

Legal opinion

Changes to geodetic laws come into force

On 31 July 2020, most provisions of an amendment to the country's geodetic laws that the Sejm passed in April will come into effect. The amendment, officially titled "Act of 16 April 2020 amending the Geodetic and cartographic law and some other acts" (henceforth "Amendment"), introduces a number of changes designed to expedite construction projects, simplify things for surveyors, make some geodetic data widely and freely accessible, improve the operation of the land and buildings register, or ensure better funding for geodesy at district level.

To help accelerate construction projects, the Amendment e.g. introduces a lump-sum fee for access to all materials from the National Geodetic and Cartographic Resource (PZGiK) that a surveyor needs to do a job. This means surveyors will no longer have to apply for each material separately, and pay a fee each time.

Also, many types of data that are currently available only upon special request and for a fee will soon become universally and freely accessible via www.geoportal.gov.pl. These include e.g. data on geodetic nets, orthophotographs, or basic data on land plots and buildings.

In another notable change, surveyors will be allowed to commence certain activities before filing a notice of intention with the district governor's office. Specifically, they will be allowed to commence activities that do not require additional data and materials to be obtained from PZGiK up to five days prior to filing the notice.

Conducting of certain surveying activities, namely stakeouts of buildings or utility lines, will no longer require a notice of intention to be submitted at all. It should be remembered, however, that in cases where additional materials from PZGiK are necessary to perform the stakeout of a structure, the surveyor will still have to apply for the materials and pay a fee.

Another important change concerns the land and buildings register. It will now be updated ex officio, based on materials within PZGiK. According to the justification of the Amendment, this does not infringe on the general principle that any changes to data in the register that pertain to entities can only be made by virtue of an administrative decision, or an upgrade of the register.

As noted, most provisions of the Amendment will come into force on 31 July 2020. There are two exceptions, namely changes to the Law on planning and land development, which will go into effect on 1 November 2020; and the change to Article 41b, paragraph 3 of the Geodetic and cartographic law, which will go into effect only on 1 January 2021, as it has implications for the planning of local-government budgets.

Katarzyna Babicka, Lawyer
Miller, Canfield, W. Babicki, A. Chelchowski i Wspólnicy Sp.k.