



## Should the administrator attach the documents when he convenes the assembly?

(18/08/2015 Avv. Alessandro Gallucci) The administrator of the condominium when convening the assembly, be it ordinary or extraordinary, has the obligation to attach to the aforementioned notice copy of the documents on which we will discuss?

An example, as always, will help to understand the question: suppose that the administrator calls the assembly to decide on the approval of the budget and the final balance; or even think of the assembly called to decide on the execution of extraordinary maintenance work.

In these cases, the administrator, convening the assembly, must communicate to the condominium the estimate and the final balance and the various estimates of the companies?

To provide answers we start from the rules of the civil code dictated on the convening of the condominium assembly.

Article. 66, third paragraph, disp. att. cc reads: "The notice of convocation, containing a specific indication of the agenda, must be communicated at least five days before the date set for the meeting on first call, by registered mail, certified e-mail, fax or by delivery by hand, and must contain an indication of the place and time of the meeting. [...]".

Of references to attachments not even the shadow: nor other provisions of the Civil Code suggest something different. The code regulates the modalities of access to condominium documents (see articles 1129, second paragraph, article c.c and 1130-bis, first paragraph, cc), but nothing says about the attachments to the convocation notice.

Final results? The condominium administrator, unless otherwise provided for by the condominium regulations, must not attach to the convocation notice the documents related to the topics that will be objects of discussion, having only the obligation to identify the issues that will be discussed in the meeting.

Someone might object: what sense does it have to convene the assembly for the approval of the statement if before the assembly the condominium can not see it?

That the administrator has no obligation to communicate does not mean that the condominium has no right to view it.

As the jurisprudence has specified, in fact, "in order to adequately satisfy the right of information of the condominiums about the subject of the resolution, it is not necessary to attach to the notice the individual amounts of the estimates in question, provided that to meet the charges of specificity and clarity of the agenda and satisfy the right of information of condominiums, it is sufficient to indicate the subject on which the discussion and voting must take place, while it is the responsibility of the condominium, if he / she intends to have the specific data available. the documentation relating to the matter on which to decide, take action to view it with the administrator himself and, if necessary, issue copies at his own expense (see Court Rome, Section V, 12/01/2010, No. 316) "(Nocera Law Court) Inf. 10 May 2012 No. 394).

In this context it is useful to specify that, in any case, many administrators, for *modus operandi* of their study, send the estimate and the statement and the related distribution plans that will be the object of discussion.

This way of doing, as well as ensuring greater transparency, allows a more fluid and therefore quick discussion.

Source <https://www.condominioweb.com>

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