

EUROPEAN PARLIAMENT

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*{PETI}*Committee on Petitions2008/2248(INI){28/01/2009}28.1.2009AMENDMENTS1 -
127Draft reportMargrete Auken(PE416.354v01-00)on the impact of extensive urbanization in
Spain on individual rights of European citizens, on the environment and on the application of
EU law, based upon petitions received (Petitions 00/00 and 00/00)(2008/2248(INI))

Amendment 1 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
Ramón Motion for a resolution Recital A

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| A. whereas the <i>petitions process</i> provides European citizens and residents with a means of obtaining non-judicial redress for their grievances when these concern issues arising from the fields of activity of the European Union, | A. whereas the <i>right to petition the European Parliament by virtue of Article 194 of the EC Treaty</i> provides European citizens and residents with a means of obtaining non-judicial redress for their grievances when these concern issues arising from the fields of activity of the European Union, |

Or. {ES} es

Amendment 2 Cristina Gutiérrez-Cortines Motion for a resolution Recital C a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Ca. whereas any citizen or resident of a state signatory to the European Convention on Human Rights who considers that his/her human rights have been violated should approach the European Court of Human Rights in Strasbourg, bearing in mind that before bringing any proceedings before that Court he/she must exhaust all domestic remedies, as is laid down in Article 35 of that Convention,</i> |

Or. {ES} es

Amendment 3 Cristina Gutiérrez-Cortines Motion for a resolution Recital I

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>I. whereas <i>according to Article 295, the EC Treaty “shall in no way prejudice the rules in Member States governing the system of property ownership” and whereas the case-law of the Court of Justice has confirmed that the competence of Member States in this respect must always be applied in conjunction with the fundamental principles of Community law, such as the free of movement of goods, persons, services and capital (see the judgment of 22 June 1976 in Case C-119/75 Terrapin v Terranova [1976] ECR 1039),</i></p> | <p>I. whereas <i>the successive communications from the European Commission to the members of the Committee on Petitions stress that considerations such as the obligation on landowners to transfer part of their property to the local authority when a new project is approved, the requirement to pay for that new infrastructure and the compulsory purchase powers conferred on the competent authority are the exclusive competence of the Member States, in accordance with Article 295 of the EC Treaty,</i></p> |
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Or. {ES}es

Amendment 4 Nicolae Vlad Popa Motion for a resolution Recital I

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>I. whereas according to the Article 295 EC the Treaty shall be without prejudice to “the rules in Member States governing the system of property ownership” <i>and whereas the jurisprudence of the Court of Justice has confirmed that the competence of Member States in this respect must always be applied in conjunction with the fundamental principles of Community law, such as, the free movement of goods, persons, services and capital (see Case C-119/75),</i></p> | <p>I. whereas according to Article 295, the EC Treaty “shall in no way prejudice the rules in Member States governing the system of property ownership” and the Court of Justice <i>has held that that provision merely recognises the power of Member States to define the rules governing the system of property ownership and does not exclude any influence whatever of Community law on the exercise of national property rights (see, to that effect, Joined Cases 56/64 and 58/64 Consten and Grundig v Commission [1966] ECR 299, p. 345),</i></p> |

Or. {EN}en

Amendment 5 Nicolae Vlad Popa Motion for a resolution Recital I a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>Ia. whereas, however, the Court of Justice has consistently held that, while the right of property forms part of the general principles of Community law, it is not an absolute right and must be viewed in relation to its social function and whereas, consequently, its exercise may be restricted, provided that those restrictions in fact correspond to objectives of general interest pursued by the Community and do not constitute a disproportionate and intolerable interference, impairing the very substance of the rights guaranteed (Case C-491/01 British American Tobacco (Investments) and Imperial Tobacco [2002] ECR I-11453),</i></p> |
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Or. {EN}en

Amendment 6 Nicolae Vlad Popa Motion for a resolution Recital I b (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>Ib. whereas, notwithstanding that case-law, the Court of Justice has consistently held that where national provisions fall outside the scope of Community law, there is no Community jurisdiction to assess the compatibility of those provisions with the fundamental rights whose observance the Court ensures (see, for instance, the order of 06/10/2005 in Case C-328/04 Vajnai [2005] I-8577), paras 12 and 13),</i></p> |

Or. {EN}en

Amendment 7 Nicolae Vlad Popa Motion for a resolution Recital J

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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J. whereas Article 1 of the 1st Additional Protocol to the European Convention on Human rights and Fundamental Freedoms declares that “every natural or legal person is entitled to the peaceful enjoyment of his possessions” wherefore “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law” and that “the right of a State to enforce such laws as it deems necessary” is limited to the pursuit of the objectives “to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”;

J. whereas ***the first paragraph of*** Article 1 of the first Additional Protocol to the ECHR declares that “every natural or legal person is entitled to the peaceful enjoyment of his possessions” and that “[N]o one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law”; ***whereas the second paragraph of that article states that*** “***The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties***”, ***and whereas, at the time of ratification of the said Protocol, Spain expressed a Reservation in respect of Article 1 in the light of Article 33 of the Spanish Constitution, which stipulates the following: "The right to private property and to inheritance is recognised. 2. The social function of these rights shall determine their scope, as provided for by law. 3. No person shall be deprived of their property or their rights except for a cause recognised as being in the public interest or in the interest of society and in exchange for fitting compensation as provided for by law"***,

Or. {EN}en

Amendment 8 **María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution** **Recital K**

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

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| <p>K. whereas <i>Parliament considers that the obligation to cede legitimately acquired private property without due process and proper compensation and the obligation to pay arbitrary costs for unrequested and often unnecessary infrastructure development constitute a violation of an individual's fundamental rights under the ECHR and in the light of the case-law of the European Court of Human Rights (see, for instance, Aka v. Turkey),</i></p> | <p>K. whereas <i>the laws applicable to the regulation of the right of property must conform to the principles laid down in Article 17 of the Charter of Fundamental Rights, which in essence coincide with the rules set out in Article 33 of the Spanish Constitution, with a view to ensuring maximum possible satisfaction of that fundamental right,</i></p> |
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Or. {ES}es

Amendment 9 Nicolae Vlad Popa Motion for a resolution Recital K

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

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Judgment of 23 September 1998; see also Parliament's resolution of 21 June 2007 on the results of the fact-finding mission to the regions of Andalucía, Valencia and Madrid conducted on behalf of the Committee on Petitions (OJ C 146 E, 12.6.2008, p. 340).

