (e.g. incorrect indication of a property owner, incorrect property data, etc.), it is possible to use the online cadastral data revision service (*Contact Point*) or directly submit a request (Single Application Form - pdf) to the Agency's Provincial Offices for Land Administration.

Summary - Queries at the Office - Year 2023

	AUTOMATED QUERIES						MANUAL QUERIES				Total Queries
	UPON PAYMENT		EXEMPTED		EXEMPTED Decree Law 16/2012		UPON PAYMENT		EXEMPTED		
	Number	%	Number	%	Number	%	Number	%	Number	%	
QUERY BY SUBJECT	75.688	35,95%	5.801	2,76%	10.437	4,96%	118.590	56,32%	35	0,02%	210.551
QUERY BY ESTATE	30.987	94,90%	1.665	5,10%	0	0	0	0	0	0	32.652
QUERY BY NOTE	56.452	32,26%	752	0,43%	0	0	117.804	67,31%	9	0,01%	175.017
NATIONAL QUERY	2.585	60,40%	1.695	39,60%	0	0	0	0	0	0	4.280
QUERY ON THE TITLE	0	0	0	0	0	0	166.024	99,92%	141	0,08%	166.165
SUMMARY LIST	96.552	87,34%	4.805	4,35%	9.195	8,32%	0	0	0	0	110.552
NOTE FROM QUERY	132.763	81,28%	10.564	6,47%	20.019	12,26%	0	0	0	0	163.346
Total	395.027	45,80%	25.282	2,93%	39.651	4,60%	402.418	46,65%	185	0,03%	862.563



4.1.2 Online land registry queries

As an alternative to queries at offices, it is possible to use the *online* service, limited to the information stored in electronic format. This query channel is available to all citizens, as follows.

1 - through the Agency's website, by making a "Land registry query online". Land registry queries online can be carried out either by subject (limited to natural persons), or by the estate cadastral data, or by note if its date and particular registry number are known. These queries are available for any district of the national territory, with exception of the Provinces of Trento, Trieste, Bolzano, Gorizia and the other areas where the tavolare system is in force. It is not possible to search for data from periods prior to the digitalisation of an office. Payment, concurrent with the request for the service, is made through the **pagoPA system**, the Italian system for electronic payments to public administrations (Municipalities, Provinces, Regions, companies with public participation, schools, universities, Revenue Agency, etc.), and fees applied vary according to the Payment Service Provider (PSP) and the chosen payment tool.

2 - through the **Sister portal**, it is possible to access the database after agreement with the Agency, available to both public and

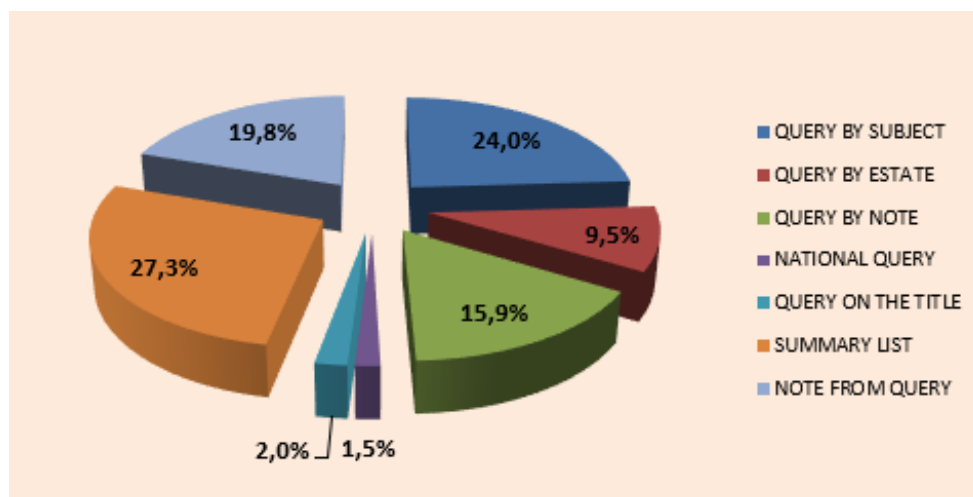




private entities. Nature and characteristics of the agreement vary, according to the kind of user (e.g. private users, upon payment; public bodies, exempt from taxes).

