Protection of Immovables in European Legal Systems

How should a landowner respond when a squatter occupies their land? This book discusses the issues focusing on *vindicatio*, possessory remedies and trespass, but also explores administrative procedures for their removal. In many cases, these actions derive from Roman law, which are expertly explored in an introductory chapter. Also included is a chapter exploring human rights interventions in such actions. Twelve case studies offer an extensive and comparative analysis across fourteen European jurisdictions. The basic defendants covered are squatters taking over a home, environmental protesters, licensees and former tenants. The case studies include, amongst others, self-help; restitution; competing claims to ownership (and the relevance of registration systems to claims to ownership); adverse possession; neighbours; nuisance and encroachment.

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The Common Core of European Private Law

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For the transnational lawyer the present European situation is equivalent to that of a traveller compelled to cross legal Europe using a number of different local maps. To assist lawyers in the journey beyond their own locality *The Common Core of European Private Law Project* was launched in 1993 at the University of Trento under the auspices of the late Professor Rudolf B. Schlesinger.

The aim of this collective scholarly enterprise is to unearth what is already common to the legal systems of European Union member states. Case studies widely circulated and discussed between lawyers of different traditions are employed to draw at least the main lines of a reliable map of the law of Europe.

*A list of books in the series can be found at the end of this volume.*
Protection of Immovables in European Legal Systems

Edited by

Sonia Martín Santisteban

and

Peter Sparkes
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Foreword

It gives me deep satisfaction to write this short introduction to this volume in the Common Core of European Private Law series. On top of serving as a General Editor for the past twenty years, I have always participated in the property sections, first with Antonio Gambaro and now with Anna di Robilant as Chairs. Since the very beginning of our conversations, it has been clear that property law produces very serious challenges for the common core methodology and that any functional method requires quite a serious tune up in order to cope with the deep structural differences among the legal traditions. Fifteen years ago, I experienced directly these kinds of difficulties, already pointed out by John Merryman, when I published my Basic Principles of Property Law: A Comparative Legal and Economic Introduction, a work in which I approached core areas of property law to develop ‘bottom-up’ principles taken from five legal systems. My purpose was of comparing them from a rudimentary efficiency perspective. Because of that experience, I am particularly impressed by the volume of Martín Santisteban and Sparkes that has tackled fourteen legal systems thoroughly with a sophisticated common core methodology that has never been attempted before in a core area of property law.

Indeed, this is basic legal research at its best. To begin with, it is a collective effort carried on for many years first at the University of Trento and later at the International University College of Turin. It is impossible for a solo scholar to do this kind of work that requires deep basic knowledge of a large number of systems that deploy different languages and deposit their property law into quite different formal and substantial sources. Moreover, immovable property is a domain in which common core research serves no practical purpose, given the fundamental jurisdictional principle of the forum rei sitae and the intimately local nature of immovable property law. In this domain, comparative research can develop outside of
any practical agenda serving its fundamental purpose of seeking theoretical knowledge. There are not many areas where legal scholarship can enjoy such a luxury. In these areas, the practical purpose of jurisprudence yields at its deeper function of understanding the way in which human communities independently organise themselves, exercising their sovereignty over the fundamental issue of distribution of resources. In these domains of basic research, comparative jurisprudence reaches genuine knowledge on the way in which law reflects deeper social and political values. This is the domain of historical research, interestingly deployed in this study, which allows the best understanding of how law has adapted in different contexts to variable circumstances. In these contexts, where property law is an intimately local device, any attempt to impose a normative vision other than that stemming from the shared social practices is arrogant and arbitrary. Unfortunately, the recent rights discourse of the European Court of Human Rights, perhaps covered too favourably, displays this attitude in its relentless imposition of neo-liberal values, demonstrating the dangers of the functional approach when deployed in pursuit of an ideological agenda.

Ugo Mattei, University of Turin and University of California, Hastings College of Law
General Editors’ preface

This is the 15th book in the series The Common Core of European Private Law published within Cambridge Studies in International and Comparative Law. The Project was launched in 1993 at the University of Trento under the auspices of the late Professor Rudolf B. Schlesinger.

The methodology used in the Common Core project is novel. By making use of case studies it goes beyond mere description to detailed inquiry into how most European Union legal systems resolve specific legal questions in practice, and to thorough comparison between those systems. It is our hope that these volumes will provide scholars with a valuable tool for research in comparative law and in their own national legal systems. The collection of materials that the Common Core Project is offering to the scholarly community is already quite extensive and will become even more so when more volumes are published. The availability of materials attempting a genuine analysis of how things are is, in our opinion, a prerequisite for an intelligent and critical discussion on how they should be. Perhaps in the future European private law will be authoritatively restated or even codified. The analytical work carried on today by the almost 200 scholars involved in the Common Core Project is also a precious asset of knowledge and legitimisation for any such normative enterprise.

