

Preface

Private tenancy law regulating contractual and real rights for the use of immovable property is existentially affecting 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 per cent. Residential tenancies are thus likely to impact on consumers more than any other legal branch, even though they are not normally treated as a part of consumer law. The good functioning of tenancy law and adjudication is therefore fundamental to the legitimacy of the legal system in the eyes of citizens. Whereas tenancy law has been a developed legal discipline in all EU Member States for decades or even centuries, it constitutes a nearly blank space in comparative and European law, which is often attributed to its instable political character. The European Union has not legislated in the field, and its competence is doubtful; however, policies and legislation in other areas ranging from anti-poverty, energy, tax, environmental and State aid law to consumer law, conflicts of laws, non-discrimination law and human rights have generated important, though largely unnoticed, collateral effects on the field.

Against this background, the TENLAW Project, an integrated project funded by the European Union under FP 7 from 2012 to 2015, set out to provide the first large-scale comparative and European law survey of tenancy law and housing policy in 32 countries. Ten teams produced national reports, intra-team and inter-team comparisons of some 6,500 pages, which are all freely available on the permanent project website www.tenlaw.uni-bremen.de. To disseminate their work, the teams also compiled a popular information brochure entitled ‘My rights as tenant in the EU’. The TENLAW network is still in place and continues its scientific activities.

The contributions assembled in this book are intended to give a representative impression of the work performed by the various teams and to arouse readers’ interest in the full reports produced by the consortium. My deepest thanks go to those who have rendered the book possible: the TENLAW authors, team leaders and advisory body members, the project officers of the European Commission, John-Paul MacDonald, David Fairclough and four anonymous reviewers from Edward Elgar as

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