K. whereas the European Parliament considers that the obligation to cede legitimately acquired private property without due process and due compensation, and the obligation to pay arbitrary costs for unrequested and often unnecessary infrastructure development, constitute a violation of individual's human rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms and in the light of the case law of the European Court of Human Rights (see *Aka v. Turkey*),

K. whereas Parliament considers that the obligation to cede legitimately acquired private property without due process and proper compensation and the obligation to pay arbitrary costs for unrequested and often unnecessary infrastructure development **would, if proven in a court of law**, constitute a violation of an individual's fundamental rights under the ECHR and in the light of the case-law of the European Court of Human Rights (see, for instance, *Aka v. Turkey*), **but considers that there is no link between such compulsory purchase and the fundamental principles of Community law, in particular the right of Union citizens to move and reside freely within the territory of the Member States, a right which would not be infringed by such compulsory purchase,**

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Or. {EN}en

Amendment 10 Margrete Auken Motion for a resolution Recital K a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>Ka. whereas last year the Spanish authorities issued instructions regarding the application of the 1989 Coastal Law, which had been neglected for many years during which time extensive environmental damage has been done to coastal areas in Spain, and whereas even the current instructions do not provide clear implementing measures to be followed by the local and regional authorities involved, and whereas many new petitions received bear witness to the retro-active contents of the instructions and the arbitrary destruction and demolition of individuals' legitimately acquired property, their rights to such property and their ability to transfer their rights by means of inheritance,</i></p> |

² Judgment of 23 September 1998; see also Parliament's resolution of 21 June 2007 on the results of the fact-finding mission to the regions of Andalucía, Valencia and Madrid conducted on behalf of the Committee on Petitions (OJ C 146 E, 12.6.2008, p. 340).

Or. {EN}en

Amendment 11 Michael Gahler Motion for a resolution Recital K a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Ka. whereas, in view of the actual course of the demarcation line, those affected have formed the strong impression that it has been defined arbitrarily at the expense of foreign owners, for example on the island of Formentera,</i> |

Or. {DE}de

Amendment 12 Margrete Auken Motion for a resolution Recital K b (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Kb. Considers that this Coastal Law impacts disproportionately on individual property owners who should have their rights fully respected, and at the same time insufficiently on the real perpetrators of coastal destruction who have in many instances been responsible for excessive urban developments along the coasts including holiday resorts and who had good grounds for knowing that they were invariably acting contrary to the provisions of the law in question,</i> |

Or. {EN}en

Amendment 13 José Manuel García-Margallo y Marfil Motion for a resolution Recital L

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>L. whereas in the course of the current parliamentary term the Committee on Petitions, acting in response to the very large number of petitions received, has conducted detailed investigations, has reported three times on the extent of the abuse of the legitimate rights of European citizens to their legally acquired property in Spain, and has also detailed its concerns in relation to the undermining of sustainable development, environmental protection, water quality and provision, procedures concerning public procurement with regard to urbanisation contracts and insufficient control of urbanisation procedures by many local and regional authorities in Spain,</p> | <p>L. whereas in the course of the current parliamentary term the Committee on Petitions, acting in response to the number of petitions received, has conducted detailed investigations, has reported three times on the problems arising from the occasional misapplication of Spanish urban planning legislation as regards citizens' rights and has also detailed its concerns in relation to the undermining of sustainable development, environmental protection and water quality and provision,</p> |
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Or. {ES}es

Amendment 14 Nicolae Vlad Popa Motion for a resolution Recital L

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>L. whereas in the course of this legislature the Petitions Committee has, based upon the vary large number of petitions received, conducted detailed investigations and has reported three times on the extent of the abuse of the legitimate rights of European citizens to their legally acquired property in Spain and also detailed its concerns in relation to the undermining of sustainable development, environmental protection, water quality and provision, procedures concerning public procurement of urbanisation contracts and insufficient control of the urbanisation procedures by many local and regional authorities in Spain,</p> | <p>L. whereas in the course of the current parliamentary term the Committee on Petitions, acting in response to the very large number of petitions received, has conducted detailed investigations, has reported three times on the extent of the alleged abuse of the legitimate rights of European citizens to their legally acquired property in Spain, and has also detailed its concerns in relation to the alleged undermining of sustainable development, environmental protection, water quality and provision, procedures concerning public procurement with regard to urbanisation contracts and a somehow poor control of a part of the urbanisation procedures by the responsible institutions;</p> |

Amendment 15 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
Ramón, Motion for a resolution Recital L

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| L. whereas in the course of the current parliamentary term the Committee on Petitions, acting in response to the very large number of petitions received, has conducted detailed investigations, has reported three times on the extent of the abuse of the legitimate rights of European citizens to their legally acquired property in Spain, and has also detailed its concerns in relation to the undermining of sustainable development, environmental protection, water quality and provision, procedures concerning public procurement with regard to urbanisation contracts and insufficient control of urbanisation procedures by many local and regional authorities in Spain, | L. whereas in the course of the current parliamentary term the Committee on Petitions, acting in response to the very large number of petitions received, has conducted detailed investigations, has reported three times on the extent of the abuse of the legitimate rights of European citizens to their legally acquired property in Spain, and has also detailed its concerns in relation to the undermining of sustainable development, environmental protection, water quality and provision and procedures concerning public procurement with regard to urbanisation contracts, which are currently the subject of legal proceedings both in Spain and before the Court of Justice of the European Communities, |

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Amendment 16 Willy Meyer Pleite **Motion for a resolution** Recital L a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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³ See the above-mentioned resolution of 21 June 2007 and the resolution of 13 December 2005 on the alleged abuse of the Valencian Land Law or Ley Reguladora de la Actividad Urbanística (LRAU – law on development activities) and its effect on European citizens (Petitions 609/2003, 732/2003, 985/2002, 111272002. 107/2004 and others) (OJ C 286 E, 23.11.2006, p.225).

