



June 2015

IUT Board sends clear message to stop unfair evictions

The IUT Board, gathering in Stockholm on May 8-9, released a **Declaration against evictions**. The text highlights the problems which followed the financial crisis of 2008, notably rising rent levels which led to evictions and housing exclusion in several countries.

The text adopted by the IUT Board suggests measures to guarantee the security of tenure (notice to quit is very short in some countries) as well as alert and support mechanisms for people threatened by evictions. Financial assistance schemes and rapid rehousing cost less than evictions and help prevent homelessness.¹

From 2009 until 2012 the new construction of social and affordable housing stopped all over Europe, with results in a severe shortage of disposable flats for low and medium income groups. 2012, 1,9M people are on the waiting list for social housing in UK, 1,7M in France and 650.000 in Italy. European citizens spend in average 22,2% of their disposable income for housing; for those at risk of poverty the share is 41%. Evictions hit not only tenants, but also many homeowners particularly in countries like Spain, Ireland and

Greece. The situation in Spain is the worst, with 415.000 foreclosures and 245.000 forced evictions. The housing activist **Ada Colau** together with the “Plataforma de Afectados por la Hipoteca” has launched legal proposals in Barcelona and Brussels to protect the inhabitants from forced evictions. As a political success, she is elected as mayor of the city of Barcelona, starting her term June 13.



Ada Colau, newly elected mayor of Barcelona

Vote on TTIP postponed

The European Commission is still in the process of negotiating the Transatlantic Trade and Investment Partnership (TTIP) with the United States. The president of the European Parliament, **Martin Schulz**, decided to postpone the final vote scheduled for June 10 because of 116 amendments. On May 28, the European Parliament’s International Trade (INTA) committee voted on a report which recommends the European Commission to **exclude Services of General Economic Interest (SGEI) like the provision of water, health,**

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http://www.iut.nu/Media/IUT_Declaration_Against_Evictions.pdf

social insurances and education from TTIP. This is another step in the right direction, which comes just after the joint statement of European Commissioner **Cecilia Malmström** and US Trade Representative **Michael Froman** regarding the exclusion of public services in trade agreements. This exclusion will apply irrespective of how SGEI are provided and funded.

Malmström stated very clearly that TTIP is not intended to lead to privatisation of public services and will also not hamper the extension of public services in the EU member states.

Another critical point is the protection of investors. NGOs and trade unions are very critical about the fact that members of the arbitral tribunals which decide on investor complaints are private lawyers. This procedure may annul democratic rights of states, if the lawyers claim compensation for unfavourable laws hampering the business of their US-clients. Europe fears that American enterprises may lower consumer and environmental protection or at least put pressure on governments.

The next round of negotiations on TTIP is scheduled 13.-17. July in Brussels.

German rent brake – main subject of Deutscher Mietertag 2015

A big IUT delegation participated in the *Deutscher Mietertag* – German Tenant’s Day, on May 28-30.

In his speech IUT president Sven Bergensträhle addressed the audience of 700 delegates and thanked for the excellent cooperation between the DMB and the IUT board. The main debated issue was the **rent brake**, one major claim of the DMB recently adopted by the German

Parliament. The measure concerns new leases; it prevents landlords from charging rent that is more than 10% above the local average for a comparable property. This will apply to tense areas for the next 5 years, after legal transposition at the level of the Länder.

Germany has always been at the forefront of tenants’ protection, providing best practices in the field of rent regulation, which may become an **example for other EU countries**.



IUT delegation at Deutscher Mietertag: Bergensträhle, Shah, Clausen, Jacquemart, Taraba, Pachtova, Steenbergen, Laurier, Konradsson

European Court of Justice decides on “Dutch case”

On May 12, the General Court of the European Union dismissed the objections of social landlords against the Commission’s Decision in the “Dutch case” [C(2009)9963].² Such decision - linking social housing to a «clearly defined target group of disadvantaged citizens or socially less advantaged groups» - resulted in a reduction of the income ceiling for social housing in the Netherlands.

²

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=164463&pageIndex=0&doclang=NL&mode=lst&dir=&occ=first&part=1&cid=10310>



The European Court of Justice

In the case at stake, the General Court declared its non-competence to judge the measures proposed by the Commission as part of the 2009 decision, advancing that **«the acceptance of (those) useful measures by Dutch authorities makes them legally binding»**.

This means that the court is not in the position to question an agreement that has obviously been made between Dutch government officials and the EU commission.

The speaker of the Dutch Housing corporations launching the complaint, Marcel van Dijk, stated his disappointment about the outcome of the “Dutch case”. The claimants still think about a revision procedure.

Barbara Steenbergen: “Firstly, the outcome of another appeal is uncertain and secondly it will last a long time. Our approach should be to address the question politically, with a revision of the Almunia-package. The definition of the restricted target group of social housing is part of recital 11.³ We have to get rid of this narrow definition to solve the “Dutch case” definitely.⁴

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<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32012D0021>

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<http://www.iut.nu/BrusselsNews/BrusselsNewsNov2012.pdf>

65th Austrian council of cities and town on the “Dutch case”

The decision of the European Court of Justice was also discussed at the 65th General assembly of the Austrian cities and towns in Vienna, June 10-12. Barbara Steenbergen, Head of IUT liaison office to the EU, gave a speech on the recent developments.⁵

In their general resolution, the assembly addresses the Austrian government to ensure that “the EU member states are still in charge to define the criteria for the access to social housing. The limitation to socially disadvantaged citizens and less advantaged groups in the regulation of the European Union has to be abolished”.⁶

Stanford law school visits IUT Brussels office

A delegation from **Stanford Law School**, leaded by Professor Sonnenberg, visited the IUT Liaison office to the EU on May 12. The purpose of the visit was to understand the professional needs of tenants unions in Europe, the way they are organised and operate, and the main differences between European and American tenant’s protection systems.

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<http://www.staedtebund.gv.at/presse/presseaussendungen/presseaussendungen-details/artikel/65-oesterreichischer-staedtetag-fuenf-spannende-themenkreise-zu-leistbarem-wohnen-in-staedten-ar.html>

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<http://www.staedtebund.gv.at/presse/presseaussendungen/presseaussendungen-details/artikel/vollversion-der-resolution-an-den-65-oesterreichischen-staedtetag-2015.html>