

# EUROPEAN PARLIAMENT

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## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 108(5) of the Rules of Procedure, by

- Michael Cashman, Joan Calabuig Rull, Carlos Carnero González, on behalf of the PSE Group
- Luciana Sbarbati, on behalf of the ALDE Group
- David Hammerstein, on behalf of the Verts/ALE Group
- Willy Meyer Pleite, on behalf of the GUE/NGL Group

on the results of the fact-finding mission to the regions of Andalucía, Valencia and Madrid conducted on behalf of the Petitions Committee

**European Parliament resolution on the results of the fact-finding mission to the regions of Andalucía, Valencia and Madrid conducted on behalf of the Petitions Committee**

*The European Parliament,*

– having regard to Rule 108(5) of its Rules of Procedure,

- **Having regard to Article 194 of the EU Treaty which grants the right of petition to all EU citizens and residents of the EU;**

- **Having regard to Article 6 of the EU Treaty which declares that the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, ...and that it shall provide itself with the means necessary to attain its objectives and carry through its policies;**

**A Bearing in mind the contents and recommendations of the report of the third fact-finding mission to Spain (PE 386.549v02-00), approved by the Petitions Committee on April 11 2007, which investigated the allegations contained in a very large number of petitions concerning the abuse of the legitimate rights of European citizens to their property and to detailed concerns in relation to sustainable development, environmental protection, water provision and quality, public procurement generally related to an insufficient control of the urbanisation procedures by local and regional authorities;**

**B Bearing in mind the resolution of the European Parliament adopted in December 2005 (A6-0382/2005) on the abuse of the rights of EU citizens and residents in relation to the Valencian Land Law known as the LRAU;**

**C Whereas there are reported cases of corrupt practice related to massive urbanisation projects for which local officials and elected politicians have been arrested and convicted;**

**D Whereas Spain has recently enacted new national framework legislation on land law, which is due to come into effect on July 1st;**

**E Whereas the European Commission has initiated infringement proceedings against Spain for failure to apply the EU Directives on Public Procurement in relation to urbanisation programmes in Valencia;**

**1 Considers that the obligation to cede legitimately acquired private property without due process and proper compensation, linked to the obligation to pay arbitrary costs for unrequested and often unnecessary infrastructure development is a violation of an individual's fundamental rights as determined by the European Convention and jurisprudence on Human Rights (see, for instance, Aka v. Turkey) and as contained in the EU Treaty;**

**2 Deeply regrets that such practices are widespread in different autonomous regions of Spain, and in particular in the Valencia region and other parts of the Mediterranean coastal area but also, for instance, in the Madrid region;**

**3 Expresses its severe condemnation 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, which are environmentally unsustainable, and which have a disastrous impact on the historical and cultural identity of the areas affected;**

**4 Condemns 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 the threat of destruction of property which had been bought in good faith by European citizens through regular commercial developers and sales agents;**

**5 Recognises the Commission's efforts to ensure the compliance of Spain with the Directives on Public Procurement, yet considers that the Commission should pay special attention to the documented cases of infringements to directives on the environment, water, and consumer policy issues;**

**6 Instructs the Commission and the Council, as well as the member state concerned to ensure the correct application of Community law and fundamental rights to all EU citizens and residents.**

**7 Calls upon the Spanish authorities and regional governments, in particular the Valencian Government, who are under 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 peoples' property rights by decisions of local and regional authorities;**

**8 Calls into question the methods of designation 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 their legally acquired property there;**

**9 Urges local authorities to consult their citizens and involve them in urban development projects in order to encourage acceptable and sustainable urban development where this is necessary, in the interest of local communities, not in the sole interest of the property developers, estate agents and other vested interests;**

**10 Strongly condemns the covert practice of certain property developers to undermine by subterfuge the legitimate ownership of property by European citizens by interfering with the registration of land and calls upon local authorities to establish proper legal safeguards against this practice;**

**11 Calls upon regional authorities to establish special administrative commissions involving local ombudsmen, to which independent investigation services should report, which should have a power 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;**

**12 Considers that where compensation is required for loss of property, that this should be at proper rates which conform to the jurisprudence of the European Court of Justice and the European Court of Human Rights.**

**13 Calls on the Commission to initiate an information campaign directed at European citizens buying real estate in a Member State other than their own.**