

Neoliberal Legal Nirvana in post-socialist Central Eastern Europe?

Precarious Ownership in *Condominium Law* and hollowing access to justice

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Introduction

General Remarks

- What I will follow in my presentation:
- Introduction to neoliberalism legality & centrality of ownership (& condominium ownership) to neoliberal project in CEE and in the former USSR
- Possible ways of using condominium laws to analyse what I call 'neoliberal legality'
- What Romanian condominium enactments could teaches us from a long duree perspective and from the neoliberal legality perspective?
- Impact of the neoliberal changes on litigation and on access to justice

A. (Long) Introduction (1)

Neoliberalism

-‘Neoliberalism’ (what is?)-best known definition of neo-liberalism is that developed by David Harvey. Accordingly to Harvey, neoliberalism is:

“A theory of political economic practices that proposes that human wellbeing can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free market, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices.” (Harvey,D., 2005. *A brief history of neoliberalism*. OUP Oxford. p 2)

It follows that (strong)- Property rights (ownership) play an important roles for neoliberal ideologues

-How Central Eastern Europe (or the former USSR) became ‘neoliberal’?

Many great books & articles on this, but for an influential (more recent) political theory description & typology see e.g. Dorothee Bohle, Béla Greskovits, *Capitalist Diversity on Europe's Periphery* Cornell University Press 2012

Introduction (2)

Centrality of 'condominiums' ownership in Neoliberal project

Why is ownership of condominiums so '**important**' for the CEE neoliberal project?

-Historical reasons –During 'Real existing Socialism' it was a huge drive to build accommodation (flat) for those working in socialist enterprises (uniformly across the bloc, millions of units were built in big towns, esp. during the big industrial pushes of the late 1950s-early 1970s, although building slowed after the oils shocks of the early 1970s and the entering of CEE in the long decline of the 1980s. However even in the 1980s the building of new condominium units is impressive within CEE in comparison with what followed in the 1990s, 2000s)

-Political strategic reasons-At the onset of post-communist transformations all CEE were left with an impressive stock of condominium units which could be immediately sold/given away during privatisation drives. Unlike the privatisation of the socialist era enterprises (where privatisation was often a protracted process) 'privatisation of condominium units could be done immediately & with few hurdles. (usually government enacted a privatisation law of these units, and the local government/enterprises proceeded to sell them immediately to 'entitled' persons). Like in the UK under Thatcher government, a class of owners loyal to the governments enacting these laws was created immediately, government increased revenue (at least in theory), burden to keep in habitable conditions these units was transferred to the new owners, so a **win-win**

Introduction (3)

Implications of 'centrality' of condominiums in the CEE neoliberal project

Because ownership of condominiums is so '**central**' for the CEE neoliberal project, condominium laws in the legal & social context could be studied to respond several questions

Sample questions:

-1) Do Differences between neoliberal rhetoric and the nitty gritty of legal enactments exist? If they are, what are these differences and what they could teach us in respect of neoliberal 'legality' ? (from this)

-2) Is the legislative process implemented by neoliberals after 1990 so different than the Real Existing socialism legislative process? (that the neoliberals despised to much and sworn to change it?)

-3) what is the standing of condominium owners in rapport to the standing of renters of condominium units during real existing socialism? Is this standing normatively desirable, as argued by neoliberals

But many more questions could be asked

Introduction (4)

(Neoliberal (?) Condominium Law in Scholarship ?

Although is so important for the CEE neoliberal project, we do not have a great deal of scholarship on condominium laws (at least in the English speaking one) changes under neoliberal ideas. Important exceptions:

-Cornelius Van Der Merwe (ed.), **European Condominium Law** (Cambridge University Press, 2015) (covering Slovenia, Poland, Croatia and Estonia among many European jurisdictions. Done in the Schlessinger manner, it is important because it allows researchers to understand the broad EU trends in condominium laws)

-Richard Epstein, **Redistribution within Collective Organizations. What Corporations, Condominium and Unions Tell Us about Proper Use of Government Power**, New York University Journal of Law & Liberty (2014) on line at: <https://tinyurl.com/y9f2yocs> (while the journal is obscure, Epstein does a great job as neoliberal ideologue and offers a good framework of neoliberal thinking on the matter)

Introduction (5)

(Neoliberal (?) Condominium Law in Scholarship ?

