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Notice to members march 24th,2004

EUROPEAN PARLIAMENT

1999 2004

Committee on Petitions

24 March 2004

NOTICE TO MEMBERS

 Petition 609/2003 by Charles Svoboda (Canadian) on behalf of the Valencian Association for the Defence of Human Rights and the Environment against Irregularities in the field of Property Development', on the abuse of Spanish building legislation

 Petition 732/2003 by Sonia Gale (British) on behalf of Abusos Urbanisticos No', on the abuse of Spanish building legislation

- Pétition no 107/2004, présentée par M. Klaus Schuckall, de nationalité allemande, au nom du "Grupo Alemán - die deutsche 'Stop LRAU'-Bewegung", sur la loi de la région autonome de Valence sur la réglementation des activités de construction

1. Summary of petition 609/2003

The petitioner objects to the way in which property development legislation is being implemented in the autonomous community of Valencia. He maintains that the law is being abused by both the authorities and by contractors, so that numerous property owners have had to comply with compulsory purchase orders for minimum compensation and furthermore to pay for infrastructures which, in many cases, they did not want. The petitioner asks the European Parliament to have the matter thoroughly investigated by a committee of inquiry.

Summary of petition 732/2003

The petitioner protests at the way in which building legislation is being implemented in the self-governing region of Valencia, maintaining that the law in question ' ley reguladora de actividad urbanistica' is being abused by both the authorities and the contractors involved and that numerous property owners have been forced to sell their property for a minimum amount and pay for infrastructures they frequently do not want. She argues that the authorities are committing human rights violations.

Summary of petition 107/2004

Le pétitionnaire se plaint de la manière dont la "Ley reguladora de actividad urbanística" (LRAU) de la Région autonome de Valence est utilisée. Grâce à cette loi de nombreux propriétaires doivent céder leur propriété et payer pour des infrastructures que, dans de nombreux cas, ils ne souhaitent pas.

2. Admissibility

Petition 609/2003 declared admissible on 12 December 2003. Information requested from Commission under Rule 175(4).

Petition 732/2003 declared admissible on 19 February 2004. Information requested from Commission under Rule 175(4).

Petition 107/2004 declared admissible on 16 February 2004. Information requested from Commission under Rule 175(4).

3. Commission reply, received on 4 March 2004

The facts :

The petitioner denounces Spanish land laws as infringing property rights and environmental protection provisions. He particularly stresses his concerns with respect to the abusive and predatory practices (land grab) allowed by the Valencian Ley Reguladora de la Actividad Urbanística (LRAU). He complains that these land laws have been misused leading to the unfair expropriation of families. He denounces the low assessment of the land whereas inflated amounts are demanded for infrastructure costs.

The petitioner wants a multiparty and multinational commission of enquiry to work on measures to remedy the situation and to implement sanctions in the absence of compliance with European norms as regards property rights and protection of the environment.

In law:

The conditions governing the expropriation of land are determined by the Member States. Indeed, as stated in Article 295 of the Treaty establishing the European Community This Treaty shall in no way prejudice the rules in Member States governing the system of property ownership.

As far as environmental questions are concerned, this law as such concerns first level land use planning and at this stage it cannot be said to conflict with any positive provision of EC environmental law.

Under the terms of the Treaty establishing the European Community and the Treaty on the European Union, the Commission does not have general competence as regards fundamental rights. It could intervene only in the event of violation of fundamental rights in the field of the application of Community legislation, which is not the case in the situations described in the petition.

Besides, it should be stressed that, once all possible domestic remedies have been exhausted, a person who considers that her or his fundamental rights have been violated, may apply to the European Court of Human Rights for redress.

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