Executive Summary:
The 'Tenancy law and housing policy in multi-level Europe' (Tenlaw) project provides the first large-scale comparative and European survey of tenancy law. This project is primarily about national tenancy laws and how they relate to national housing markets and housing policies. The effect of EU legislation on national housing markets in general and national tenancy law in particular is also included.

Tenlaw started off from the following background assumptions: Tenancy law at the national level is well researched, though mostly from a traditional legal-doctrinally perspective only. However, tenancy law stems from a wide variety of national historical state or capitalistic models. With many Europeans affected by housing policies as either a tenant or a landlord, the topic is also a political one. Other areas of EU law already touch tenancy law - for example, social policy against poverty and social exclusion. Moreover, European competition law, private international law, consumer law, environmental law and the European
Convention of Human Rights have often unconsidered side effects on tenancy regulation. Finally, if the Common Framework of Reference were one day to develop into a European Contract or Civil Code, all tenancy law issues now regulated by general contract law might be covered as well. Against this background, an in depth comparative analysis of tenancy law and housing policy at national and European level was needed.

The Tenlaw project was successfully implemented from 2012-15. It has generated more than 31 national reports, 10 team comparative reports as well as an overall comparison and an analysis of the potential future role of the EU in tenancy and housing law. These reports may be supposed to constitute the current state of the art in the field of comparative tenancy law and its European interconnections. The informational brochure entitled 'My rights as tenant in the EU' renders the project acquis available as a popular information guide in English language to the benefit of “migrant tenants”, i.e. individuals wishing to establish themselves in other EU countries where they typically depend on rental accommodation. Project meeting were held in Bremen, Pisa, Tarragona, Delft, Ljubljana and Tartu; the final conference was held in Budapest in September 2015. The reactions to the final conference as well as the feedback on the project by scholars and policy makers from European and beyond confirm the international reputation of Tenlaw as the major research project in the area of comparative tenancy law and housing policy at the European level.

Project Context and Objectives:

Tenancy law regulates contractual and real rights for the use of immovables, and thus directly affects the daily lives of European citizens, as about one third of them depend on rented housing, a proportion which increases in some countries to more than 50%. Residential tenancies are thus likely to impact on consumers more than any other legal branch, even though tenancies are not normally treated as a branch of consumer law. Together with the latter and labour law, residential tenancy law forms a field of social private law where party autonomy is superseded as a core principle by mandatory provisions oriented at solidarity among citizens. These provisions typically extend to some form of rent control, limitation of unilateral termination by the landlord, guarantees of habitability and other interventions into freedom of contract. The social shaping of tenancy law also reflects its embeddedness in a larger societal, political and economic context: that of housing policy. Aside from private tenancy law, housing policy builds on a complex set of welfare state regulations, dealing with social housing, housing allowances (rent subsidies) for poor tenants, tax law incentives and capital grants for housing construction etc. Yet the public interest in housing also extends to issues of macroeconomic management, energy policy, neighbourhood policies as well as urban and spatial planning. Ultimately, this complex regulatory context reflects different models of capitalism and of the welfare state.

Even though housing issues are treated abundantly at comparative level in sociology and economy, tenancy law remains a nearly blank space in the landscape of European private and comparative law. This is generally derived from its distinctly national or even regional character, its perceived strong political nature and its embeddedness in widely diverging national housing policies. Yet, just as with most other fields, the effectiveness of tenancy law depends increasingly on its interconnections to European law and policy. Thus, with the increase in mobility of European citizens and the growth of Europe-wide job markets and the boom in tourism, tenancy regulation is of increasing importance for the Single Market. Equal access to national housing markets is generally available as long since prescribed by European law. Yet national systems in the host country may put tenants in unexpectedly unfavourable conditions. The same may be true for relatively long periods of notice for the tenant in the country of origin, which may force a
worker who moves to pay rent on two different properties over an extended period and so act as a disincentive to intra-European mobility. Moreover, also European citizenship is affected negatively when migrating citizens are caught by surprising and impenetrable regulations in host countries to the detriment of the quality of their housing and, thus, ultimately of their quality of life. Beyond the free circulation of tenants, also the freedom of capital is affected by tenancy law. In recent years, as a consequence of globalisation and the establishment of new asset classes such as Real Estate Investment Trusts (REITS), real estate and capital markets have integrated dramatically in Europe and beyond. These investments concern predominantly commercial property, but in some countries also extend to large municipal housing stocks put on the market by cities which are under heavy financial constraints. Against this background, it is evident that the tenancy laws of a country are important economic parameters for investors.

However, the European impact on tenancy law derives even more from manifold, though often unintended collateral effects of EU regulation and policy in other fields, which have developed since the extension of European integration beyond the Common Market after 1992: EU social policy against poverty and social exclusion extends to selected issues of housing such as the amelioration of housing conditions; European competition and state aid rules affect subsidized social housing for the poor; European tax law prescribes that supply, construction, renovation and alteration of housing may be subject to reduced VAT rates; in European consumer law, the unfair terms directive extends to clauses contained in B2C lease contracts; and the tenant is also protected against misleading advertising and similar practices by the 2005 unfair commercial practices directive; European provisions on energy saving lay down information duties and provisos for the energy consumption of rental buildings; European private international law deals with residential tenancies selectively (cf. Art. 22 Nr. 1 Brussels I-Regulation; Art. 4 para. 1 lit. c and Art. 6 para. 4 lit. c Rom I-Regulation, the latter provision allows choice of law to the detriment of tenants); European anti-discrimination legislation prohibits discrimination based on race and ethnic origin in access to and supply of goods and services available to the public including housing (Art. 3 para. 1 lit. h Directive 2000/43/EC); European contract law as drafted in the so-called Common Frame of Reference might, if enacted as a binding optional instrument one day, cover tenancy legislation as well; finally, in European constitutional law a right to housing (“droit au logement”) is explicitly recognised only in some Member States including France and Italy whereas the drafters of the Nice Fundamental Rights Charter could only agree on an obscure right to “housing assistance” (Art. 34 para. 3). However, the European Convention of Human Rights has had an increasing influence in the last decades, with the number of judgements of the European Court of Human Rights affecting landlord and tenant amounting close to 70. In particular, communication rights, non-discrimination rights, the protection of the private sphere and family life, due process rights and the landlord’s property rights have been applied to tenancy law cases.

Project Objectives

Given the increasing significance of tenancy law for the Single Market and the growing responsibility of the EU resulting from the multiple European inroads into the field just outlined, Tenlaw set out to systematically research the comparative and European dimensions of tenancy law and housing policy, without embarking on a ready-made European harmonisation agenda or similar but rather by carefully investigating a proper European role in the field.