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| | <i>La. whereas every level of authority, from central to autonomous and local, has been responsible for setting in motion a model for unsustainable development that has clearly had extremely serious environmental consequences, as well as economic and social consequences,</i> |
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Or. {ES} es

Amendment 17 Cristina Gutiérrez-Cortines Motion for a resolution Recital L a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>La. whereas it has received many petitions from private individuals and from various organisations representing European citizens, complaining about different aspects of urbanisation, and whereas it has noted that many of the issues raised in the petitions submitted in relation to urban expansion do not constitute infringements of Community law, as is evidenced by the communications to the EC Member States, and should be settled by exhausting the legal remedies available in the Member States concerned,</i> |

Or. {ES} es

Amendment 18 Carlos José Iturgaiz Angulo Motion for a resolution Recital M

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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M. whereas ***there is growing evidence that*** the judicial authorities in Spain ***have begun to respond*** to the challenge resulting from excessive urbanisation in many coastal areas, ***in particular by investigating and bringing charges to bear against corrupt local officials who, by their actions, have facilitated unprecedented and unregulated urban developments to the detriment of the rights of European citizens, thereby damaging irretrievably the biodiversity and environmental integrity of many regions of Spain***; whereas Parliament has observed, however, that procedures remain ***outrageously slow and that the sentences handed down in many of these cases are incapable of being enforced in a way which provides any satisfaction to the victims of such abuse,***

M. whereas the judicial authorities in Spain ***are responding*** to the challenge resulting from excessive urbanisation in many coastal areas; whereas Parliament has observed, however, that procedures remain slow,

Or. {ES}es

Amendment 19 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Recital M

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
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M. whereas there is growing evidence that the judicial authorities in Spain have begun to respond to the challenge resulting from excessive urbanisation in many coastal areas, ***in particular by investigating and bringing charges to bear against corrupt local officials who, by their actions,*** have facilitated ***unprecedented*** and unregulated urban developments to the detriment of the rights of ***European*** citizens, thereby damaging ***irretrievably*** the biodiversity and environmental integrity of ***many*** regions of Spain; ***whereas Parliament has observed, however, that procedures remain outrageously slow and that the sentences handed down in many of these cases are incapable of being enforced in a way which provides any satisfaction to the victims of such abuse,***

M. whereas there is growing evidence that the judicial authorities in Spain have begun to respond to the challenge resulting from excessive urbanisation in many coastal areas, ***by investigating potential abuses and unlawful practices that*** have facilitated unregulated urban developments to the detriment of the rights of ***certain*** citizens, thereby ***severely*** damaging the biodiversity and environmental integrity of ***some*** regions of Spain,

Or. {ES}es

Amendment 20 Nicolae Vlad Popa, Motion for a resolution Recital M

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

M. whereas there is growing evidence that the judicial authorities in Spain have begun to respond to the challenge resulting from excessive urbanisation in many coastal areas in particular by investigating and bringing charges to bear against **corrupt** local officials who have facilitated, **by their actions, unprecedented and unregulated** urban developments to the detriment of the rights of European citizens, and damaging irretrievably the bio-diversity and environmental integrity of many regions of Spain; observes however that procedures remain **outrageously** slow and that sentences passed in many of these cases are unable to be enforced in a way which provides any satisfaction to the victims of such abuse;

M. whereas there is growing evidence that the judicial authorities in Spain have begun to respond to the challenge resulting from excessive urbanisation in many coastal areas, in particular by investigating and bringing charges to bear against **some** local officials who have facilitated, **uncontrolled** urban developments to the detriment of the rights of European citizens, thereby damaging irretrievably the biodiversity and environmental integrity of many regions of Spain; **whereas Parliament** observes, however, **in response to charges** that procedures remain outrageously slow and that the sentences handed down in many of these cases are incapable of being enforced in a way which provides any satisfaction to the victims of such abuse, **that the proper avenue of appeal is to the Court of Human Rights, once domestic remedies have been exhausted,**

Or. {EN}en

Amendment 21 Michael Gahler Motion for a resolution Recital M

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

M. whereas there is growing evidence that the judicial authorities in Spain have begun to respond to the challenge resulting from excessive urbanisation in many coastal areas, in particular by investigating and bringing charges to bear against corrupt local officials who, by their actions, have facilitated unprecedented and unregulated urban developments to the detriment of the rights of European citizens, thereby damaging irretrievably the biodiversity and environmental integrity of many regions of Spain; whereas Parliament has observed, however, that procedures remain outrageously slow and that the sentences handed down in many of these cases are incapable of being enforced in a way which provides any satisfaction to the victims of such abuse,

M. whereas there is growing evidence that the judicial authorities in Spain have begun to respond to the challenge resulting from excessive urbanisation in many coastal areas, in particular by investigating and bringing charges to bear against corrupt local officials who, by their actions, have facilitated unprecedented and unregulated urban developments to the detriment of the rights of European citizens, thereby damaging irretrievably the biodiversity and environmental integrity of many regions of Spain; whereas Parliament has observed, however, that procedures remain outrageously slow and that the sentences handed down in many of these cases are incapable of being enforced in a way which provides any satisfaction to the victims of such abuse, ***and this has strengthened the impression shared by many non-Spanish EU citizens affected regarding the inactivity and/or partiality of Spanish justice,***

Or. {DE}de

Amendment 22 Carlos José Iturgaiz Angulo **Motion for a resolution** Recital N

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>N. whereas such widespread activity, supported by irresponsible local and regional authorities through inadequate and sometimes unjustified legislation which in many cases runs counter to the objectives of several European legislative acts, has been most damaging to the image of Spain and to its broader economic and political interests in Europe,</i> | <i>deleted</i> |

