

**Question for written answer E-002252/2021
to the Commission**
Rule 138
Giorgos Georgiou (The Left)

Subject: Protecting the right to housing

The case-law of the Court of Justice of the European Union, in line with the case-law of the European Court of Human Rights (ECHR), prioritises the right to housing as a fundamental right, stressing the need to protect it and to carefully assess the proportionality of the loss of one's home (*Monika Kušionová v. SMART Capital a.s.*).

In 2014, Cyprus removed from its legislation (1965 Immovable Property (Transfer and Mortgage) Law) the protection clause balancing freedom of contract with the right to housing (decent living conditions), allowing proceeds from a property auction to be returned to a bank only if adequate accommodation was provided for the borrower and their family. This provision is still part of the 1965 Basic Law governing State auctions by the Director of the Land Registry.

Furthermore, current legislation governing private auctions does not refer to the need to provide alternative accommodation in the event of a first home sale.

The removal of the above protection clause with regard to auctions violates the right to housing and risks leaving people homeless.

In light of the above:

What measures does the Commission intend to take in response to the violations of EU law by the Republic of Cyprus as regards the protection of the right to housing and the right to decent living conditions?