Objective 1: In a first step, Tenlaw analysed national tenancy laws in all EU Member States and their embeddedness in, and effects on, national housing markets and policies in a comparative approach. This part covered the origins and the development of national tenancy law as well as tenancy law’s embeddedness in housing policy and housing markets. Moreover, also tenancy law and procedure “in action” was integrated into the comparative analysis. Single fields of tenancy regulation constituted the
core part of this analysis. These included: The conclusion of tenancy contracts (in particular the choice of the tenant and discrimination issues) and the use of standard terms; duration and termination of contracts (in particular fixed term contracts and the possibilities of, and restrictions on, the landlord giving notice); rent fixing and rent increases (in particular the conditions and procedure for rent increases); obligations of the parties (in particular guarantees of habitability), breach and termination of tenancy contracts including actions for eviction.

Tenlaw’s basic parameter of evaluation was the hypothesis of a socio-economic balance. This has the following background: As the public sector seems to be increasingly unable and unwilling to provide all citizens in need with housing, private rental markets become more and more important to ensure a sufficient supply of dwellings for rent at affordable price. However, the good functioning of private markets depends on renting remaining attractive for landlords and investors. This, in turn, requires that burdens of social regulation imposed on landlords must not be too onerous and prevent them from making adequate gains and returns. Private tenancy regulation, such as rent control and security of tenure (protection of the tenant against notice) in particular, must therefore strike a socio-economic between the need to provide tenants with housing at affordable and sufficiently stable conditions, and the need to impose only acceptable burdens upon landlords and investors, and which do not act as disincentives. Moreover, only such balanced regulation qualifies as economically efficient.

Objective 2 consisted in a comparative analysis of the effects of EU law and policies in other fields on national tenancy law. As stated, this analysis extends to social policy against poverty and social exclusion; consumer law and policy; competition and state aid law; tax law; energy saving rules; private international law including international procedural law; anti-discrimination legislation; harmonisation and unification of general contract law; constitutional law affecting the EU and the European Convention of Human Rights. Objective 3 included the comparison of national tenancy systems in similar groups of welfare states and at European level. According to the general principles of comparative law, this comparison was carried out in a functional way - i.e. it was not be based on legal concepts (which vary widely with one concept having often several meanings in different systems), but on legal and socio-legal mechanisms serving similar regulatory objectives. In detail, the comparison extended to the following features: first, the tenancy law system and its key components, including security of tenure, rent control and guarantees of habitability; second, the different roles tenancy law may play in national housing policies; in this respect, fundamental differences are caused by the different share of private tenancies at market conditions as compared with social tenancies (with public or publicly subsidised landlords) and owner-occupied buildings; third, tenancy laws were compared as integral parts of national housing policies as regards their connection to different welfare state systems.

Technically, the comparison of national tenancy laws and their relationship to housing policies were undertaken at two levels: first at the level of similar, often neighbouring, welfare state systems – for which reason the project consortium was subdivided into 10 groups with each of them analysing three EU Member States; and at the EU+4 level of the overall consortium. In sum, the comparative analysis tried to render foreign systems understandable to national and European regulators and thus provide a basis for mutual learning and the definition of best practices, as envisaged at European level under the open method of co-ordination (OMC).

Objective 4 was devoted to the question of what the future desirable role for the EU in tenancy law might be – assuming that the continuation of the current status quo of inaction seems to be hardly plausible on account of the responsibility of the EU for the collateral effects of its policies. The following options were discussed: the initiation of an OMC process as in other fields of social policy, in particular in social
protection and social inclusion; the design of common principles of “good tenancy regulation”; the extension of the existing social dialogue (Art. 154f. TFEU) to tenancy law; a minimum harmonisation directive under European consumer law (Art. 169 para. 3 TFEU). Conversely, full harmonisation under Art. 114 TFEU (which would presuppose tenancy law to be regarded as necessary for the establishment of the Single Market), which might perhaps be discussed for commercial tenancies, was excluded as an option for residential tenancies. Indeed, tenancy law’s embeddedness in largely diverging national housing policies and economies could not be legitimately accommodated without disintegrative effects by a fully harmonised European instrument. Generally, all options were assessed against the background assumption that a balanced European contribution to an established field of social law such as tenancy law - which would need to abstain from intrusive harmonisation or unification measures, but deal with national divergences constructively – could bear a huge potential of enhancing the legitimacy of the EU in the eyes of its citizens.

Project Results:
Plan of Main S & T results/foregrounds

A. Summary of project implementation
B. Major scientific results
I. Questionnaire and national reports
II. Information brochure “My Rights as Tenant in Europe”
III. Intra-team comparisons
IV. Report on Future European Role in Tenancy Law
V. “Best of Tenlaw” contributions to a forthcoming monograph
VI. Inter-team comparison and final report

A. Summary of project implementation
After the start of the work in April 2012, the Tenlaw Consortium immediately gained momentum. As a first step, the project website with Intranet function (D 1.1) was set up (www.tenlaw.uni-bremen.de) and subsequently administered continuously by Ms. Kautz, project assistant at ZERP Bremen (D 1.1). The advisory body was constituted in April 2012 (D 1.2); it was largely composed of leading scientists active in tenancy law and/or housing policy from the whole world who had already declared their availability at the proposal stage. Advisory body members were invited to project meetings, and the draft project reports were sent to them for feedback. A list of the advisory body members is available on the project website (http://www.tenlaw.uni-bremen.de/advisorybody.html).

As a second step, working relationships were established to various European and international associations and academic expert groups working in the field (inter alia the International Union of Tenants (IUT), the European Federation of Public, Cooperative and Social Housing (CECODHAS), the European Federation of National Organizations Working with the Homeless (FEANTSA), and the Study Group on European Social Contract Law (EuSoCo). Moreover, quality and progress monitoring guidelines were elaborated by the team leaders (D 1.3).

Academic implementation started with the kick off workshop held in Bremen in April 2012 (D 1.4). All team leaders and already some elected national reporters were present, and a first draft questionnaire proposed
by the coordinator (D 2.1) was debated. The questionnaire was then finalized at the second project meeting held in October 2011 in Pisa (MS 1 – D 2.3) together with guidelines for the reporters on how to answer it (D 2.2). The division of countries among the teams was also confirmed in Pisa (MS 2). Likewise, the national reporters for all participating 31 countries were recruited by the ten teams as of October 2012. A list of them is available on the Project Website (http://www.tenlaw.uni-bremen.de/participants/complete_list.html). In one case, a high quality reporter could only be found somewhat later (Austria: beginning of 2013) but he managed to catch up with the project implementation. In another case (Germany), it was decided to distribute the work among several reporters (MS 2). As one of them is a Japanese postdoctoral researcher living in Bremen, an additional report of excellent scientific quality on tenancy law and housing policy in Japan could be elaborated with no additional cost. Due to the project’s international reputation, additional reporters could also be recruited from Turkey and Norway (voluntary participation without additional cost).