Moreover, by registering with **“Entratel/Fisconline” telematic services**, it is also possible to carry out online personal queries, free of charge and exempt from taxes, on the properties of which the applicant is holding a title, even a shared one, of ownership or other rights in rem.

Summary - Online Land Registry Queries - Year 2023									
	ONLINE QUERIES						ONLINE QUERIES ON PAPER DOCUMENTS		Total Queries
	UPON PAYMENT		EXEMPTED		EXEMPTED Decree Law 16/2012		UPON PAYMENT		
	Number	%	Number	%	Number	%	Number	%	
QUERY BY SUBJECT	8.700.677	72,85%	1.504.989	12,60%	1.659.072	13,89%	77.828	0,65%	11.942.566
QUERY BY ESTATE	3.853.270	81,54%	872.506	18,46%	0	0	0	0	4.725.776
QUERY BY NOTE	3.160.533	39,89%	4.711.893	59,47%	0	0	50.574	0,64%	7.923.000
NATIONAL QUERY	138.976	18,52%	611.433	81,48%	0	0	0		750.409
QUERY ON THE TITLE	662.923	67,97%	262.678	26,93%	0	0	49.660	5,09%	975.261
SUMMARY LIST	11.408.467	84,20%	2.141.465	15,80%	0	0	0		13.549.932
NOTE FROM QUERY	7.966.614	81,10%	1.856.513	18,90%	0	0	0		9.823.127
Total	35.891.460	72,23%	11.961.477	24,07%	1.659.072	3,34%	178.062	0,36%	49.690.071



4.1.3 Data query options

Land registry queries can be performed in two ways.

- **Search by subject, by property or subject/property crossed search**, in order to identify and possibly view the notes of interest. In this case, the user must fill in and submit the Form 310 with the details

of the subject and/or the property that he/she wants to search. If the query in the digitalised database is successful, the operator will show to the applicant the summary list for the choice of the notes of interest to be viewed. For the time preceding 24th July 1957, it is also possible to carry out searches about natural persons by detailing personal data and paternity. In the offices of Milan, Naples, Rome and Turin, for queries concerning also the period before 1st January 1973, an additional Form 310 must be submitted to their Discharge Division (the offices of Milan 3, Naples 3, Rome 3 and Turin 3). If the research outcome of the digital databank is not satisfactory, the survey may be extended to the paper archive. In this case, the office person consults the paper registers (*"Rubriche"*, *"Tavole"*, *"Repertori"*) and shows to the applicant the *"Repertorio"* for the choice of the notes of interest to be viewed. It is possible to exclude from a query the entries of inscription cancelled or not renewed at the end of their effectiveness date (20 years). Similarly, it is possible to exclude the entries of transcription of judicial requests, preserving seizures and foreclosures not renewed by the same term.

- **Search directly by note** when the user already knows its identification details. On Form 310, the applicant specifies the identification number, the year of the entry he/she intends to view and the data of at least either one subject or one property contained in the note.

It is also possible to extend the search by subject to other possible **tax identification numbers linked** to that of interest and to equal tax identification numbers found.

This functionality, highlighting that the interested subject has changed his/her tax identification number, increases the effectiveness of the inspection activity, since it allows a more complete search for entries.

If a person made changes of tax identification number and, consequently, more than one tax id number are attributed to him/her in the Tax Register, this information is available in the provincial homonymous list, through a linkable icon named «Linked tax identification numbers» (national icon name: «*CF collegati*»).

The most frequent practical cases are:

- change of personal data occurred to name and/or surname;
- inversion of surname and name (frequent with foreign subjects);
- sex change and consequent change of name;
- connection between subject and individual enterprise.

Information on death of natural persons and, for legal persons, on date of cessation of activity is also available

Along with the notes, it is possible to access the related legal titles, specifying its identification details on the request form.