-Cornelius Van Der Merwe's book shows that overall in Europe (including CEE post-communist countries) obligations of owners became more stringent under neoliberal legal 'reforms' although great differences exist among jurisdictions (in particular in relation to processual rights of the owners, jurisdictional control of acts of associations, etc.).

-Richard Epstein's article, on the other hand shows what is wrong with neoliberal assumptions (e.g. that is an 'ideal' moral regulation of condominiums accordingly to the neoliberal playbook, independent of social & economic realities, etc)

B. Possible ways to tackle neoliberal 'legal revolution' (using condominium laws as pretext or subtext) 1

- (1) Narrow focus on **transformation of the CEE legal systems** during the post-communist era. We could divide conventionally this transformation into 2 periods:

-(1) 1989 up until 2004-2007 waves of EU accession

-(2) After the 2004-2007 wave of accession.

Dominant paradigms for analysing these transformations are:

The legal transplants paradigm (on the prescriptive side-post-communist states should adopt 'western' legal models, more advanced & adequate for a market economy. It dominated period (1), although 'Europenization' could be defined as a variant of this paradigm

The 'Europenization' paradigm (CEE states are catching up with more advanced 'western' legal systems, under the strong influence of the EU; EU is playing a benevolent role in the legal transformation and enables the betterment of CEE populations **Problem:** In general, the assumption is that transformation is needed, and that it has beneficial effects.

While some criticism is levelled in scholarship, relatively little attention is paid to ***the effects of this transformation***, or to its 'impact'. In my analysis ***I am concerned with the 'impact'*** of this enormous legal transformation on the 'rights' of homeowners with little or no means.

Possible ways to tackle neoliberal 'legal revolution' (using condominium laws as pretext or subtext) 2

- If we choose to narrowly focus on **transformation of the CEE legal systems** during the post-communist era, from the perspective of disputes related to housing litigation generated by the Romanian law of Associations of Owners several aspects are important- 1) (political economy) changes in the ownership structures (in the past 20 years) via privatisation of utilities, selling of apartments; 2) changes in legislation

1) Changes in **ownership structures**...(political economy)

- Critical scholars express doubts about the huge privatisation programmes in post-communist CEE, but in the dominant literature the privatisation mantra (Washington Consensus) goes generally unquestioned.
- More recently (especially after the global economic crisis of 2007-2008), the challenges posed to CEE post-communist states by the EU neoliberal wisdom started to be challenged
- Simultaneously, in the wake of Sovereign debt crisis, the wisdom of EU neoliberal policies and even of the EU constitutional arrangements or EU legitimacy started also to be challenged more vigorously (in the CEE, EU policies started to be challenged also by populist local politicians, in the wake of migration crisis of 2015)-

Possible ways to tackle neoliberal 'legal revolution' (using condominium laws as pretext or subtext) 3

- 2) Changes *in legislation*...(legislative changes)

In general, the legislative change at the individual level of CEE countries since early 2000s has been driven either by EU 'integration' or legislative harmonisation drives.... (however, as a 'rule' the EU does not 'dictate' specific choices related to housing & housing ownership made by individual states, as these come under the members states specific competences). The 'changes in legislation' at local levels appear to be dominantly inspired by neoliberal ideas, and sanction the new power relations & political economy established after 1989.

-Speaking about the transformations of the EU after Lisbon and the global economic crisis, Gareth Davies observes, for example that:

At any rate, the current model of an isolated, instrumental EU, dominating the Member States, carries a price that is very high. Not only is the EU condemned to disaffection, but the Member States are reduced to the status of permanent victims. That this is the choice of their own collective choice reveals the EU to be a tool for infantilisation. Divisions of functions between the levels of government has become avoidance of responsibility on both sides rather than constructive cooperation"

Possible ways to tackle neoliberal 'legal revolution' (using condominium laws as pretext or subtext) 4

- Changes in political economy & legislation of CEE countries using this framework (Table 1.1)

<i>Political Economy</i>	<i>Legislative Changes</i>
<p>1. Changes in Ownership Structures</p> <p>-privatisation, via selling flats to former tenants</p> <p>-privatisation of utilities</p>	<p>Enactment of laws allowing for this sale (early 1990s, but continued through the 1990s, early 2000s)</p> <p>Privatisation laws (enacted early 1990s through the region, but privatisation of utilities accelerated at the end of 1990s, continued through 2000s-in general before the 'accession' to EU)</p>

Possible ways to tackle neoliberal 'legal revolution' (using condominium laws as pretext or subtext) 5

