Impact of extensive urbanisation in Spain on individual rights of European citizens, on the environment and on the application of EU law, based upon petitions received

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The European Parliament adopted by 349 votes to 110, with 114 abstentions, a resolution on the impact of extensive urbanisation in Spain on individual rights of European citizens, on the environment and on the application of EU law, based upon petitions received.

The resolution recalls that the Commission has brought proceedings against Spain before the Court of Justice in a case involving the excessive urbanisation abuses which have occurred in Spain which directly concerns the implementation, by the Valencian authorities, of the Directive on Public Procurement. Moreover, the Commission, at the request of the Committee on Petitions, has launched an investigation into more than 250 urbanisation projects which have received a negative opinion from the competent water authorities and river basin authorities and which may therefore place the projects in contravention of the Water Framework Directive.

Review of legislation and urbanisation plans: the Spanish Government is urged to hold a public debate, with the participation of all administrative bodies, that would involve a rigorous study through the **setting-up of a working committee on urban development** in Spain and that would make it possible to take legislative measures against speculation and unsustainable development.

The resolution calls on the Government of Spain and of the regions concerned to carry out a thorough review and to revise all legislation affecting the rights of individual property owners as a result of massive urbanisation. In particular, it calls on the Spanish authorities to abolish all legal forms that encourage speculation, such as urbanisation agents.

Moreover, Parliament considers that the competent regional authorities should suspend and review all new urbanisation plans which do not respect the strict criteria of environmental sustainability and social responsibility, and to halt and cancel all existing developments where criteria laid down in EU law have not been respected or applied. The Spanish authorities are also asked to ensure that no administrative act that would oblige a citizen to cede legitimately acquired private property finds its legal base in a law which has been adopted after the date of construction of the property in question.

Judicial and administrative mechanisms: the resolution stresses that the competent national and regional authorities should establish functioning judicial and administrative mechanisms, in order to speed up redress and compensation for victims of urbanisation abuse who have suffered as a result of the application of the provisions of existing legislation. In this context, Parliament urges the competent authorities to guarantee a fair settlement for the many ongoing cases of EU citizens affected by non-completion of their houses as a result of the poor planning and coordination between institutions and construction companies. Parliament calls on the EU institutions to provide advice and support, if requested so to do by the Spanish authorities, in order to provide them with the means to surmount effectively the disastrous impact of massive urbanisation on citizens' lives within a duly short yet reasonable time-frame.

Lack of transposition: it should also be added that the European Parliament expresses concern over the lack of correct transposition of the Directives on money laundering, which is currently the subject of

Treaty infringement proceedings and which has limited the transparency and legal pursuit of the illicit circulation of financial capital including investments in certain large-scale urbanisation projects.

Transparency and consultation process: according to the Parliament, persons who have bought property in Spain in good faith, only to find that the transaction has been declared illegal, should have the right to appropriate compensation through the Spanish courts. However, if private individuals who have bought property in Spain in the knowledge of the likely illegality of the transaction concerned can be obliged to bear the costs of their risk-taking, this must apply by analogy a fortiori to professionals in the field.

MEPs call, once again, on local authorities to consult their citizens and involve them in urban development projects in order to encourage fair, transparent and sustainable urban development where this is necessary, in the interest of local communities and not in the sole interest of property developers, estate agents and other vested interests. They also call on the authorities responsible for urban development to extend development consultation processes to property-owners, with acknowledgement of receipt, whenever there are changes to the classification of their properties.

Parliament believes, nevertheless, that the absence of clarity, precision and certainty with regard to individual property rights contained in existing legislation, and the lack of any proper and consistent application of environmental law, are the root cause of many problems related to urbanisation and that this, combined with a certain laxity in the judicial process, has not only compounded the problem but has also generated an endemic form of corruption of which, once again, the EU citizen is the primary victim, but which has also caused the Spanish State to suffer significant loss.

Information campaign: Lastly, Parliament once again calls on the Commission to initiate an information campaign directed at EU citizens buying real estate in a Member State other than their own.