The questionnaire verification workshop (MS 3) was convened in June 2013 in Tarragona. This workshop was combined with the Annual Conference of the European Housing Research Network, attended by more than 400 researchers from all over the world and organized by Prof. Nasarre Aznar, leader of the Spanish Tenlaw team. On this occasion, the Tenlaw project was presented to the scientific community by the coordinator in the plenary session of the conference; this presentation was also made available on youtube (https://www.youtube.com/watch?v=XGzUHqd8HD4).

In the second reporting period, the Project’s most significant achievement was the completion of the national reports. The elaboration of these reports was based on the questionnaire and was performed by the recruited national reporters with the participation of all team members and under the supervision of the team leaders and/or national legal experts. The structural coherence and scientific quality of each report were approved according to the guidelines on quality control and progress monitoring, which had been elaborated by the steering committee. Among the first available country reports, the Dutch report – written by the internally well-known housing specialist Dr. Marietta Haffner (Delft) – and the German report were chosen as sample draft reports with the task of guiding the other reporters (D 2.4). Significantly, each report underwent and passed an internal peer-review process. To this end, full drafts of each national report were subjected to an internal peer review process, were made available to the members of the advisory body, and were discussed by the whole consortium at a workshop devoted to the task in Delft in February 2014. Thereafter, final versions of the reports were completed and delivered to the Commission by the end of March 2014. All reports are of good scientific quality and vary in length between 180 and 300 pages. There was one case of an ineffective national reporter (Portugal) who was replaced, but the team leader managed to complete the national report in time together with the successor candidate.

Furthermore, the informational brochures for all 31 countries were drafted in parallel with the national reports, and these brochures were available to the public on the Project website as one collected work entitled, “My Rights as Tenant in Europe” (D 3.1). Thus, all three deliverables of WP 3 could be successfully submitted to the Commission within the second reporting period.

In the third reporting period, working package 4 had to be implemented which consisted of objective 3: Comparing national tenancy systems in similar groups of welfare states and at European level and objective 4: What future role for the EU in tenancy law?

The comparison of tenancy laws and their relationship to housing policies making up objective 3 was undertaken at two levels: first at the level of similar, typically neighboring, welfare state systems – for which
reason the project consortium was subdivided into 10 teams with each of them analyzing three EU Member States (plus Switzerland, Scotland, Serbia, Norway and Japan; an additional work on Turkey will soon be ready); and, second, at the EU+X level of the overall consortium.

The detailed structure and contents of the intra-team comparison research was elaborated by the coordinator together with the other team leaders (MS 5) in spring 2014, and provisional versions of the intra-team comparison reports were completed in autumn 2014 (MS 6). Important findings from these reports were then presented and discussed among all teams at a consortium workshop in Ljubljana in October 2014. Thereafter, the intrateam reports underwent an internal, blind peer review process, and were then revised in consideration of the reviews and subsequently delivered to the Commission in early 2015 (D 4.1).

On the basis of the national and comparative reports, the coordinator elaborated the proposal for a report on the future role of the EU, part of which was already discussed together with preliminary findings on the interteam comparison at the Tartu workshop in May 2015 (MS 8). The completed report (D 4.3) was then presented and intensely debated at the final conference in Budapest in September 2015. Moreover, in Budapest, each team presented representative results and findings of its comparative analyses (D 4.4) which will be assembled in English as a “Best of Tenlaw” book, to be published in 2016; contacts are currently being made with Hart Publishing, Oxford.

The inter-team comparison report (D 4.2) which will also make up the key component of the final report (D 4.5) is currently well under way but could not yet be completed due to the unforeseen, but highly prestigious appointment of its designated author, Mr. Jason Dinse, hitherto scientific project coordinator at ZERP/Bremen, as law professor in Middleburg/ The Netherlands; however, this report has been taken over by the consortium coordinator, Prof. Christoph Schmid, and will be submitted in early 2016.

B. Major scientific results
I. Questionnaire and national reports
The questionnaire, structuring the national reports, was the core tool of Tenlaw. It was elaborated, verified and supplemented by the team leaders at several meetings. It was divided into a general first part on the national housing situation and housing policies and a special second part on tenancy and housing legislation. Its final structure was as follows:
Part 1: Housing situation and housing policies
  1 Current housing situation
     1.1 General features
        A. Historical evolution of the national housing situation and housing policy
        B. The current situation
        C. Types of housing tenures
        D. Other general aspects of the current national housing situation
     1.2 Economic factors
        A. Issues of price and affordability
        B. Attractiveness of investment
        C. Sufficiency of market supply
        D. Other economic factors
E. Effects of the current crisis
1.3 Urban and social aspects of the housing situation
A. Urban aspects
B. Social aspects
2 Housing policies and related policies
2.1 Introduction
2.2 Housing policies and actors
A. Governmental actors
B. Housing policies
C. Urban policies
D. Energy policies
2.3 Subsidization
2.4 Taxation
3 Regulatory types of rental and intermediate tenures
3.1 Classifications of different types of regulatory tenures
3.2 Regulatory types of tenures without a public task
3.3 Regulatory types of tenures with a public task

Part 2: Tenancy and housing legislation
Origins and development of tenancy law
2 Tenancy regulation and its context
2.1 General introduction
A. Preparation and negotiation of tenancy contracts
B. Conclusion of tenancy contracts
C. Contents of tenancy contracts
D. Implementation of tenancy contracts
E. Termination of tenancy contracts
F. Enforcing tenancy contracts
G. Tenancy law and procedure “in action”
3 Analysing the effects of EU law and policies on national tenancy policies and law
A. EU policies and legislation affecting national housing policies
B. EU policies and legislation affecting national housing law

As stated the Questionnaire was answered for all EU countries plus Serbia, Scotland, Turkey and Japan, with the national reports ranging from 120 to 300 pages approximately. A complete list of the national reporters, mostly PhD students but also some advanced academics or practitioners, is available on the Project Website (http://www.tenlaw.uni-bremen.de/participants/complete_list.html).
II. Information brochure “My Rights as Tenant in Europe”
The information brochure “My Rights as Tenant in Europe”, freely available on the project website (http://www.tenlaw.uni-bremen.de/brochures.html) constitutes the key dissemination tool of the Tenlaw consortium. Its motivation may be explained as follows: For citizens wishing to move to another EU state, there is a wide lack of information in an accessible language on the way to find a rental dwelling and the rights and obligations of tenants in other EU States. Already after the Internet publication of the 2003
predecessor project on Tenancy law and procedure in Europe carried out at the European University Institute Florence, the Tenlaw coordinator received a high number of emails by Erasmus students, academics and professionals of all kinds who had to move, often on a transitory basis, to another EU state and had to find suitable rental accommodation for themselves and their families there. All of them were seeking advice on how to proceed on the national rental markets or on the contents and consequences of rental contracts. The Tenlaw brochure aspires at filling this information gap as far as possible. On about 30 pages per country, we have tried to assemble all relevant information for prospective tenants, which includes the ways to find a dwelling, the conclusion, execution and termination of rental contracts, bureaucratic duties, possible traps, the role of estate agents and tenants’ associations (including contact data) as well as ways to apply for public/social housing etc. We hope that this brochure will facilitate the relocation of European and third country nationals to (other) European States, thus filling with life one of the fundamental principles of European integration, the free movement of persons, and ultimately contributing to the gradual development of a European people.

