

MEPs concerned about land law in Andalucia, Valencia and Madrid

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MEPs vist Albox on fact finding mission



In adopting a resolution on the results of the fact-finding mission to Andalucia, Valencia and Madrid, MEPs consider that the obligation to cede legitimately acquired private property without due process and proper compensation, linked to the obligation to pay arbitrary costs for often unnecessary infrastructure development is a violation of an individual's fundamental rights as determined by the European Convention and jurisprudence on Human Rights and as contained in the EU Treaty.

The House deeply regrets that such practices are widespread in various autonomous regions of Spain, in particular in the Valencia region

and other parts of the Mediterranean coastal area, but also, for instance, in the Madrid region. The resolution was adopted with 327 votes in favour, 222 against and 35 abstentions.

The European Parliament expresses its severe condemnation of, and opposition to, massive urbanisation projects initiated by construction companies and real-estate developers which bear no relation to the real requirements of the towns and villages affected, are environmentally unsustainable and have a disastrous impact on the historical and cultural identity of the areas affected.

MEPs condemn the tacit approval by some town halls for building developments which are subsequently declared illegal and which as a result lead to the destruction, or threatened destruction, of property which had been bought in good faith by European citizens through regular commercial developers and sales agents.

MEPs recognise the Commission's efforts to ensure the compliance of Spain with the directives on public procurement, but considers that the Commission should pay special attention to the documented cases of infringements of directives on the environment, water and consumer policy issues.

The House calls upon the Spanish authorities and regional governments, in particular the Valencian Government, which are under an obligation to respect and apply the provisions of the EU Treaty and EU laws, to recognise the individual's legitimate right to his legally acquired property and to establish in law more precisely defined criteria regarding the application of Article 33 of the Spanish Constitution concerning the public interest, in order to prevent and forbid the abuse of people's property rights by decisions of local and regional authorities.

The House calls into question the methods of designation of, and frequently excessive powers given in practice to, urbanisers and property developers by certain local authorities at the expense of local communities and the citizens who have their homes and legally acquired property there.

MEPs strongly condemn the covert practice of certain property developers of undermining by subterfuge the legitimate ownership of property by European citizens by interfering with land registration, and calls upon local authorities to establish proper legal safeguards against this practice.

The House calls upon regional authorities to establish special administrative commissions involving local ombudsmen, to which independent investigation services should report, which should have powers of arbitration in relation to disputes concerning urbanisation projects, and which should be accessible free of charge to those directly affected by urbanisation programmes, including those who are victims of illegal property deals concerning unauthorised urban development.

Finally, MEPs call on the Commission to initiate an information campaign directed at European citizens buying real estate in a Member State other than their own.

Michael Cashman (PES, UK, Labour West Midlands) one of the authors of the report said: "It saddens me to have to take the floor once again on this issue. More than 18 months after the adoption of the Fourtou Report in December 2005 by an overwhelming majority of this House, we are still debating the same issues, and nothing has changed. The Council is absent – that is shameful!

Citizens from many Member States, including my own, but also Spain, Germany, Holland and Belgium, are having their legally acquired lands taken by local authorities without due process, which I am convinced is in breach of EU law. Moreover, they are being forced to pay large sums of money – tens of thousands of euros – to pay for new infrastructure and new developments that they do not want and which are on their land.

The situation I am describing sounds unimaginable in the 21st century EU but it is a sad reality for thousands of citizens in Spain. People have bought land or property in good faith only to see it taken away by what can only be described as, at best, administrative incompetence or, at worst, criminal negligence and corruption.

This issue was brought to the attention of the Committee on Petitions in 2003. Back then, 15 000 citizens wrote to us asking for help. What have we done? Well, we have adopted the Fourtou report, which brought forward a series of recommendations to the Valencian Government. The Valencian Government brought forward minor changes in the LUV, which do not address the key problems of land grab. It is worth mentioning that large numbers of projects in Valencia were rushed through prior to the entry into force of the new law. This is a clear sign that constructors and developers wanted to continue to exploit the loopholes of the previous law.

We have now sent three fact-finding missions. The last came under shameful attacks from the Partido Popular, which were attacks upon the integrity of this House. It saddens me to say that the President of this House, Mr Pöttering, remains indifferent to the attacks upon the integrity of this House.

The Partido Popular politicians say that the petitions in Valencia have been imagined. The pain is real, the pain is desperate, and that is why people have looked to us.

The Commission is unhappy. It believes that possible infringements of EU law are under way. Therefore, I say this: to do nothing is not an option, we have exhausted what we can do in this House and this will be resolved in the Court of Justice or before the European Court of Human Rights in Strasbourg, and it will be to the shame of the Partido Popular in Spain."

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