4.1.4 Interrogation of the Register of communications

It is possible to query the Register of communications in order to check whether an inscription has been cancelled with the simplified procedure under the art. 40-*bis* of the Legislative Decree n. 385 of 1st September 1993. This service, free of charge, allows knowing the processing status of a mortgage cancellation. The information is available by providing the tax





identification number of the debtor to whom the receipt was issued following the extinction of the obligation secured by the mortgage of interest.

The service can be accessed in different ways.

- **At the Services for land registration**, by submitting the specific application form, from Monday to Friday, from 8.30 to 13.00. Timetable of the possible afternoon openings of offices, limited to certification and inspection services only, is published on the Agency's website at the webpage of every office.
- **Through the Entratel and Fisconline telematics services**, accessible after registration. The available communications are referred to the tax identification number entered at access.
- **Through the Sister telematic services**.

An interrogation of the Register of communications can provide the following results:

- **cancelled mortgage**: the procedure is concluded and the mortgage is cancelled;
- **being processed**: the office has taken over the communication and is processing it;
- **not admissible**: the communication was not accepted by the office, because of missing or incorrect essential data for cancellation;
- **not executable**: the cancellation cannot be executed due to legal reasons (for example, when a creditor has requested the permanence of the mortgage).

The system does not provide information about the status of automatically rejected communications at submission (for example, because they are digitally signed by an unauthorised subject).

4.2 Land registry certificates and issue of copies

A land registry certificate is the document issued by the Land Registrar, containing the list and copies of the entries comprised in the registers of transcriptions/inscriptions/annotations or attesting that there is none, in relation to a specific subject and possibly to one or more real estates.

The **general land registry certificate** includes the copies of all the notes in which the searched subject is present, resulting from the paper and/or electronic query, whereas the **special land registry certificate** includes the copies of the notes referred to a subject limitedly to one or more specified properties.

In addition to certificates, the applicant can obtain the certified copy of all the notes and of the only titles whose originals are archived at the office, or in deeds of a notary public or in a public archive outside the court's district where the office is located.

Certificates and copies (see the art. 2673 c.c.) must be requested to the Services for land registration of the Provincial Offices for Land Administration. Alternatively, they can be requested electronically by the users subscribed to the Sister portal and therefore authorised to consult the services of land and cadastral databases of the Agency.

A land registry certificate cannot be requested for properties that are located in the Provinces of Trento, Bolzano, Trieste, Gorizia and in the other areas where the *tavolare* system is in force.

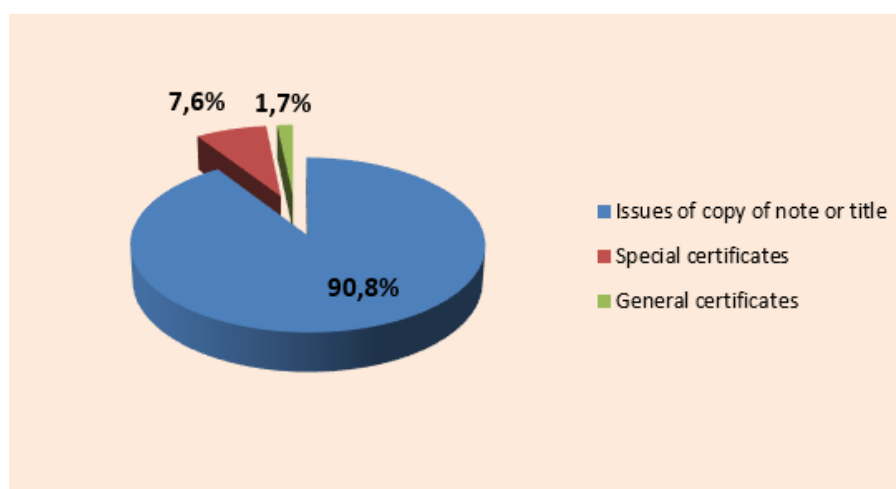
4.2.1 Request for certificates and copies at the office

A land registry certificate or copy must be requested to the Land registration Services of the Provincial Offices for Land Administration of the Agency, from Monday to Friday, from 8.30 to 13.00. Possible afternoon openings, for certification and inspection services only, are published on the website of the Agency (www.agenziaentrate.gov.it) within the webpages of every office.

