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Land registers in EU countries

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For historical reasons, France has two systems of land registration (*publicité foncière*): the general law system and that in place in the departments of Bas-Rhin, Haut-Rhin and Moselle.

In these three departments, land is registered in the land register (*livre foncier*) held by the land registry offices (*bureaux fonciers*) whereas, in the rest of France, the land registration authorities (*services de publicité foncière (SPF)*) are responsible for registering land in the land registry index (*fichier immobilier*).

What does the French land register offer?

The land registry index publishes legal instruments and decisions.

These include, by way of illustration, instruments transferring ownership of real estate property (*immeuble*) such as deeds of sale (*acte de vente*) or partition (*acte de partage*), even if they are conditional, instruments transferring or creating a right in rem (*droit réel*) such as gifts or transfers of usufruct (*donation ou cession d'usufruit*) over real estate property, court decisions affecting real estate property, decisions by administrative authorities limiting the right to dispose of real estate property (*droit de disposer*), long-term leases (*baux de longue durée*), clauses limiting ownership rights such as inalienability clauses (*clause d'inaliénabilité*) or security taken over real estate property (*suretés*) such as mortgages (*hypothèques*) and most preferential claims (*privilèges*).

The Alsace-Moselle land register publishes documents evidencing rights.

Ownership rights over real estate property resulting from a legal instrument or a factual situation (acquisition of ownership rights by enjoyment (*usucapion*) or accession (*accession*)) are recorded in the land register. Building owner's rights (*droit de superficie*) and all other in rem rights arising from a lease (*bail*), usufruct (*usufruit*), right of user (*droit d'usage*), right of occupation (*droit d'habitation*), easement (*servitudes*), preferential claim (*privilège*), mortgage (*hypothèque*), tenants' and farmers' rights (*droits des locataires et du fermier*) in respect of a 12-year lease and rights arising from certain court decisions, etc. are also recorded.

How to search the French land register

In France, with the exception of the departments of Bas-Rhin, Haut-Rhin and Moselle, the land registry index is managed by the land registration authorities. These authorities are independent from each other. France is gradually reducing the number of land registration authorities. Whereas until recently there were 354, there are currently only 120.

Anyone wishing to obtain information on the legal situation of a property must make a request to the land registration authority of the place where the property is situated. You can obtain the names of successive owners and the prices obtained upon sales of the property for information purposes. Each authority provides information and copies of the legal instruments (*copies des actes*) from the land registry index relating to a property or to a person in possession of a property within its jurisdiction, upon request. This information is not free of charge. The cost varies according to the type and number of requests. The information is not currently centralised. Consequently, in order to obtain information on properties situated in different jurisdictions, you must make a separate request to each relevant land registration authority.

This information is now fully digitised and computerised. Some French notaries (*notaires*) simultaneously have access to the data held by all the land registry authorities in France via a server managed by the High Council of Notaries (*Conseil supérieur du notariat*), because a new IT tool is currently being implemented. This direct access to the land registry index is not available to other legal professionals or individuals.

In the departments of Bas-Rhin, Haut-Rhin and Moselle, the land register has been fully computerised since 2008. The land register and the mortgage registry (*registre des dépôts*) can be freely consulted in person or remotely. Anyone who consults these data may obtain a copy issued by the relevant registry (*greffe*) or public institution (*établissement public*). Copies are issued by public institutions for information purposes only. These services are not free of charge.

Consultation rights differ according to the requester's status. Certain professionals, such as notaries, have broader consultation rights (they can carry out searches of all land register data concerning people as well as properties). Consultation on the basis of a person's name is open to other professionals, such as lawyers, or to any person with an enforceable instrument (*titre exécutoire*) or authorisation from a judge. Consultation on the basis of a property is open to everyone.

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