Basic information

2008/2248(INI) INI - Own-initiative procedure	Procedure completed
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 **Subject** 1.20 Citizen's rights 1.20.03 Right of petition **Geographical area** Spain	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PETI Petitions	AUKEN Margrete (Verts/ALE)	10/09/2008

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	03/11/2008

European Commission

Commission DG	Commissioner
Environment	DIMAS Stavros

Key events

Date	Event	Reference	Summary
23/09/2008	Committee referral announced in Parliament		
11/02/2009	Vote in committee		Summary
20/02/2009	Committee report tabled for plenary	A6-0082/2009	
26/03/2009	Decision by Parliament	T6-0192/2009	Summary

26/03/2009	Results of vote in Parliament		
26/03/2009	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2248(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55-p4 Rules of Procedure EP 233-p2
Stage reached in procedure	Procedure completed
Committee dossier	PETI/6/66828

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE416.354	10/12/2008	
Amendments tabled in committee		PE418.426	28/01/2009	
Committee report tabled for plenary, single reading		A6-0082/2009	20/02/2009	
Text adopted by Parliament, single reading		T6-0192/2009	26/03/2009	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2009)3245	08/10/2009	

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

2008/2248(INI) - 26/03/2009 - Text adopted by Parliament, single reading

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.