III. Intra-team comparisons
The comparison undertaken first at intrateam and then at overall consortium level extends to all important features of tenancy law and housing policy (1) important elements of tenancy regulation, including security of tenure, rent control and guarantees of habitability; (2) different roles that tenancy law may play in national housing policies; (3) the connection of tenancy laws to different welfare state systems. The aim of these comparative analyses was to make foreign domestic systems understandable to national and European regulators and to thus create a basis for mutual learning and best practices. The following comparative reports have been elaborated and published on the project website (http://www.tenlaw.uni-bremen.de/intrateamcom.html):
- Report on Austria, Germany, Switzerland and Luxemburg by M. Santos Silva, R. Hofmann and Ch. Schmid, Bremen
- Report on England, Wales, Scotland and Ireland by M. Jordan, Southampton
- Report on The Netherlands, France and Belgium by F. Cornette
- Report on Sweden, Finland and Denmark by P. Norberg, J. Juul-Sandberg and T. Ralli
- Report on Hungary, Romania and Bulgaria by V. Horvath
- Report on Estonia, Latvia and Lithuania by A. Hussar
- Report on Italy, Greece and Cyprus by R. Bianchi
- Report on Spain, Portugal and Malta by S. Nasarre, M. Olinda Garcia and K. Xerri
- Report on Poland, Czech Republic, Slovakjia by G. Panek

IV. Report on Future European Role in Tenancy Law (D 4.3)
On the basis of the national and comparative reports, the coordinator elaborated the proposal for a report on the future role of the EU, which was agreed on in the Tartu meeting (MS 8). The completed report (D 4.3) was then presented and intensely debated at the final conference in Budapest. It reached the following conclusions: Given the growing importance of tenancy law and housing policy for the Single Market in times of crisis and migration and the significant collateral effects of EU law and policies in other areas, this contribution advocates a stronger European coordinative role in this field. As legal harmonization, both maximum and minimum harmonization, is regarded as little realistic and desirable, the open method of coordination (OMC), which has been carried out in other branches of social policy with acceptable results, is regarded as the best institutional tool currently available. In an OMC process,
comparative socio-legal analysis may show the existence of bad, good and ambivalent national practices, with black markets, social rental agencies and energy refurbishment regulation serving as examples. In a positive perspective, an OMC-inspired analysis advocates neutrality of tenure as “mega principle” for regulation in the field. From this may be derived general principles which national tenancy regulation should respect and balance adequately: profitability and respect of property rights for the landlord, and affordability, stability and flexibility of the tenancy for the tenant. These general principles may in turn guide the development of more detailed European principles and rules of tenancy law, which will be exemplified in the areas of duration and termination of tenancy agreement as well as rent control. These could also inspire the draft of European tenancies, i.e. model agreements to be implemented and concretized at national level. In sum, it is submitted that European principles on tenancy law developed on this basis could be effective means of “persuasive guidance” for national regulation in the field.

V. “Best of Tenlaw” contributions for forthcoming monograph (D 4.4)

This deliverable has also been delayed, but eventually submitted in December 2015. It consists of the following major articles ready for publication:

- Bremen team: The European Dimension of Residential Tenancy Law, by Ch. Schmid and (with J. Dinse), published in European Review of Contract Law 2013, 201-220
- Budapest team: Central and East European housing regimes in the light of private rental sector development, by J. Hegedüs and V. Horváth.
- Celje team: Termination of tenancy contracts in Slovenia: time for change, by Š. Mežnar and T. Petrovič
- Katowice team: Balancing the Rights of Tenants and Landlords in the Context of Rent Regulation – National Experiences in the Light of ECtHR Case Law, by M. Habdas and G. Panek
- Lund team: Rent control and other aspects of tenancy law in Sweden, Denmark and Finland – how can a balance be struck between protection of tenants’ rights and landlords’ ownership rights in welfare states?, by P. Norberg and J. Juul-Sandberg
- Pisa team: Black Markets and Residential Tenancy Contracts in Southern European Housing Systems, by E. Bargelli and R. Bianchi
- Southampton team: The assured shorthold tenancy in a European context: Extremity of tenancy law on the fringes of Europe, by M. Jordan
- Tarragona team: Tenancies as an alternative to homeownership in Spain, Portugal and Malta? The legal drivers in a European context, by S. Nasarre Aznar, M. Olinda Garcia, H. Simón Moreno and K. Xerri

Nearly all articles have been presented to an international audience at the final conference in Budapest. Already at the Tartu meeting, it was decided by the team leaders that rather than being published separately these articles should be assembled in a “best of Tenlaw” book, so as to increase the visibility and scientific output of the Tenlaw consortium. With the help of the eminent Tenlaw team leader Peter Sparkes from Southampton, who has published his seminal volume “European Law Law” with Hart Publishing, Oxford, contacts are being established to that publisher. In the book, the Bremen contribution already published will be exchanged against the report on the analysis of the role of the EU. This report and the title of the final conference will also serve as inspiration for the book’s title: “Towards a European Role in Tenancy Law and Housing Policy”. Likewise, the Delft contribution will be exchanged by an article of the team leader H. Ploeger on “Tenancy law and urban policy”. All further Tenlaw-related publications
VI. Interteam comparison (D. 4.2) and final report (D.4.5)

A. Introductory Remarks

In summer 2015, also the structure and essential contents of the consortium-wide comparison (MS 7) was elaborated. As regards Part 1 of the project questionnaire, the comparison assembles in a selective approach interesting findings related to the contextual embeddedness of tenancy law inter alia in different national housing systems and economies, urban and environmental policies, subsidies and tax relief schemes. The comparative summary of Part 2 of the project questionnaire is centered on a functional analysis of the general principles just mentioned, i.e. profitability and respect of property rights for the landlord, and affordability, stability and flexibility of the tenancy for the tenant. In this analysis, exogenous elements (e.g. the rate of return for investments in housing) and elements endogenous to the legal regulation of tenancies (e.g. security of tenure and rent regulation) need to be sharply distinguished.