Or. {ES}es

Amendment 23 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Recital N

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| N. whereas <i>such widespread activity, supported by irresponsible local and regional authorities through inadequate and sometimes unjustified legislation which in many cases runs counter to the objectives of several European legislative acts, has been most</i> damaging to the image of Spain and to its broader economic and political interests in Europe, | N. whereas <i>the lax application of the urban planning and environmental laws in force in the Spanish autonomous communities to certain urban development operations, as well as the emergence of major cases of corruption stemming from these, have been potentially</i> damaging to the image of Spain and to its broader economic and political interests in Europe, |

Or. {ES}es

Amendment 24 Nicolae Vlad Popa Motion for a resolution Recital N

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| N. whereas such widespread activity, supported by <i>irresponsible local and regional authorities</i> through inadequate and sometimes unjustified legislation which in many cases <i>is contrary</i> to the objectives of several European legislative acts, <i>has been most damaging</i> to the image of Spain and to its broader economic and political interests in Europe, | N. whereas such widespread activity, supported by <i>state institutions</i> through sometimes unjustified legislation which in many cases <i>does not serve</i> the objectives of several European legislative acts, has <i>in part negatively modified</i> the image of Spain and its broader economic and political interests in Europe, |

Or. {EN}en

Amendment 25 Carlos José Iturgaiz Angulo Motion for a resolution Recital O

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| O. whereas regional ombudsmen have frequently acted, in very difficult circumstances, to defend the interests of European citizens in cases related to urbanisation abuses, <i>albeit that their efforts have generally not been heeded by regional governments,</i> | O. whereas regional ombudsmen have frequently acted, in very difficult circumstances, to defend the interests of European citizens in cases related to urbanisation abuses, |
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Or. {ES}es

Amendment 26 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
Ramón Motion for a resolution Recital O

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| O. whereas regional ombudsmen have frequently acted, in very difficult circumstances, to defend the interests of European citizens in cases related to urbanisation abuses, <i>albeit that their efforts have generally not been heeded by regional governments,</i> | O. whereas regional ombudsmen have frequently acted, in very difficult circumstances, to defend the interests of European citizens in cases related to urbanisation abuses, <i>although in some autonomous communities,</i> regional governments <i>have on occasion been able to pay no heed to their efforts,</i> |

Or. {ES}es

Amendment 27 Nicolae Vlad Popa **Motion for a resolution** Recital O

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| O. whereas regional ombudsman, in very difficult circumstances, have frequently acted to defend the interests of European citizens in cases related to urbanization <i>abuses,</i> even if their efforts have been <i>generally unheeded</i> by regional governments, | O. whereas regional ombudsman, in difficult circumstances, have frequently acted to defend the interests of European citizens in cases related to urbanization <i>issues,</i> even if their efforts have <i>not constantly</i> been <i>sustained</i> by regional governments, |

Or. {EN}en

Amendment 28 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés

Ramón Motion for a resolution Recital P

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>P. whereas Article 33 of the Spanish Constitution <i>makes reference to</i> the rights of individuals to their property, <i>and whereas no comprehensive interpretation of that article has ever been provided by the Constitutional Court, notably as regards the provision of property for social use as opposed to the rights of individuals to their legally acquired homes and dwellings,</i></p> | <p>P. whereas Article 33 of the Spanish Constitution <i>defines</i> the rights of individuals to their property <i>as a fundamental right, laying down that: ‘1. The right to private property and to inheritance is recognised. 2. The social function of these rights shall determine their scope, as provided for by law. 3. No person shall be deprived of their property or their rights except for a cause recognised as being in the public interest or in the interest of society and in exchange for fitting compensation as provided for by law’;</i> whereas Article 148.3 of the Spanish Constitution <i>allows the autonomous communities to which such powers have been transferred to assume responsibility for land use planning, town planning and housing (as is the case with the Community of Valencia);</i> whereas some statutes of autonomy <i>allow for the delegation of powers to local councils able to assume these and to ensure due coordination and efficiency in the provision of services (Article 45 of the Statute of the Autonomous Community of Valencia);</i> considering also the currently-applicable Law of 16 December 1954 on compulsory purchase, and the subsequent amendments thereto, as well as Royal Legislative Decree No 2/2008 of 20 June 2008 approving the revised text of the Land Law, and considering the vast body of case law of the Spanish Supreme Court and Constitutional Court in respect of the right to private property,</p> |

Or. {ES}es

Amendment 29 José Manuel García-Margallo y Marfil **Motion for a resolution** Recital P

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| P. whereas Article 33 of the Spanish Constitution <i>makes reference to</i> the rights of individuals to their property, and whereas <i>no</i> comprehensive interpretation of that article has <i>ever</i> been provided by the Constitutional Court, <i>notably as regards the provision of property for social use as opposed to the rights of individuals to their legally acquired homes and dwellings,</i> | P. whereas Article 33 of the Spanish Constitution <i>recognises</i> the rights of individuals to their property, and whereas <i>a</i> comprehensive interpretation of that article has been provided by the Constitutional Court, <i>in the form of numerous rulings determining its limits and content on the basis of the social function of those rights, in accordance with the law,</i> |

Or. {ES}es

Amendment 30 Nicolae Vlad Popa **Motion for a resolution** Recital P

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| P. whereas the Spanish Constitution in Article 33 makes reference to the rights of individuals to their property, and whereas <i>a full interpretation</i> of this article <i>has never been provided by the Constitutional Court,</i> notably as regards the provision for social use of property in relation to the rights of individuals to their legally acquired homes and dwellings, | P. whereas the Spanish Constitution in Article 33 makes reference to the rights of individuals to their property, and whereas <i>there have been different interpretations</i> of this article, notably as regards the provision for social use of property in relation to the rights of individuals to their legally acquired homes and dwellings |

