

Wrocław, 26th May 2023

mgr Konrad Kopystyński
University of Wrocław
Faculty of Law, Administrations and Economics
Institute of Administrative Sciences
Chair of Public Economic Law

Abstract of a doctoral dissertation
The housing community as an entrepreneur

The aim of the doctoral dissertation is to assess the legal status of the housing community as an entrepreneur, principally to determine permitted scope and uniqueness of economic activity it may conduct. It strives to recognize those elements that set apart housing community's economic activity from business activities of other entrepreneurs.

The dissertation consists of five chapters.

The first chapter discusses the issue of housing community's legal personality. It has been confirmed that the housing community is a 'flawed' legal person with a full capacity to effect acts in law.

The second chapter describes concepts of an entrepreneur and economic activity. It establishes the scope of the concept of an entrepreneur and how to understand premises of the definition of economic activity, i.e. the requirements of organized and profit-gaining activity, carried on in one's own name and on a continuous basis.

The focus of the third chapter is to analyse economic activity of the housing community in the light of its legal purpose of maintaining proper management of communal areas. It demonstrates that conducting economic activity by the housing community does not have to interfere with its legal purpose, it may in fact enhance it. It establishes that economic activity of the housing community may involve commercial use of a communal area or an allocation of earned profit to it. It concludes that economic activity of the housing community is substantially similar to 'accessory' economic activity, although not in its classical formula.

The fourth chapter concerns the issue of a liability of individual owners of premises for the obligations of the housing community related to its economic activity. It is analysed, taking into account obligatory membership in the housing community, because of its irremovable connection with the ownership of individual premises. Principles on which

owners of premises are liable for the obligations of the housing community are also defined in this chapter. It proves that owners of the premises have appropriate legal instruments to protect their own financial interests in the event of housing community's economic activity, the highlight of which is suability of resolutions issued by owners of premises that results in a judicial control over proper management of a communal area.

The fifth chapter includes considerations on specific issues concerning economic activity of the housing community. Among others, the fact that the housing community is not subject to the registry of entrepreneurs, its economic name and enterprise, concessioning of economic activity and termination of economic activity. It demonstrates that unique legal construction of the housing community determines atypical kind of economic activity it conducts.

Werner Kopylov