The draft report was well under way until summer 2015 when its designated author Jason Dinse, scientific assistant to the coordinator at ZERP/Bremen, was unexpectedly appointed as a professor in the Netherlands at Middleburg University even before the completion of his Ph.D. in August 2015. This appointment which was crucially based on Mr. Dinse’s experience in comparative, legal-contextual (as opposed to “black letter”) research, impressively demonstrates the reputation Tenlaw has already gained in the European epistemic community in comparative law. As a consequence of this appointment, though, Mr. Dinse had to move away from Bremen together with his family and is ever since stuck in new teaching and examination requirements. As a result, he could not finalize the final report in time as planned.

Whereas Mr. Dinse is still committed to write the comparative analysis of part A of the questionnaire, the analysis of part B has been taken over by the coordinator Prof. Christoph Schmid. Due to these unforeseen circumstances, the submission of the consortium-wide comparison and other minor deliverables will be delayed until early 2016. Notwithstanding this delay, the conclusions of these reports may already be summarized at the current stage.

B. Summary of conclusions

Part 1: Housing Situation and Housing Policies in the EU Member States

An effective comparative study of tenancy law must consider the national context within which each tenancy system is embedded. The analysis undertaken by the Tenlaw project consortium of the historical, political and social aspects of tenancy law and housing policy has yielded novel results, which are the subject of this part of the final report. With historical development as the point of departure, housing policy in most European countries was born in the furnaces of the industrial revolution and reborn from the ashes of the Second World War. The subsequent responses to post-war housing shortages were crafted differently in the various European countries, based largely on variations in societal norms and in the fundamental political orientation of the states. While other events and phenomena have also impacted the housing situation in particular countries or groups of countries, generally none have done so as significantly as the two major processes just mentioned—except perhaps for the global financial crisis, which indeed made a notable mark on housing markets and housing policy in many countries.

Generally, the historical development of housing policy has contributed to the development of a general preference in favour of owner occupation tenure that is ubiquitous throughout Europe. Explicit and implicit
promotion of owner occupation as a superior—or at least preferable—tenure type has contributed to owner occupancy rates of over fifty percent in nearly all European countries, even exceeding ninety percent in several countries. The thirty one countries studied in the project have been organized into a typology according to the overall orientation of their subsidization of housing and the tax treatment of the different housing tenures.

The method of determining the orientation of housing tenure preference began from the vantage point of a country’s express statements of housing policy. Housing policy statements may be considered the political expression of the will of the electorate, and thus, they help define the mandate bestowed upon the government. However, the intentions of a government as expressed in its official housing policy are of little impact unless they find manifestation in programmatic instruments of subsidization and taxation. Because of this, the orientation of a country’s system of subsidization and taxation of housing tenures is of critical importance when determining whether a country’s housing system prefers a particular housing tenure. In almost all of the countries studied, both owner occupancy and rental tenure are promoted by varying forms of direct subsidization. Likewise, most of the tax systems charge particular tax liabilities to both tenure types and offer corresponding tax benefits. However, the promotion of owner occupation and rental tenures through subsidization and taxation systems was found to be imbalanced in all countries in the study, exhibiting a preference for owner occupation. To determine the final classification of the orientation of each country’s housing policy, tenure preference observed in the subsidization and taxation systems of each country was considered together with express statements of housing policy preference. The resulting typology represents the overall level of tenure bias assigned to each country expressed as the level of preference for owner occupation tenure: low, medium, or high.

Along those lines, this report further examines certain problems in housing. For one, the informal market of rental tenancies—conceptualized as a black market in rental contracts—is so ubiquitous in some housing systems that accurate statistics are difficult to attain regarding the relative proportions of owner occupation tenure and rental tenure within the total housing system. The negative effects of a black market in rental contracts comprise principally the proliferation of tax avoidance—which often acts in a symbiotic relationship with the black market, with tax mechanisms that burden rental tenures incentivizing the non-formalizing and non-reporting of rental contracts when otherwise legally required—as well as the abrogation of tenants’ rights, as tenants are often left without access to the judicial system when they are unable to prove the existence of a tenancy contract. Additionally, market problems appear to plague many of the housing markets studied. While in some countries the supply of some or all types of housing tenures suffers from an overall shortage, other housing markets suffer more precisely from regional distortions. Thus, while markets in urban areas with vital employment opportunities present problems of inadequate supply, higher vacancy rates and stagnant markets are reported in relatively unprosperous rural areas. These supply problems are exacerbated in some countries by a significantly reported occurrence of deficiencies in the physical quality of housing, in some cases across all tenure types and in other cases concentrated in rental tenures. A final housing problem which is frequently reported in the countries studied is a type of ghettoization in the form of socio-economic seclusion in housing. This phenomenon is closely tied to the problem of market imbalance, as the overcrowded—and correspondingly higher-priced—housing markets in the urban centers make access to those vital employment hubs difficult for less-skilled, lower earning households who must settle for the lower-priced and lower quality dwellings located at the urban margins and in rural areas. This paradigm impedes lower income households trying to accede to
employment markets and further secludes them from meaningful participation in society.

Finally, this research has developed interesting results about housing tenure preference and housing problems. When the reported occurrence of each housing problem is organized according to the reporting countries’ tenure preference type, it appears that a correlation can be observed between a high-level preference for owner occupation tenure and the occurrence of housing problems. Future research may be useful in confirming this suggested correlation. Housing systems that have recently undergone or are currently undergoing a shift away from a high-level preference for owner occupation tenure have been categorized as shifting preference type. By tracking changes in the reported occurrence of housing problems over time in countries with a shifting preference compared to countries maintaining a high-level preference for owner occupation tenure, a similar correlation between high-level preference and the occurrence of housing problems could be confirmed.

Part 2: Comparative Tenancy and Housing Legislation

When comparing the tenancy and housing legislation of many countries, a normative guiding structure against which national legislation may be assessed is first needed. To this end, principles of good tenancy regulation have been drafted. To be sure, such principles constitute in the first place an academic exercise. They represent soft law without any directly or indirectly binding character. However, as they are based on a detailed comparative analysis, they might, ideally, develop into some kind of persuasive evidence and inspiration for national legislators or judges who have to develop or apply national tenancy law.

The following elaboration will first draw on an overall “mega principle” named neutrality of tenure, which will then be concretised into the general principles of profitability and respect of property rights for the landlord, and affordability, stability and flexibility of the tenancy for the tenant. On this basis, we will propose some more detailed principles and rules in core fields of tenancy regulation under which standing national legislation may be evaluated.