- Changes in political economy & legislation of CEE countries (Table 1.2)

Political Economy	Legislative Changes
<p>2. State withdrawal from regulating housing, etc.</p> <ul style="list-style-type: none"> -abolition of rent controls -abolition of the important role played by the socialist enterprise (local authorities) in providing housing to those employed by the socialist enterprise, etc. -removal of any residuals of state 'control' -emphasis on 'individual responsibility' 	<p>Early enactment of legislation abolishing control of rents (but not uniform through CEE, some states attempted to control rents in the 1990s, and relinquished control afterwards)</p> <p>-Uniformly realised through the region via big privatisation laws (of socialist enterprises) of the early 1990s</p> <p>Legislation enacting the 'transfer' of housing stock from the administration of 'socialist enterprises' to local authorities & eventual sales to the tenants</p> <p>'Decentralisation' legislation transferring command & control powers to lower (local) administration (weak or inexistent control) in the context of a marked weakness of state capacity</p> <p>-changes in civil & procedure codes affecting the standing of tenants, house owners, their procedural rights, etc.</p>

Possible ways to tackle neoliberal 'legal revolution' (using condominium laws as pretext or subtext) final

In addition to the above, I believe that the focus on the *longue durée* legislative enactments and on the social reality generated by the Real Existing Socialism (flats in condominium complexes as a 'social reality' generated by the communist era) could enable us to better understand how the same social reality (flats in condominiums) could be regulated in different political & legal regimes (changing the legal obligations attached to ownership?/such a social reality), what the *longue durée* legislative trends are (in spite of particular political regimes rhetoric) and how contingent on political objectives are in fact regulations related to condominiums (& Ownership).

Romanian Condominium Laws (from a '*longue durée*' perspective)

- 'Condominiums' appear in Romanian law in 1928 (one of the first laws in Europe consecrating 'condominium' ownership; Hungary a bit early, Poland somehow after, but most European jurisdictions did not regulate condominium ownership at that time), in a law 'on encouragement of housing constructions' (sic). Law in vigor until 13 January 1974 (when it was specifically abrogated via Decree 691/1973 as result of enactment of restrictive regulations on housing during Ceausescu's era). It was not abrogated even by the first major housing law during the communist era (Law no 9/1968 for housing development, sale of housing units from state fund and development of private houses). *Associations of owners* are just a minor bother (not necessarily the most important one) in this law

- Law 4/1973 (abrogated in 1991, Law 50/1991 on housing development authorizations)

- Succession of Laws on Housing, etc in the 1990s, but only in 2001 (government Ordinance no.85/2001 approved with modifications by Law nr.234/2002) *Associations of owners* received their present powers & neoliberal reforms on condominium ownership got finally contoured. Further modifications in 2007 (Law no. 230/2007 & 2018 (Law no. 196/2018 on condominium associations

Romanian Condominium Laws (from a '*longue durée*' perspective) 2

-So, *Before 1989*

Law on Associations changed with some frequency between the late 1960s, early 1970s, but with much

-Chapter X- Article 65-66 (Law No 5/1973 regarding the administration of the locative fund and for the reports between owners and tenants 31.03.1973) provided, for example, for the possibility of apartment buildings to form an Association (before this Law, Law no 10/1968 provided for the for associations)

-Law was really short on 'Associations' (it provided only for the scope of Association i.e. maintain the collect the contribution for the maintenance of common, but sent to the Statute regarding the functioning of the associations of persons living in apartment buildings. The Statute was enacted 4 years later 387/1977, published in the Official Gazette no 116/ 16 November 1977. Statue of associations quite imperative the associations entrusted with a series of tasks that furthered the communist party's objectives; the obligation to pay for their quota of common expenses quite imperative; relatively little recourse unsatisfied with the association decisions, although in principle free access to the courts was given)

-Utilities costs however were subsidised (not necessarily as heavily as in other communist CEE countries)