Customers must fill in and submit Form 311 “Request for certificate or copy issue”. The Form 311 is available both online in editable format and at offices. Alternatively, requests can be filled using the UniCert software and submitted on computer support.

The office issues a receipt indicating the advance paid and contacts the applicant when the requested certificate is ready for its withdrawal.

Summary - Certificates and Issues of copies – Year 2023							
	ISSUED						Total
	UPON PAYMENT		EXEMPTED		IN DEBT		
	Number	%	Number	%	Number	%	
Issues of copy of note or title	41.818	53,55%	36.277	46,45%	3	0,00%	78.098
Special certificates	3.319	50,98%	3.094	47,52%	98	1,51%	6.511
General certificates	543	37,55%	885	61,20%	18	1,24%	1.446
Total	45.680	68,87%	40.256	30,79%	119	0,34%	86.055



4.2.2 Online request for certificates and copies

Users subscribed to the Sister portal, authorised to the consultation services of land and cadastral databases of the Agency, can submit a request for land registry certificates or copies in “xml” format, filled in using the UniCert software, or other equivalent software, and signed with digital signature by the requester.

Requests must comply with the technical requirements in force, also covering the forwarding of any attachment. The tax identification number and e-mail address of the applicant shall be indicated in order to avail of the electronic transmission.



The system outputs the list of the certification available in relation to the submitted requests with indication of the due amount of fees, until confirmation by the applicant. After a 10 days deadline, unconfirmed requests are automatically cancelled.

The processed outcome is communicated to the applicant, who can get the requested certificate and its receipt by accessing the dashboard. Explanations are always given in case of rejected applications.

5 COST OF SERVICES

5.1 *Update of land registers*

For the services of land registry update, the following taxes are generally due:

- land registry duty (Fee annexed to Legislative Decree n. 347 of 1990)
- stamp duty (Fee annexed to Presidential Decree D.P.R. 642/1972)
- land registry tax (List annexed to the Consolidated Law T.U. 347/1990).

Payment for the services can be made, depending on the case, by means of the Payments with identification elements F24 form (called F24 - Elide), or via POS, or electronically.

5.2 *Consultation of land registers*

For the search service on land registries, the due fees are established by the land registry tax list annexed to Legislative Decree n. 347 of 31st October 1990.

The service is free of charge if requested for properties of which the applicant either is the owner, even in share, or is entitled to other real rights (personal query).

For issue of certificates or copies, users have to pay the land fees established by the land registry tax list annexed to Legislative Decree n. 347 of 31st October 1990 and the stamp duty.

Payment can be made either via POS, or by replacement markings, or using the F24 Elide form. Users enabled upon agreement to the telematic services for consultation of land registers can use the amounts previously paid to the single national checking account (known as "castelletto").