Or. {EN}en

Amendment 31 Willy Meyer Pleite **Motion for a resolution** Recital P a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Pa. whereas Article 47 of the Spanish Constitution lays down that all Spaniards have the right to enjoy decent and adequate housing, and tasks the public authorities with promoting the requisite conditions and establishing the relevant rules to make that right effective, and with regulating land use in the general interest to prevent speculation,</i> |
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Or. {ES}es

Amendment 32 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón
Motion for a resolution Recital Q

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| Q. whereas the national government in Spain has a duty to apply the EC Treaty and to defend and ensure the full application of European law on its territory, <i>irrespective of the internal organisation of the political authorities</i> as established by the Constitution of the Kingdom of Spain, | Q. whereas the national government in Spain has a duty to apply the EC Treaty and to defend and ensure the full application of European law on its territory, <i>taking into account</i> the internal organisation of the <i>Spanish State</i> as established by the Constitution of the Kingdom of Spain, |

Or. {ES}es

Amendment 33 Nicolae Vlad Popa
Motion for a resolution Recital R

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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R. **Observes that** the European Commission, acting **upon** the powers conferred **upon** it by the EC Treaty in Article 226, has **taken** Spain to the **European** Court of Justice in a case **which is related to** the excessive urbanization abuses which have occurred in Spain and which concerns directly the implementation of the Directive on Public Procurement by the Valencian authorities,

R. **whereas** the Commission, acting **pursuant to** the powers conferred **on** it by Article 226 of the EC Treaty, 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, **although it is doubted whether there is a sufficient causal relationship between the alleged improper implementation of that Directive and the damage allegedly sustained by the petitioners,**

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Or. {EN}en

Amendment 34 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón **Motion for a resolution** Recital R

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| R. whereas the Commission, acting pursuant to the powers conferred on it by Article 226 of the EC Treaty, 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, | R. whereas the Commission, acting pursuant to the powers conferred on it by Article 226 of the EC Treaty, has brought proceedings in respect of the Ley Urbanística Valenciana before the Court of Justice, on the grounds that it infringes the Community regulations on public procurement, |

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Or. {ES}es

Amendment 35 José Manuel García-Margallo y Marfil **Motion for a resolution** Recital R

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⁴ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

⁵ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114).

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| R. whereas the Commission, acting pursuant to the powers conferred on it by Article 226 of the EC Treaty, has brought proceedings against Spain before the Court of Justice in a case <i>involving the excessive urbanisation abuses which have occurred in Spain which directly concerns</i> the implementation by the Valencian authorities of the Directive on Public Procurement, | R. whereas the Commission, acting pursuant to the powers conferred on it by Article 226 of the EC Treaty, has brought proceedings against Spain before the Court of Justice in a case <i>relating to</i> the implementation by the Valencian authorities of the Directive on Public Procurement <i>and concerning urban development</i> , |

Or. {ES}es

Amendment 36Cristina Gutiérrez-Cortines**Motion for a resolution**Recital S

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| S. whereas the Commission, at the request of the Committee on Petitions, has launched an investigation into more than 250 urbanisation projects <i>which have received a negative opinion from the competent water authorities and river basin authorities and</i> approval <i>of which</i> is pending in Andalucía, Castilla-la-Mancha, Murcia and Valencia, | S. whereas the Commission, at the request of the Committee on Petitions, has launched an investigation into more than 250 urbanisation projects, <i>some on the grounds of water resources, whose</i> approval is pending in Andalucía, Castilla-la-Mancha, Murcia and Valencia, |

Or. {ES}es

Amendment 37David Hammerstein**Motion for a resolution**Recital S

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>S. whereas 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 <i>and river basin authorities and approval of which is pending in Andalucía, Castilla-la-Mancha, Murcia and Valencia,</i></p> | <p>S. whereas 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 <i>informing that there is no Water for these urbanisations. These urbanisations without water resources contravene the Water Framework Directive. Spain has to reach the mid and long-term goals of the Frame water Directive and the construction of urbanisations without the Water authorities permission would be likely to jeopardise the Directive 's objectives,</i></p> |
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Or. {EN}en

Amendment 38David HammersteinMotion for a resolutionRecital S a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>Sa. whereas many of these urbanisations are detached from consolidated urban Areas which required great expenditures in basic services like electricity, water and road infrastructure; whereas these investments often include EU funding,</i></p> |

Or. {EN}en

Amendment 39Carlos José Iturgaiz AnguloMotion for a resolutionRecital T

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>T. whereas, however, in many documented cases of urbanisation abuse in Spain the Commission has failed to act sufficiently forcefully, not only as regards enforcement of the precautionary principle of environmental law but also because of its lax interpretation of acts by competent local or regional authorities which have binding legal effect, such as the “provisional approval” of an integrated urban development plan by a local authority,</i> | <i>deleted</i> |
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Or. {ES}es

Amendment 40 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón
Motion for a resolution Recital T

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| T. whereas, however, in many documented cases of urbanisation abuse in Spain the Commission has failed to act sufficiently forcefully, not only as regards enforcement of the precautionary principle of environmental law but also because of its lax interpretation of acts by competent local or regional authorities which have binding legal effect, such as the “provisional approval” of an integrated urban development plan by a local authority, | T. whereas, however, in some documented cases of poor urban planning practice , the Commission has failed to act sufficiently forcefully as regards enforcement of the precautionary principle of environmental law, |

Or. {ES}es

Amendment 41 Nicolae Vlad Popa
Motion for a resolution Recital T

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| T. notes however, that in many documented cases of urbanization abuse in Spain the European Commission has failed to act forcefully enough not only as regards the enforcement of the precautionary principle of environmental law, but also because of its weak interpretation of acts by competent local and regional authorities which have a binding legal effect such as the ‘provisional approval’ of an integrated urban development plan by local authority, | T. notes however, that in many documented cases on urbanization problems in Spain the European Commission has failed to act forcefully enough not only as regards the enforcement of the precautionary principle of environmental law, but also because of its weak interpretation of acts by competent local and regional authorities which have a binding legal effect such as the ‘provisional approval’ of an integrated urban development plan by local authority, |
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Or. {EN}en