Romanian Condominium Laws (from a ‘*longue durée*’ perspective) 3

- *Post 1989*

- *Decree 61/90 (February 1990) changed dramatically the ownership structure of communist era buildings, allowing for the sale of apartments to the tenants); More importantly, Law No 15 of 7th August 1990 allowed for the later privatisation of utilities (mostly accomplished via sales to foreign companies by 2005);*
- *During the first post-communist decade Law No 114/96 (Law of the homes) was enacted, this law provided for the possibility to form association of owners in buildings with more than an apartment, without elaborating in the detail how. (Basically the communist era law & statute continued to regulate the reports between associations, owners of apartments, end users of utilities, etc*
- *In early 2000s the Government (then led by Socialist Party's Adrian Nastase prime minister) enacted an emergency ordinance regulating the Association of Owners- Emergency Ordinance No 85/2001 (several changes-especially on the language, goals of the associations, etc, but the functioning of the associations preserved more or less the attributions they had during communist era. Special sections of the Ordinance described the attributions to control and support the associations by the local councils & mayoral office. No provisions for penalties, the ordinance provided only that the owners who sold the apartments should pay for all the debts towards association before the selling). Ordinance approved 2 years latter.*

Romanian Condominium Laws

-Post 1989

- in 2004 Socialist Party lost the election, a right wing alliance (Democrat Party-Liberal party) came to power.
- in 2006 a powerful Democratic Liberal party senator proposed a project which would replace the 1996 Law with a new Ordinance; His justification: the new law would spell in more detail the relations between the state and the private sector, etc (this senator later embroiled in corruption scandals, law 'dedicated' to political clients)
- Government reticent (new Law bad mélange of Law 114/96 & Gov Ordinance 85; does not solve the problem, etc)
- However the law passed without problems on the floor of the Chambers but was subject to a second reexamination;
- It passed again without modifications

Romanian Condominium Laws

The project was enacted as L237/22.02.2006 (not major differences in 2018)

-Main *Problems* of this law:

- It provides for really stiff penalties for those not paying on time (0.2 per cent of the debt/per any day when payment was late; Penalties could not surpass the initial debt)
- Very little possibilities for those not happy with the Assignments of debts to contest the Association's decisions;
- Associations work in an obscure way, they are not really controlled by mayoral offices or councils departments (as enacted in the law)
- For most of time Associations act as collectors of utilities companies;
- Price of utilities skyrocketed (huge scandals during privatisation); state authorities do not really control the prices, weak enforcements of antitrust or consumer protections laws, etc;
- Major changes in *civil procedure laws*, etc-the owners sued by Association for debts could loose their apartments for trivial debts (compared to the value of their apartments)

Romanian Condominium Laws/Legislative techniques from a '*longue durée*' perspective)

-Despite neoliberal rhetoric, we can see from the Romanian example that 1) that a legislation adopted under a political regime (i.e. legislation regulating condominiums adopted in the interwar Romania by a liberal political regime) could long survive during different political regimes.

2) neoliberal inspired legislator post 1989 adopts that same instrumentalist position in regards to condominium owners as the communist legislator. Whereas the main subject of this regulation-the 'owner'-is apparently celebrated by the neoliberals, in reality his legal position is far worse than the position of the precarious owner or of the tenant under the communist era laws and regulations. This happens because several characteristics of the neoliberal approach to law act in combination to make the legal position of the condominium owners even less secure and predictable than it was under real existing socialism.

Romanian Condominium Laws/Legislative techniques from a '*longue durée*' perspective)

- 2) neoliberal instrumentalism (e.g. post 1989 condominium legislation tends to treat differently the obligations of owners and associations of owners even when it apparently reproduces formal obligations and rights existent for both from communist era legislation. Thus, owners' rights tend to be mere declaratory and tootles in practice in comparison with previous era rights, even in the case when they are reproduced from communist era legislation. Inversely, owners' obligations tend to be treated more extensively and punitively than associations' obligations in the neoliberal era enactments)
- New Law abounds in legal fictions and assumptions (favouring associations), is highly endogenous (Edelman, Working Law (University of Chicago Press 2016) is other words. Further changes in civil procedure rules, etc favour this endogeneity

Romanian Condominium legislation under neoliberalism (Associations of Owners & Mediated relations?)

MEDIATE RELATIONS BETWEEN END CUSTOMERS & UTILITIES?

Relationships between various parties

UTILITIES

(OWNERS) ASSOCIATIONS

**APARTMENTS OWNERS
(OR THEIR TENANTS)**



Litigating Cases under the Romanian Legislation (Anatomy of the lawsuits initiated by the Associations of Owners against their 'members')

-How a lawsuit against late paying owners occurs?