ANNEX 1. Glossary of terms

<i>List of terms</i>	<i>Definitions as applicable for this brochure</i>
Agenzia delle Entrate	National name of the Italian Revenue Agency
Annotation	An auxiliary land registry entry , which updates land registry information, informing of events related to existing entries as transcriptions or inscriptions .
C.C.	Civil Code. The Code of civil law in force in Italy.
Certificate of inheritance	In the Italian tavolare system, it is an official certificate of the right of inheritance issued by the Tribunale ("Erbsschein" in Germ.).
Collection of documents	In the Italian tavolare system, it contains all documents which served as a basis for the registration of a landed property.
Constitutive effect	Property rights and other legal property rights on purchased assets are acquired only once they are registered in the Land Administration Registers, as it is according to the Italian "Tavolare law" and in title registration systems .
Declaratory effect	A transfer of a property, or the constitution of other ownership rights over real estates, is referable to the moment of conclusion of the contract and is independent from its registration. Therefore, the registration performs a "declarative" function, as ownership is already transferred and acquired by effect of the legally given consent of the parties of the agreement, as it is in deed registration systems . The main effect of the registration in this system is to "block" other rights on the same property, with the consequent possibility of opposing third parties of the agreement of ownership transfer, claiming conflicting rights on the same property, only with regard to registered deeds, with condition of precedence of transcription in case of deeds concerning the same property.
Deed	The formal title to land (land also includes a volume of space). A single deed relates to acts or contracts between one or more parties with reference to an object (ownership or others right in rem) identified with the cadastral number. Deeds are drafted by notaries and other public officials legally responsible for drafting of deeds (titles) suitable for transcription (art. 2657 c.c.) and for the execution of entries (art. 2671 c.c.).
Deed registration system	A land administration system whereby all important items related to the rights to buildings and parcels of land are registered on government-maintained registers. In Italy it is the system in force in most part of the national territory and is known as transcription system .
Entry	Every item of information registered in the land registry books or databases. Entries can be definitive when they are in force until being deleted or cancelled, temporary or provisional when they are entered for a period of time after which they will cease their effects, in accordance to a given land registration system.
Filing system	It is a system used before the Land book ("Grundbuch"). This system, known as "Archiviazione" in Italian, is still used in the municipalities of Livinallongo del Col di Lana and Colle Santa Lucia, located in the province of Belluno.
Grundbuch (Germ.)	The Grundbuch is constituted of the collection of "partite tavolari" . (See Land book)
Inscription	A land registry entry with constitutive effects , which records mortgages in the land register.
Judicial request	Request submitted to the judicial authority with reference to a certain property right to be disputed before the court. Judicial requests are subject to transcription . (§2.2.4)
Land book "Grundbuch" (Germ.)	In the Italian tavolare system, it is the list of real properties belonging to a territory, for any one of which a topographic representation and the name of the owner is provided. The Land Register consists of three sections: section A contains description of properties ("Gutbestandsblatt" , in Germ.), B contains name of the owner ("Eigentumsblatt" , in Germ.) and C contains the encumbrances on the real estate property ("Lastenblatt" , in Germ.).
Note	A summary containing the relevant information of a deed, drafted according to a standard template. Each type of entry is carried out through its note. The note is



	composed of three parts: section A refers to the formal title , section B to the property (object), section C to the parties (subjects) and the traded rights. There is, lastly, a further section D as open part for any additional information.
Partita tavolare (sing.) Partite tavolari (pl.) (Ital.)	“Grundbuchseinlage” in German. In the Italian tavolare system, it is a sheet of the Land Register. The collection of “ partite tavolari ” constitutes the Grundbuch .
Rank	The quality of a recorded right, given by a certain position of hierarchical preference in the register with respect to other recorded rights of lower rank. The Italian transcription system is a rank system.
Registrar	In Italy, the governmental officer in charge of the land registers, who is responsible for keeping and updating them (“Conservatore dei registri immobiliari”, in the Italian language)
Registration in the tavolare system	In Italy it is known as “intavolazione” and is a type of entry, which has the effect of acquiring, modifying or extinguishing a right.
Repertorio, Repertori (Ital.)	Search index of entries related to subjects. So-called “ <i>Repertorio</i> ” (sing.), Register of entries So-called “ <i>Repertori</i> ” (pl.), Registers of entries
Rubrica, Rubriche (Ital.)	Search index of surnames
Tavola, Tavole (Ital.)	Search index of personal identifying data with reference to the related index of entries. So-called “ <i>Tavola</i> ” (sing.), “ <i>Tavole</i> ” (pl.)
Tavolare system	The title registration system that some Italian lands inherited from the Austro-Hungarian empire. Specifically, it is in force in some areas in the North of Italy, precisely in the provinces of Trento, Bolzano, Trieste, Gorizia and in some Municipalities in the provinces of Udine, Belluno, Vicenza and Brescia.
Title register	The land administration register of title registration systems . A title register includes the registers of land, ownership and interests against land. It relates to the legal title which may, but does not necessarily, include the map.
Title registration system	In Italy, the Tavolare system is a title registration system (see also constitutive effect).
Transcription	A land registry entry that concerns deeds of transferring property and establishing, modifying or extinguishing rights in rem.
Transcription system	The land registration system that is in force in most part of Italy (see Deed registration system).