1. Neutrality of tenure as mega principle and guiding criterion

National housing policies are complex policy fields pursued by many actors at various levels of government. They extend to various policy branches including national and/or regional planning, urban policies as well as tax and subsidisation policies. In the wake of the financial crisis, several States have adhered to “neutrality of tenure” as a new key principle of housing policy. This concept, backed by housing scientists from different disciplines, means that rental tenures should not be treated in national policy and regulation less favourably than homeownership, which is the traditional “reference tenure”.

The Tenlaw project builds on the working hypothesis that an adequate treatment of rental tenures should also be reflected in private tenancy law. Indeed, private law has a close relationship with housing policy, by which it is influenced and which it itself influences in manifold ways. To start with, a functioning private law infrastructure and court system (“Rule of Law”) must be in place; otherwise, as shown in several Eastern European states, no effective private rental market will develop on account of unforeseeable risks for landlords. Furthermore, rent regulation should enable the landlord to make adequate profit. Otherwise, she will not be inclined to rent out her properties but will consider alternative uses or even leave them empty in certain cases, as it is currently happening in Spain and several Eastern European states. As a consequence, the reliance of a growing number of EU States on the private market for the supply of rental dwellings to large parts of the population may be illusory. Instead, the State will need to step in and take
care of those tenants who cannot satisfy their housing needs on the market.

On the other hand, if the position of tenants is too weak or instable, e.g. if only short guaranteed periods of tenure are available (as e.g. under the British default tenancy, the so-called assured shorthold, which covers 6 months security of tenure only), rental tenancies do not constitute a reliable alternative to tenants who want to have a stable living base for their families. As a result, tenants may be pushed into homeownership even at the risk of overstretching their financial abilities and ending up in over-indebtedness; as is well known, such a situation has given rise to the subprime mortgage crisis in the US. Similarly, though less dramatically, the far-reaching prohibition of subletting even without the landlord alleging good reasons, which is common in Southern European countries, provides another unjustified disadvantage of rental tenures as compared to ownership – as an owner could of course rent her house for example during a period of absence for working reasons.

Against this background, the core policy hypothesis of Tenlaw is that private law needs to respect a sort of “socio-economic equilibrium” between the legal positions of landlord and tenant – a principle which is thus based not only on private law (commutative) justice but also on legal economic findings. This principle aims at accommodating both the tenant’s need to have access to housing at reasonable conditions as well as the landlord’s profit-orientation and property rights.

To render operational the principle of a “socio-economic equilibrium” in a comparative analysis, Tenlaw has tried to develop an overall assessment of national legislation. This is based on a balance of general principles, which constitute key functional criteria for each party which a good legal system should accommodate: profitability and respect of property rights for the landlord, and affordability, stability and flexibility of the tenancy for the tenant:

2. Concretisation I: Profitability, respect of property rights, affordability, stability and flexibility as key functional criteria

The criterion of the profitability for the landlord encompasses the key research question whether rent regulation allows, or impedes, a reasonable profit, especially when profit from renting is compared to alternative investments. In this context, also the taxation of rental income, in particular possible tax privileges, needs to be considered. Likewise, attention should be paid to additional expenses which a landlord might face, such as certain taxes or the costs of repairs and utilities (to the extent these are not capable of being shifted to the tenant).

The criterion of the respect, de iure and de facto, of the landlord’s property rights is rendered operational by an assessment of important “Rule of Law” features such as the available remedies in cases of default on rent payment and deterioration of the house by the tenant, in particular of the effectiveness of eviction procedures (or alternatively available conciliation or mediation procedures). In this context, also the effectiveness of protection and guarantee mechanisms such as deposits, liens and pledges on the tenant’s belongings, personal securities (e.g. sureties of relatives) or insurances needs to be scrutinised. Another important dimension of the owner’s property right is the possibility to terminate the contract when the house is needed for own use or close relatives or when it is intended for another, more lucrative economic use. Finally, the opportunities for construction and rehabilitation are also relevant in this context, in particular the availability of mortgage credit, public subsidies for construction/rehabilitation and occasionally also the availability of private arrangements according to which the tenant rehabilitates the dwelling (performance in kind) in lieu of paying rent.

As regards the tenant, the key evaluative criteria for him are affordability, stability and flexibility of the tenancy. Affordability depends on the effective regulation of the rent (limitations on the setting of the initial
rent and control of later increases) and of other fees and expenses the tenant may have to bear, including the deposit, utilities, repairs and other fees such as registration fees or taxes which may lawfully be passed on to the tenant. Finally, the availability of public rent subsidies (housing allowances) for poor tenants is also relevant in this context.

The stability of the position of the tenant first depends on the legal regulation of the “default tenancy”, i.e. in particular whether insecure instruments such as licenses instead of leases are lawfully available, as is the case in UK; or whether the lack of a written agreement or of registration in a public register, which is mandatory in many European states but frequently denied by landlords for tax evasion purposes, constitutes a risk for the tenant.

The key issue related to stability is the duration of the tenancy, i.e. the period for which tenants are entitled to stay as long as they respect the contract. In open ended tenancies, this issue depends on whether there is adequate protection against the unilateral termination of the tenancy by the landlord. In systems following the French tradition of fixed period agreements (e.g. 3+3 years), it is decisive whether the guaranteed rental periods are adequately long and whether effective prolongation rights exist (or whether the landlord may make the prolongation dependent on the tenant’s consent to potentially abusive rent increases). Other criteria are the availability of the emptio non tollit locatum rule and/or pre-emption rights of tenants in case of sale of the dwelling, and the tenant’s legal position in case of a public auction of the house. Finally, the fairness of the eviction procedure, especially the availability of social defences or prolongation rights, also contributes to the stability of the tenant’s position.

The last key criterion for the tenant, flexibility, is crucial for personal and labour mobility. It essentially depends on whether unilateral termination of the tenancy by the tenant is possible within a reasonable period of time (or whether a tenant may be bound by a long term agreement which would force him to pay two rents if he has to move e.g. for professional reasons). Another, frequently underestimated, criterion is whether non-abusive subletting is generally allowed or may be prohibited by the owner even without good reasons; again, a possible prohibition strongly decreases the tenant’s mobility in case of work assignments in different locations.

Public/social tenures allocated to need (i.e. tenancies with public or “private social” landlords funded or at least subsidised by public authorities), may, with respect to the position of tenants, also be assessed with the criteria of affordability, stability and flexibility. As these will often be regulated to the advantage of the tenant, the conditions of access to public/social tenures become crucial; these depend on sufficient supply, the criteria of eligibility for tenants and the selection and allocation procedure, which should be fair, transparent and effective.