Amendment 42 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón
Motion for a resolution Recital V

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| V. whereas successive fact-finding visits by the Committee on Petitions have shown that these objectives are frequently grossly misunderstood by many local and regional authorities (not just in the coastal regions) when proposing or agreeing to extensive urbanisation programmes; whereas most urbanisation plans contested by petitions involve the reclassification of rural land into land zoned for urbanisation – to the considerable economic benefit of the urbanisation agent and the developer; and whereas there are also many instances of protected land, or land which should be protected because of its sensitive biodiversity, being de-listed and reclassified, or not being listed at all, precisely to allow for urbanisation of the area concerned, | V. whereas successive fact-finding visits by the Committee on Petitions have noted that some local and regional authorities have continued with extensive urbanisation programmes, sometimes selectively reclassifying rural into land zoned for urbanisation, without any prior supra-municipal plan or guidelines setting reasonable and indispensable limits on municipal urban growth to provide a guarantee of desirable and balanced sustainable urban and regional development, |

Or. {ES}es

Amendment 43 Nicolae Vlad Popa
Motion for a resolution Recital V

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>V. whereas successive fact-finding visits by the Petitions Committee have shown that these objectives are frequently grossly misunderstood by many local and regional authorities (not just in the coastal regions) when proposing or agreeing to extensive urbanization programmes; and whereas most urbanization plans contested by petitions received involves the reclassification of rural and rustic land into urbanisable land- to the considerable economic benefit of the urbanizing agent and developer; and whereas there are also many instances of protected land , or land which should be protected, being de-listed and re-classified , or not being listed at all, precisely to allow an urbanization of the area concerned,</p> | <p>V. whereas successive fact-finding visits by the Committee on Petitions have shown that these objectives seem to be frequently misunderstood by some of the local and regional authorities (not just in the coastal regions) when proposing or agreeing to extensive urbanisation programmes; whereas most urbanisation plans contested by petitions involve the reclassification of rural land into land zoned for urbanisation – to the economic benefit of the urbanisation agent and the developer; and whereas there are also many instances of protected land, or land which should be protected because of its sensitive biodiversity, being de-listed and reclassified, or not being listed at all, precisely to allow for urbanisation of the area concerned, and whereas, however, it is only by bringing judicial proceedings in the national courts - which are also the first courts of Community law - and, if necessary, in the Court of Human Rights that such grievances can be properly addressed in a State governed by the rule of law,</p> |

Or. {EN}en

Amendment 44Gerardo GaleoteMotion for a resolutionRecital V

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>V. whereas successive fact-finding visits by the Committee on Petitions have shown that <i>these objectives are frequently grossly misunderstood by many</i> local and regional authorities (not just in the coastal regions) <i>when proposing or agreeing to</i> extensive urbanisation programmes; whereas most urbanisation plans contested by petitions involve the reclassification of rural land into land zoned for urbanisation – <i>to the considerable economic benefit of the urbanisation agent and the developer</i>; and whereas there are also many <i>instances of</i> protected land, or land which should be protected because of its sensitive biodiversity, <i>being de-listed and reclassified, or not being listed at all, precisely to allow for urbanisation of the area concerned,</i></p> | <p>V. whereas successive fact-finding visits by the Committee on Petitions have shown that, <i>on some occasions</i>, local and regional authorities (not just in the coastal regions) <i>have proposed or agreed to</i> extensive urbanisation programmes; whereas most urbanisation plans contested by petitions involve the reclassification of rural land into land zoned for urbanisation; and whereas there are also many <i>cases involving</i> protected land, or land which should be protected because of its sensitive biodiversity,</p> |
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Or. {ES}es

Amendment 45 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón
Motion for a resolution Recital W

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>W. whereas such <i>considerations compound the abuse which is felt by thousands of European citizens who, as a result of the plans of the urbanisation agents, have not only lost their legitimately acquired property but have been forced to pay the arbitrary cost of unwanted, often unnecessary and unwarranted infrastructure projects directly affecting their property rights, the end result of which has been financial and emotional catastrophe for many families,</i></p> | <p>W. whereas <i>the lax application of the urban development and environmental legislation in force has occasioned serious financial and personal harm to some members of the public, which has on occasion taken the form of an increase in urbanisation costs in excess of those resulting from a correct assessment in accordance with the mandatory legal procedures, or in larger transfers of land than those laid down in law,</i></p> |

Amendment 46 Carlos José Iturgaiz Angulo **Motion for a resolution** Recital W

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|---|---|
| W. whereas such considerations <i>compound the abuse which is felt by thousands of European</i> citizens who, as a result of the plans of the urbanisation agents, <i>have not only lost their legitimately acquired property but</i> have been forced to pay the <i>arbitrary</i> cost of <i>unwanted, often unnecessary and unwarranted infrastructure</i> projects <i>directly affecting their property rights, the end result of which has been financial and emotional catastrophe for many families,</i> | W. whereas such considerations <i>pose problems for</i> citizens who, as a result of the plans of the urbanisation agents, have been forced to pay the cost of projects <i>on the grounds of public interest,</i> |

Amendment 47 Nicolae Vlad Popa **Motion for a resolution** Recital W

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| W. whereas such considerations compound the abuse which is felt by <i>thousands of</i> European citizens who, as a result of the plans of the urbanizing agents, have not only lost their legitimately acquired property but have been forced to pay arbitrary cost of unwanted, often unnecessary and unwarranted infrastructure projects directly affecting their property rights, <i>the end result of which has been financial and emotional catastrophe of many families,</i> | W. whereas such considerations compound the abuse which is felt by <i>many</i> European citizens who, as a result of the plans of the urbanizing agents, <i>consider that they</i> have not only lost their legitimately acquired property but have been forced to pay the arbitrary cost of unwanted, often unnecessary and unwarranted infrastructure projects directly affecting their property rights, |