We must thank the editors and contributors to these first published results. With a sense of deep gratitude we also wish to recall our late Honorary Editor, Professor Rudolf B. Schlesinger. We are sad that we have not been able to present him with the results of a project in which he believed so firmly.

No scholarly project can survive without committed sponsors. The International University College of Turin with the Compagnia di San Paolo and the Consiglio Nazionale del Notariato allow us to organise the General
Meetings. The European Commission has partially sponsored some of our past general meetings, having included them in their High Level Conferences Program. The Italian Ministry of Scientific Research, The University of Turin, the University of Trieste, the Fromm Chair in International and Comparative Law at the University of California and the Hastings College of Law, and the Centro Studi di Diritto Comparato of Trieste, have all contributed to the funding of this project. Last but not least, we must thank all those involved in our ongoing projects in contract law, property, tort and other areas whose results will be the subject of future published volumes.

Our home page on the Internet is at www.common-core.org. There you can follow our progress in mapping the common core of European private law.

General Editors
Mauro Bussani, University of Trieste and University of Macau, P. R. of China, Ugo Mattei, University of Turin and University of California, Hastings College of Law

Honorary Editor
Rudolfo Sacco, University of Turin, Emeritus

Late Honorary Editor
Rudolf B. Schlesinger, Cornell University – University of California, Hastings
Preface

This project was launched at the 14th Common Core meeting which took place in Turin in July 2008. During the Property session led by Professor Gambaro, Ugo Mattei pointed out the suitability of a factual approach to the remedies available for the protection of property. At that time I was a respondent for the Spanish report on the Transfer of Immovable Property and I dared to accept the challenge of being the editor for this new topic. I made contact with my co-editor, Professor Peter Sparkes of Southampton University, via the Society of Legal Scholars. Together we presented a preliminary questionnaire which covered both immovables and chattels to the Property group at the 15th Common Core meeting (2009). After detailed discussion, the conclusion was reached that it was better to drop chattels from the questionnaire in order to make a manageable task; hence our topic, the Protection of Immovables. With an initial team of respondents collected together quickly, we were able to begin shaping the new questionnaire on immovables to take account of the main issues arising in litigation in the very different legal systems across Europe. By the time of the 16th Common Core meeting (2010) we were able to meet for the first time as a group with a respectable but limited number of reports on the table. Most of the problems we went through as editors are well known to the Common Core project: covering properly the field but not overlapping with other ongoing projects, being sufficiently technical within an overarching terminology, finding a logical order to representative questions and securing a common standard and quality to the structure of the national reports. We spent a considerable amount of time scouring Europe for reporters combining technical knowledge with the ability to communicate it simply in excellent English, but we hope that readers will agree that this was time well spent. We were fortunate to find reporters blessed with uncommon patience, who were willing to
amend their work several times as the questionnaire was amended at an advanced stage. I want to underline the efficiency of Dr Sandra Passinhas and Professor Frits Brandsma who wrote their contributions within an extraordinarily short deadline and the remarkable work done by Helen Morse in editing our English and putting the text into the format required by Cambridge University Press. All the members of the group were saddened by the death of Helen Morse in March 2013, after her disinterested contribution to our project. This book is dedicated to her memory and to my son Bruno, who came into the world as the book was at its final stage.

The book is the result of a collective enterprise, performed by those who appear as authors but also by those who have helped the project to become a reality. Thank you to the members of the Property session who joined in and enriched our discussions in Turin. We wish to thank especially Professors Ugo Mattei and Mauro Bussani, General Editors of the Common Core project, and Professor Antonio Gambaro, chairman of the Property group, for trusting us with this project and for helping to improve our work. We are grateful to Antonio Marchisio for his help with our wikipage, and to Emmanuela Amsler and the staff of the International University College of Turin for their organisational efforts in the Turin meetings. Like all involved in Common Core projects, we will carry with us memories of the legendary hospitality at Turin and the friendships forged during this work.