3. Concretisation II: European Principles - Proposals for Regulating Duration and Rent

As announced, we will now try to develop some more detailed principles on the basis of the functional criteria just outlined. These will be limited to classic private market tenancies; the specificities of public/social tenancies may be accommodated at a later stage. As a further caveat, it should be noted at the outset that there is of course not the one cogent deductive solution; instead, legislators are left with a big deal of discretion, albeit radical solutions which are in force in several states may be excluded. What follows therefore involves also our personal preferences, though the reference to the set of general principles enables, hopefully, rational choices and conclusions.

As regards duration, a reasonable balance between the stability of the lease for the tenant and the protection of owner’s property rights is crucial; if this balance is not respected by and large, neutrality of tenure is hampered from the very beginning. It is clear that all extreme solutions such as the English
assured shorthold or the Swedish or Dutch “close to impossibility” of termination do not enable this balance. The German model of open ended contracts under which the landlord may in principle always give notice for qualified reasons with some months delay (or with a delay as stipulated by the contract) comes closer to the desired balance. However, as recent jurisprudence has confirmed, it enables terminations for personal use (Eigenbedarf) even after a very short duration of the contract only, which violates the tenant’s legitimate expectations and the stability principle. The construction of longer guaranteed periods which may be found in Code Civil-derived legal systems is not always optimal either. For example, in Italy, after the 4+4 years guaranteed period, there is no more protection for the tenant, and the owner may make the offer of a new contract dependant on high rent increases. The French solution is more convincing in this context as even after the 3+3 years (or 6+6 years if the landlord is a legal person) guaranteed period, the landlord must prove specific conditions if he does not want to renew the contract. These include personal use, the intended sale of the dwelling (but the tenant has a pre-emption right!) or other serious reasons. However, it is our sense that for a private owner waiting up to 6 years before the restitution of a dwelling needed for personal use is excessive. Therefore, we would propose, as a middle ground solution, a default model according to which there are guaranteed renewable rental periods of 3 years each. After the end of such a 3 years period only, and following a notice to be given at least 6 months before, the owner is entitled to terminate the lease and may claim restitution of the dwelling for legitimate purposes including legitimate personal use, changed economic use of the building or other qualified reasons. This solution would be a general solution only, allowing for derogations in special circumstances such as leases for established transitory housing needs (including the case of students, placed workers etc) or leases to elderly or ill tenants or leases of rooms in the landlord’s house. Of course, this solution would only apply to a “complying tenant” who respects his obligations, in particular the punctual payment of the rent and abstains from anti-social behaviour etc. Otherwise, just as what is the rule in almost all national systems, the landlord should be allowed to terminate the contract on an extraordinary basis within a short period of notice. Finally, to enable personal and professional flexibility, a tenant should always be in a position to terminate the lease within a reasonably short period of about 3 months. Otherwise, he might not be flexible enough on the job market, which may be bad for the economy as a whole.

As regards the rent, in order to establish a balance between the competing principles of profitability for the landlord and affordability (and stability) for the tenant, the market rent should be respected, at least by and large. The market rent may be measured by statistical devices such as the German Mietspiegel or comparable indices, but reasonable deviations of about 10% should be allowed in individual agreements. Rent control along these lines should be legitimate not only in case of rent increases but also as regards the initial rent laid down in the lease agreement (a solution which may currently be found only in a minority of Member States). However, to enable a higher degree of foreseeability and thus also of affordability and stability for the tenant, (normally annual) increases during the guaranteed 3 years period described above should be limited to the inflation rate index or comparable indices as in the French system. Again, this solution, too, would provide only a general model; important national specificities such as the Swedish collective agreement system should be admitted.

All in all, the general principles developed here may serve as usual guidance for understanding and assessing key fields of national tenancy and housing legislation.

Potential Impact:
Potential Impact and Main Dissemination Activities
1. Potential Impact(s)

a) The expected impacts listed in the work programme in relation to the area 8.5.2. Diversities and commonalities in Europe to which the topic “Rule of Law and Justice in a Multilevel Governance System” belongs, read as follows:

“The research will a) advance the state of the art in this field; b) improve the formulation, development and implementation of policies at regional, national or European level; c) involve relevant communities, stakeholders as well as practitioners in the making and/or diffusion of research.”

As regards impact a), Tenlaw covers new ground with respect to its large-scale comparative focus, its truly interdisciplinary approach which extends to national and European housing policies and with respect to the analysis of a proper role for the EU in tenancy law, in which directly operative conclusions for European institutions were developed.

As regards impact b), Tenlaw improves the formulation, development and implementation of policies at national and European level in various ways and steps:

At national level, national legislators are, in the lack of comparative studies in an accessible language, often unaware of other European countries’ experiences in tenancy law. For example, the negative Italian experiences which legally binding rents under the so-called Equo Canone legislation (abolished in 1998 but still applicable to old contracts concluded before that date) have not apparently been considered in legislative processes and the specialised literature of countries such as Sweden or Holland where such rents still exist. National governments’ ignorance on tenancy regulation of other EU countries is shown also by the fact that the project coordinator and various team leaders have been contacted with respect to the Web-published results of Tenlaw and its EUI predecessor study by several national ministries and the OECD, which were all enquiring about the experiences of (other) EU Member States in land and tenancy law regulation and looking for – hitherto largely inexistent – comparative surveys in English. Clearly, mutual observance and mutual learning processes might be promoted even more by the further step of an extension of social policy OMC processes to tenancy regulation, as suggested in the Tenlaw report on a potential European role in the field.

At European level, Tenlaw lays the basis for the discussion on a possible European role in the field, be it through an OMC process, the extension of the social dialogue or a minimum harmonisation directive. In addition, the project helps uncover and evaluate the often unreflected side effects of other EU policies on national tenancy law. This is true for example as regards the frictions between the Common Framework of Reference and social “lifetime” contracts such as tenancy contracts.

As regards impact c), the relevant scientific communities, stakeholders as well as practitioners were and still are involved in both the making and the diffusion of Tenlaw research in various ways. Thus, the European comparative law community is involved to the extent that team and advisory body members also form part of all comparative law expert groups which exist in the field of European private law and housing research: the EC Expert Group on the Common Frame of Reference, the Study Group on a European Civil Code and the Acquis Group, the Eurohypothec Group, the EuSoCo group, the Study Group on Social Justice in European Contract Law, the Trento Group on the Common Core of European Private law, the European Law Institute Initiative and the European Housing Research Network. This involvement has ensured inter alia that the project results were integrated as soon as possible in the work of other expert groups.