Amendment 48 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
 Ramón Motion for a resolution Recital X

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>X. whereas many thousands of European citizens have, in different circumstances, bought property in Spain in good faith acting with local lawyers, town planners and architects, only to find later that they have become victims of urbanisation abuse by unscrupulous local authorities and that, as a result, their property faces demolition because their homes have been found to be illegally built and therefore worthless and unsaleable,</i> | <i>Deleted</i> |

Or. {ES}es

Amendment 49 Cristina Gutiérrez-Cortines Motion for a resolution Recital X

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>X. whereas many thousands of European citizens have, in different circumstances, bought property in Spain in good faith acting with local lawyers, town planners and architects, only to find later that they have become victims of urbanisation abuse by unscrupulous local authorities and that, as a result, their property faces demolition because their homes have been found to be illegally built and therefore worthless and unsaleable,</i> | <i>X. whereas European citizens have bought property in Spain in good faith, without being familiar with its planning rules, and bearing in mind the principle that 'ignorance of the law is no excuse for breaking it'; whereas the outcome for these citizens has been the discovery that their property faces demolition since their homes have been illegally built,</i> |

Or. {ES}es

Amendment 50Nicolae Vlad Popa**Motion for a resolution**Recital X

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| X. whereas many thousands of European citizens have, in different circumstances, bought property in Spain in good faith acting with local lawyers, town planners and architects, only to find later that they have become victims of urbanization abuse by unscrupulous local authorities and that as a result , their property faces demolition because their homes have been found to be illegally built and therefore worthless and un-saleable, | X. whereas it is further alleged that many European citizens have, in different circumstances, bought property in Spain in good faith acting with local lawyers, town planners and architects, only to find later that their property faces demolition because their homes have been found to be illegally built and therefore worthless and un-saleable, |

Or. {EN}en

Amendment 51David Hammerstein**Motion for a resolution**Recital X

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|---|---|
| X. whereas many thousands of European citizens have, in different circumstances , bought property in Spain in good faith acting with local lawyers, town planners and architects, only to find later that they have become victims of urbanisation abuse by unscrupulous local authorities and that, as a result, their property faces demolition because their homes have been found to be illegally built and therefore worthless and unsaleable, | X. whereas many thousands of European citizens have bought property in Spain in good faith and have become victims of misleading and abusive practices by the relevant local actors in the field of urbanisation and as result, their property faces demolition without appropriate compensation , because their homes have been found to be illegally built, |

Or. {EN}en

Amendment 52Margrete Auken**Motion for a resolution**Recital X a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Xa. whereas real estate agents in member states, such as the UK, and other providers of services related to the real estate market in Spain continue to market property in new urbanisations even when they are necessarily aware that there is a clear possibility that the project in question will not be completed nor built,</i> |
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Or. {EN}en

Amendment 53 Nicolae Vlad Popa Motion for a resolution Recital X a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Xa. whereas the only means of obtaining redress in such cases is to bring legal proceedings before the national courts, which alone have jurisdiction over such matters,</i> |

Or. {EN}en

Amendment 54 Carlos José Iturgaiz Angulo Motion for a resolution Recital Y

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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Y. whereas the natural *Mediterranean island and* coastal areas of Spain have *suffered extensive destruction* in the last decade *as cement and concrete have saturated these regions in a way which has affected not only the fragile coastal environment – much of which is nominally protected under the Habitats/ Natura 2000 and Birds Directives – but also the social and cultural activity of many areas, which constitutes a tragic and irretrievable loss to their cultural identity and heritage as well as to their environmental integrity, and all this primarily because of the greed and speculative behaviour of certain local authorities and members of the construction industry who have succeeded in deriving massive benefits from their activities in this regard, most of which have been exported,*

Y. whereas the natural coastal areas of Spain have *undergone strong development* in the last decade, *favoured by the economic boom and comparable with development in other European regions,*

Or. {ES}es

Amendment 55 David Hammerstein Motion for a resolution Recital Y

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

Y. whereas *the natural Mediterranean island and coastal areas of Spain have suffered extensive destruction in the last decade as cement and concrete have saturated these regions in a way which has affected not only the fragile coastal environment much of which is nominally protected under the Habitats³/Natura 2000 and Birds⁴ Directives but also the social and cultural activity of many areas, which constitutes a tragic and irretrievable loss to their cultural identity and heritage as well as to their environmental integrity, and all this primarily because of the greed and speculative behaviour of certain local authorities and members of the construction industry who have succeeded in deriving massive benefits from their activities in this regard, most of which have been exported,*

Y. whereas *a number of urbanisations have built in designated Natura 2000 Areas apparently without respect for the Habitat and Bird Directives, such as urbanisations in Cabo de Gata (Almeria) as well as urbanisations in Murcia,*

Or. {EN}en

Amendment 56 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón
Motion for a resolution Recital Y

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

Y. whereas the natural Mediterranean island and coastal areas of Spain have suffered extensive destruction in the last decade as cement and concrete have saturated these regions in a way which has affected not only the fragile coastal environment – much of which is nominally protected under the Habitats/Natura 2000 and Birds Directives – but also the social and cultural activity of many areas, which constitutes a *tragic and irretrievable* loss to their cultural identity and heritage as well as to their environmental integrity, and all this primarily because of the *greed and speculative behaviour of certain local authorities and members of the construction industry who have succeeded in deriving massive benefits from their activities in this regard, most of which have been exported,*

Y. whereas the natural Mediterranean island and coastal areas of Spain have suffered extensive destruction in the last decade as cement and concrete have saturated these regions in a way which has affected not only the fragile coastal environment – much of which is nominally protected under the Habitats¹/Natura 2000 and Birds² Directives – but also the social and cultural activity of many areas, which constitutes a *significant* loss to their cultural identity and heritage as well as to their environmental integrity, and all this primarily because of the *absence of supramunicipal planning or regional planning guidelines placing reasonable limits on urban growth and development, set on the basis of explicit criteria of environmental sustainability,*

⁶⁷⁸Or. {ES}es

Amendment 57 Nicolae Vlad Popa Motion for a resolution Recital Y

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
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⁶ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁷ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103, 25.4.1979, p. 1).