Prior to trial

1. Associations receive bills (utilities bills, etc) and determinate their own expenses; assign a proportion of these bills to individual owners/tenants

-in theory the accounting and general activity should be supervised by special departments of mayoral office (or by tax authorities) in practice little supervision exercised

2. Associations wait for a period of time (could be anywhere between 3 months to several years, depending on particular Association) and impose late penalties (usually 2% of amount due/day-could not be higher than the amount owed)

3. Associations file lawsuit (no fees for filling the case; possibility to recover attorney fees, expert fees, or any other expense incurred by the Association with the lawsuit if Association wins)

Litigating Cases under the Romanian Legislation (Anatomy of the lawsuits initiated by the Associations of Owners against their 'members')

-How a lawsuit against late paying owners occurs?

Initial phase

Associations file complaint (usually request any amounts they have assigned to the owner/tenant; plus late penalties; plus any other damages; plus costs of litigation, etc)

Trial Phase

Owner responds

Trial ensues (after 2014 legislative modifications, quite short terms, litigants penalised for not filling requested responses, etc.).
Emphasis on formalities

Judgment issued

Execution Judgment

Defendant liable for the amount decided by the court; execution of judgment for this amount

Owner does not respond

Courts enter a *default judgment*; owner/tenant liable for everything requested

Execution of judgment by Association; owner could easily lose property

Litigating Cases under the Romanian Legislation (Determinants of the processual landscape (1) & outcomes)

- -Competence assigned to the lowest courts (municipal district courts)
- -Usually claims are relatively small (the amounts requested vary between £ 100-several thousand -max)
- -‘Substantive law’ not really difficult for such claims (claims are generally repetitive) , but emphasis on formal requirements, relatively ‘harsh’ on owners
- -Lowest courts relatively busy with many claims (backlog not really big but significant for some courts, especially in municipalities, where we have the highest concentration of condominiums-‘legacy’ of the socialist era big housing projects)
- -Judges at these courts promoted on the basis of ‘efficiency’, etc. (especially, after the recent enactment of changes in the statutes of magistrates), so they have an ‘interest’ to dispose quickly of such claims

Litigating Cases under the Romanian Legislation (Determinants of the processual landscape)

- Before the 2014 enactment of new civil code & new procedural code, judges had the possibility to check themselves the not complicated accounting submitted by the Associations. In reality this never happened, judges quickly resorted to 'expert accountants', further burdening the defendants (defendants liable for these expenses, and for the Association expenses in the usual cases when they lose the trial). The 2014 enactments consolidated this trend
- -Legal Endogeneity significant (Edelman-deference of courts towards formal requirements in law, superficial check of how these requirements are implemented by private entities)
- The Law of Condominiums Associations seems to depart from general principles of corporative law & General law of Associations in 'unfortunate ways' (e.g. lower protection for 'minority' stakeholders interests afforded by Law on Condominium Associations, burdensome procedures for those willing to contest 'majority' decisions)
- -After 2014 enactments, the formal requirements (submission of responses by defendant, etc) for trial increased significantly
- -Because of the relatively low amounts of money involved & other characteristics of the legal system, judges could spend little time on these trials
- **Consequences:** For defendants with little means (& understanding of the law) is difficult to handle these trials (substantive law inequalities amplified by procedural inequalities)

Litigating Cases under the Romanian Legislation Access to Justice?

- Condominium Associations are exempt of trial fees & could bring a claim any time within the 3 years statute of limitations. They could also opt in for services of an attorney (fees recoverable from defendant, if associations win the trial) and would be reimbursed for any other expenses if they win trial (usually they do).
- -Defendants thus contemplate in case of losing not only the costs of the arrears/penalties assigned by the association, but also the costs of litigation (attorney fees for the plaintiff, costs of experts). The latter could be significant and sometimes could even exceed the arrears due to associations.
- Law quite replete with formal requirements & relatively biased against defendants (condominium apartments owners); in order to stand a chance to win defend should mount a defence based on Technicalities-e.g. defendant could claim that penalties were not calculated accordingly to law and surpass the amount initially owed against the rules prescribed by the law; far more difficult to contest the amounts assigned as debt). However the defendants lack this knowledge & for someone who is sue for not paying a £ 200 debts is hard to hire a lawyer who usually charges at least this amount to represent someone.
- Generally defendants without means give up on participating to such trials and they are assigned a judgment by default. How punitive is this judgment depends on the particular circumstances of the cases & on the whims of the judge (whether the judge is inclined to apply a formal judgment and give the association how much she was asked for or whether the judge censures a bit the documents submitted by association)
- 'Access to justice' is wholly illusory in these circumstances...