Among the links to other groups and networks, the connection with the European Law Institute – which has been established through the Pisa team leader Elena Bargelli and advisory body members Sjef van Erp
and Hans-Wolfgang Micklitz – seems to be of particular importance. This initiative set up an equivalent to
the famous American Law Institute established in 1923 and constitutes a kind of lobby for the integrity of
law at the European level as well as a coordinating structure of all research projects and networks on
European law. Through the integration of the legal communities of all EU Member States and stakeholder
groups into one big European legal community, it boasts more expertise and legitimacy than its
components. In particular, it is intended that the European Law Institute will, following the American
example, coordinate the elaboration of Restatements of European Law which could supplement the
Common Framework of Reference. In particular, these Restatements could extend to more fields than the
CFR and, thus, integrate better social “lifetime” contracts such as tenancies. For these reasons, Tenlaw
has always been closely connected to the European Law Institute.
Moreover, the involvement of other stakeholders was achieved through contacts with European civil
society associations active in social and consumer policy including the European Consumers’
Organisation (BEUC), the International Union of Tenants (IUT), The European Federation of Public,
Cooperative and Social Housing (CECODHAS), The European Federation of National Organisations
Working with the Homeless (FEANTSA) and the European Anti Poverty Network (EAPN). These
associations were informed about the project from its start and invited to send observers in the advisory
body. This enabled them to actively promote Tenlaw and influence the making and diffusion of project
results. In addition, national associations of tenants and landlords were also informed by all teams. In the
Swedish case, where associations have regulatory powers (e.g. fixing the rent in local areas), it appeared
to be appropriate to integrate members of the associations in the scientific team itself.
As regards the involvement of practitioners, this was guaranteed through the involvement of leading
practitioners in all scientific teams. They helped spread the information about the project in their
professional organisations. Moreover, the internet publication of the project results is of course easily
accessible also to all practitioners looking for comparative information in tenancy and housing studies.
However, Tenlaw has had an impact not only on the relevant communities, stakeholders and practitioners
but also on ordinary European citizens. This impact has been triggered in particular by the publication of
key information on national tenancy legislation and practise in the brochure entitled “My rights as tenant in
Europe” (http://www.tenlaw.uni-bremen.de/brochures.html).
b) The expected impacts listed in the work programme in relation to the area 8.2.1. topic Combating
poverty in Europe: a key question of human dignity and social cohesion, which Tenlaw also addresses,
read as follows:
“Through research and networking, projects will advance the knowledge base that underpins the
formulation and implementation of relevant policies supporting sustainable development in Europe. They
will achieve a critical mass of resources and involve relevant communities, stakeholders, and practitioners
in the research, with a view to assessing the potential for sustainable practices, values, policies and
behaviours in Europe and contributing to develop the intellectual foundations of new European social
models that encourage the combination of economic, social and environmental objectives.”
The knowledge base that underpins the formulation and implementation of relevant - i.e. in particular
social, anti-exclusion, anti-poverty and consumer protection policies - supporting sustainable development
in Europe was obviously advanced by providing large-scale comparative information on national tenancy
systems as shaped by national and European social and housing policies. The required critical mass of
resources was achieved through the integration of legal, sociological and economic sources and the
inclusions of specialists in these disciplines into the teams. The involvement of scientific communities,
stakeholders, and practitioners was also ensured, as just described. Finally, the comparative assessments
and the analysis of a potential European role in the field have contributed to develop the intellectual foundations of a new European social model which combines economic and social objectives (environmental objectives were involved inter alia through the link of tenancy law to EU and national energy saving law). In particular, the proposed OMC process for tenancy law may lead to the elaboration of common principles of good “tenancy regulation” which could reflect a truly European social model – not in the sense of substituting national social models but in the sense of complementing and mutually reinforcing national social models in a multi-level setting.

2. Main dissemination activities

As regards dissemination and exploitation of results, a set of tools and venues was and still is used, which are distinguished, following the EU information guidance, according to the target groups and the use of various communications means.

The dissemination of the results in the scientific community, in interest groups and political institutions was achieved through the integration into the project’s advisory body of a large number of European civil society associations, representatives of the European Commission and representatives of the various transnational experts groups already mentioned. These representatives acted as information multipliers.

As direct dissemination techniques and venues, a Website, scientific books and other publications and presentations at international conferences played the largest role:

The permanent project Website www.tenlaw.uni-bremen.de enabling direct access (without password and for free) to all project reports has so far generated the largest dissemination effect. Moreover, as doctoral candidates made up the largest part of the national reporters recruited by the teams, the project has already generated several completed doctoral theses and is expected to generate about 10-15 more in the next years. Given the high academic profile of the project leaders who are all experienced supervisors and the resort to effective supervision and peer review mechanisms, these theses have generally attained publishable quality. Beyond the national and comparative reports, a “Best of Tenlaw” compilation of articles will be published as a monograph in English with an established publisher.

Other occasions for the dissemination of results were the project workshops, in particular the final conference convened in Budapest in September 2015. These workshops were open to all interested scientists (no participation fee was charged for the academic part) and publicised widely in national and European law reviews and in the newsletters of the involved experts groups. A summary of single dissemination activities is presented below at 4.2.

Finally, as Tenlaw covered new scientific ground in a socially important area of law and provided a comprehensive comparative analysis of all EU Member States, team leaders and members were and still are often invited by Universities and policy making institutions to present the project. Beyond the dissemination to more or less specialised audiences, the project is also of interest for the media and ordinary citizens, whom we tried to address in the following ways: First, press releases on the project and major conferences and workshops were published. Existing contacts to the press were used by the team members in order to place popular presentations and summary reports of the project in national newspapers.

Moreover, as suggested by the EU communication guidance, the project also tries to “tap useful Commission information resources”. Thus, DG Research is provided with a short summary of the project which could be inserted in Web databases administered by the EU such as “Euractiv.com”.

However, the core means of addressing European citizens is the already mentioned information brochure entitled “My rights as tenant in the EU”. This brochure was produced by the teams for all countries covered by this study and made available for free download on the project Website. The brochure contains
information on the most important tenancy and housing law issues including types of tenancies, black market contracts, legal requirements and delays for notice by the landlord, rent regulation and liability for maintenance of the apartment. Thus, the brochure provides a useful first and free reference for mobile European citizens wishing to rent homes in another European country, including tourists, students, posted workers and businessmen. Indeed, according to the Rome I-Regulation (Art. 4 para. 1 c), tenancy relations are, in the lack of a valid choice of another national law by the parties, always governed by the law of the country of location of the immovable (lex rei sitae). Therefore, tenants are always subject to a foreign law which they do not know in most cases, and which is often not understandable to them for language reasons. As, to our knowledge, no such information in English was available on the internet before, our information has filled an obvious information gap and thus contributed to a large-scale diffusion of the project results to ordinary citizens.

List of Websites:
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