Sonia Martín Santisteban, 
University of Cantabria
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**BULGARIA**

Administrative Infractions and Penalties Act, State Gazette no. 92/28 November 1969

Cadastre and Land Register Act (CLRA), promulgated State Gazette no. 34/25 April 2000, amended, State Gazette no. 38/18 May 2012, effective 1 July 2012

Civil Procedure Code (CPC), State Gazette no. 59/20 July 2007


Criminal Code (Crim. C), State Gazette no. 26/02 April 1968

Judiciary Law, State Gazette no. 64/7 August 2007

Local Governance and Local Administrations Act (art. 3). Regulation no. 6/26 June 2006

Ministry of Interior Law, State Gazette no. 17/24 February 2006

Municipal Property Law, State Gazette no. 44/21 May 1996

Noise Indicators in the Environment Regulation, Regulation no. 6/26 June 2006

Obligations and Contracts Law (OCA), promulgated State Gazette no. 275/22 November 1950, supplemented State Gazette no. 50/30 May 2008, effective 30 May 2008

Ownership Law (OA), Izv no. 92/16 November 1951

Protection from Environmental Noise Law, State Gazette no. 74/13 September 2005

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Registrations Regulation, promulgated State Gazette no. 101/18 December 1951, amended and supplemented State Gazette no. 22/28 February 2008, effective 1 March 2008
Regulation for the Acquisition, Holding and Raising of Pets on the Territory of the Sofia Municipality, Sofia City Council, 23 June 2011
State Property Law, State Gazette no. 44/21 May 1996
Territory Planning Act (TPA), State Gazette no. 1, 2 January 2001

COUNCIL OF EUROPE

European Convention on Human Rights (ECHR) (Rome, 1950, CETS 5)

CZECH REPUBLIC

Building Act (Stavební řád), Law no. 183/2006 Coll.
Civil Code (Občanský Zákoník) (CC), Law no. 89/2012 Coll.
Civil Procedure Code (Občanský Soudní Řád) (CPC), Law no. 99/1963 Coll.
General Civil Code (Obecný Zákoník Občanský) (ABGB), Patent no. 946/1811
Land Registry Law (O Katastru Nemovitostí) (LRL), Law no. 256/2013 Coll.
Law on Offences (Zákon O Přestupcích), Law no. 200/1990 Coll.
Police Act (O Policii), Law no. 273/2008 Coll.

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Civil Procedure Rules 1998 (CPR), SI 1998/3132
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Translations of many of these statutes are available on www.finlex.fi/en/ laki/kaannokset

| Act on Commercial Leases (Laki liikehuoneiston vuokrauksesta) (ACL), 31.03.1995/482 |
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| Act on Residential Leases (Laki asuinhuoneiston vuokrauksesta) (ARL), 31.03.1995/481 |
| Adjoining Properties Act (Laki eräistä naapurisuhteista) (APA), 13.02.1920/26 |
| Code of Inheritance (Perintökaari), 05.02.1965/40 |
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**FRANCE**

There are two annual commercial editions of the Codes (Daloz and Litec), and a consolidated version of all the codes and laws is available on http://legifrance.gouv.fr; there are a number of English translations

| Civil Code (Code Civil) (CC) |
| Civil Procedure Code (Code de Procédure Civil) (CPC) |
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| Law on the Organisation of the Judiciary (Loi des 16–24 août 1790 sur l'Organisation Judiciaire) |
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GERMANY

Translations are available on www.gesetze-im-internet.de
Federal Notary Act (Bundesnotarordnung) (BNotO) of 13 February 1937 as promulgated in the Federal Law Gazette (Bundesgesetzblatt) Part III, Gliederungsziffer 303–1, published consolidated version, last amended by art. 15 of the statute of 6 December 2011, Bundesgesetzblatt I p. 2515

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Civil Code (Αστικός Κώδικας) (CC), promulgated with the Obligatory Law 2250/1940 (GGI A’ 91/1940); reinstated by Legislative Decree of 7/10.05.1946, GGI A’ 151/1946, in force 23 February 1946, as amended
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On the Amendment and Completion of the Regulation of State Transcription Offices and Certain Provisions on Public Notaries (Περί τροποποίησεως και συμπληρώσεως του οργανισμού των Υποθηκοφυλακείων του Κράτους και διατάξεων των περί Συμβολαιογράφων), Legislative Decree 4201/1961, GGI Α’ 175/1961, as amended

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Professional Leases Codification (Κωδικοποίηση διατάξεων νόμων περί εμπορικών μισθώσεων), Presidential Decree 34/1995, GGI Α’ 30/1995, as amended


Regulation of Residential Leases (Ρύθμιση μισθώσεων κατοικιών), Law 1703/1987, GGI Α’ 78/27 May 1987, as amended

Regulation of the Ministry for Public Order (Κανονισμός Υπουργείου Δημόσιας Τάξης), Law 1481/1984, GGI Α’ 152/1984, as amended

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Decision on Keeping the Tamed Animals of Novi Sad, *Official gazette of the City of Novi Sad*, no. 60/2010, 12/2011 and 17/2011


Law on Issuance of Deeds 1930

Law on Issuance of Deeds for the Territory of Court of Cassation in Belgrade and Great Court of Podgorica 1931

Law on Land Books, *Official Gazette of the Kingdom of Yugoslavia*, no. 146 LIII of 1 July 1930 and no. 281 XC of 1 December 1931


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