Final thoughts

Analysing Legislative Impact?

- Problems with 'hard' data
- -very difficult to gather statistics related to housing litigation (after 1974 enactments the litigation data were declared 'state secrets' by the communist regime; so we have data previous to 1974, and from 1990 to 1997, when the Ministry of Justice changed the way in which statistics related to housing litigation were recorded)
- -no public (or private) databases where comprehensive data related to litigation and cases could be gathered by researchers (so far I was able to map up comprehensive data from 3 district courts-judecatorie-Data confirm so far the general characteristics I deduced from my observations of individual cases progression through district courts)

& In general:

- No 'awareness' of Romanian authorities of the potential negative impact of the changed legal landscape on the processual 'rights' & 'access to justice' rights of 'owners' and tenants in precarious condition. No 'awareness' of local authorities in relations to their ineffectual accomplishment of obligations they have under present arrangements

Final thoughts

Cumulative neoliberal influence (EU/national legislation) in deepening housing inequalities?

EU neoliberal outlook & its impact (1)

- Writing about the impact of the global crisis and EU responses to the crisis in Central Eastern Europe, Attila Agh remarked in 2012 that the unfinished CEE economic, social and legal transformation has the potential to transform into an all-encompassing crisis in the region under the ('liberalisation') pressures of the EU.
- In matters related to housing, the EU indeed does not prescribe specific policies of ownership or regulations of the relationships between owners and various 3rd parties.
- However, EU insists on further 'liberalisation' of energy markets in CEE and gradual removal of any energy subsidies provided by the state to private customers in the region. This will result in an explosion of prices, in the condition of a poorly supervised and regulated utilities market (Antitrust national authorities not very effective, similar little effectiveness of customers' protection laws, etc)
- Similarly, EU endorsed large scale privatisations, or changes in civil and procedural codes that made the situation of litigants without means more precarious.

Final thoughts

Cumulative neoliberal influence (EU/national legislation) in deepening housing inequalities?

EU neoliberal outlook & its impact (2)

- As in the 1990s, the EU justify the 'liberalisation' of energy markets on the future benefits provided to the 'customers' by such markets. It strongly emphasis a view of the people of the EU as 'customers' and it expects these 'customers' to be protected of anticompetitive practices of the providers by national antitrust or customer protection authorities, which in the CEE function more on paper than in reality.
- Furthermore, the EU appear to accept (at least in the case of Romania, but valid in other cases as well as most CEE countries enacted new codes of procedure, etc) the enactment of civil & civil procedure rules that downgrade the processual standing of those without means, and endorses national regimes that aggravated the situation of CEE citizens with lesser means.
- Worst, still, the EU seems to not have any idea about the level of downgrading of citizens rights via ongoing 'neoliberal procedural reforms' in Romanian and in the CEE
- focus on the wrong policies (liberalisation energy market) insistence of the welfare enhancing of customers supposedly

Final thoughts

Cumulative neoliberal influence (EU/national legislation) in deepening housing inequalities?

National Legislation (trends)

- Strong duties & stiff penalties for condominium owners enacted in the *condominium legislation*, very formal legislation, somehow 'biased' against the owners and very favourable to associations.
- Supposed layers of protection of 'customers' (condominium owners) just decorative (National agencies supposed to control energy or utilities cartels inexistent or ineffective, local control agencies organised under mayoral office inexistent or ineffective)
- Rules of civil procedure (trials) favour the speedy trials/same goes for the judicial profession norms
- Deployment of legal fictions by judges, widespread use of 'experts' in the trial (even when they are not necessarily needed) abound; all make the position of defendant (condominium owner) more precarious

Effects?

Conclusions

- Condominium owners (Ownership) celebrated by neoliberals/while in reality they are treated as passive payers of utilities' bills
- Relatively harsh treatment of condominium owners in national legislation (which abounds in obligations, formal requirements, stiff penalties & legal fictions)
- No (real) national debates on condominium ownership, legislative technique similar to that adopted during the real existing socialism (the neoliberals know better?), except that is biased against procedural rights of condominium holders.
- Cumulative (negative) impact of both national & EU rules, at national level cumulative negative impact of legal rules enacted in very different areas (condominium legislation/ownership; rules of civil procedure, rules of judicial profession, antitrust & associations (control) rules.
- Quite difficult to change these trends (for now). But as neoliberals tend to implement a legal/social utopia , there is space for some local divergence.

THANK YOU!



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