⁸ Note the recent reports issued by the Bank of Spain, Greenpeace, and Transparency International.

Y. whereas the natural Mediterranean island and coastal areas of Spain have suffered extensive ***destruction*** in the last decade as cement and concrete ***has*** saturated these regions in a way which ***has*** impacted ***not only the fragile*** coastal environment – much of which is nominally protected under the Habitats/Natura 2000 and Birds Directives – ***but also on the*** social and cultural activity of many areas ***which constitutes a tragic and irretrievable loss to*** their cultural identity and heritage as well as ***to*** their environmental integrity , ***and all this primarily because of the greed and speculative behaviour of some local authorities and members of the construction industry who have succeeded in deriving massive benefits , most of which has been exported,***

Y. whereas the natural Mediterranean island and coastal areas of Spain have suffered extensive ***modifications*** in the last decade as cement and concrete ***have*** saturated these regions in a way which impacted ***on the*** coastal environment – much of which is nominally protected under the Habitats/Natura 2000 and Birds Directives – ***and*** on social and cultural activity of many areas ***changing*** their cultural identity and heritage as well as their environmental integrity,

Or. {EN}en

Amendment 58 Willy Meyer Pleite Motion for a resolution Recital Y

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

Y. whereas the natural Mediterranean island and coastal areas of Spain have suffered extensive destruction in the last decade as cement and concrete have saturated these regions in a way which has affected not only the fragile coastal environment – much of which is nominally protected under the Habitats/Natura 2000 and Birds Directives – but also the social and cultural activity of many areas, which constitutes a tragic and irretrievable loss to their cultural identity and heritage as well as to their environmental integrity, and all this primarily because of the greed and speculative behaviour of certain local authorities **and** members of the construction industry who have succeeded in deriving massive benefits from their activities in this regard, most of which have been exported,

Y. whereas the natural Mediterranean island and coastal areas of Spain have suffered extensive destruction in the last decade as cement and concrete have saturated these regions in a way which has affected not only the fragile coastal environment – much of which is nominally protected under the Habitats³/Natura 2000 and Birds⁴ Directives – but also the social and cultural activity of many areas, which constitutes a tragic and irretrievable loss to their cultural identity and heritage as well as to their environmental integrity, and all this primarily because of the greed and speculative behaviour of certain local **and autonomous** authorities, **as well as** members of the construction industry who have succeeded in deriving massive benefits from their activities in this regard, most of which have been exported,

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Or. {ES}es

Amendment 59 Willy Meyer Pleite Motion for a resolution Recital Y a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Ya. whereas this model of growth also has negative consequences for the tourism sector, since it has a devastating impact on quality tourism given that it destroys local values and encourages massification,</i> |

Or. {ES}es

Amendment 60 Willy Meyer Pleite Motion for a resolution Recital Y b (new)

⁹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

¹⁰ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103, 25.4.1979, p. 1).

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>Yb. whereas this is a model that pillages cultural goods and ruins the values and distinct features of identity that are fundamental to Spain's cultural diversity, destroying archaeological sites, buildings and places of cultural interest, as well as the natural environment and landscape surrounding them,</i> |

Or. {ES}es

Amendment 61 **María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón** **Motion for a resolution** **Recital Z**

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>Z. whereas the building industry, having profited excessively during the years of rapid economic expansion, has become a primary casualty of the current collapse of the financial markets, itself partly provoked by speculative ventures in the housing sector, and whereas this affects not only the companies themselves, who are now confronted with bankruptcy, but also the tens of thousands of workers in the building industry who now face unemployment because of the unsustainable urbanisation policies which were pursued and of which they now have also become victims,</i> | <i>Deleted</i> |

Or. {ES}es

Amendment 62 **José Manuel García-Margallo y Marfil** **Motion for a resolution** **Recital Z**

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>Z. whereas the building industry, having profited excessively during the years of rapid economic expansion, has become a primary casualty of the current collapse of the financial markets, itself partly provoked by speculative ventures in the housing sector, and whereas this affects not only the companies themselves, who are now confronted with bankruptcy, but also the tens of thousands of workers in the building industry who now face unemployment because of the unsustainable urbanisation policies which were pursued and of which they now have also become victims,</p> | <p>Z. whereas the building industry has been notably hit by the consequences of the international collapse of the financial markets and whereas this affects not only the companies themselves, who are now confronted with bankruptcy, but also the tens of thousands of workers employed in the building industry,</p> |
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Or. {ES}es

Amendment 63 Nicolae Vlad Popa Motion for a resolution Recital Z

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>Z. whereas the building industry, having profited excessively during the years of rapid economic expansion has become a primary causality of the current collapse of the financial markets itself partly provoked by speculative ventures in the housing sector, and whereas this not only affects the companies themselves who now face bankruptcy but also the tens of thousands of workers in the building industry who now face unemployment because of the unsustainable urbanization policies which were pursued and from which they now have also become victims,</p> | <p>Z. whereas the building industry, having growing profits during the years of rapid economic expansion has become a primary causality of the current collapse of the financial markets itself partly provoked by speculative ventures in the housing sector, and whereas this not only affects the companies themselves who now face bankruptcy but also the tens of thousands of workers in the building industry who now face unemployment because of the unsustainable urbanization policies which were pursued and from which they now have also become victims,</p> |

Or. {EN}en

Amendment 64 José Manuel García-Margallo y Marfil Motion for a resolution Paragraph 1

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|---|---|
| 1. 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, in order to bring an end to the abuse of rights and obligations enshrined in the EC Treaty, in the Charter of Fundamental Rights, in the ECHR and in the relevant EU Directives, as well as in other conventions to which the EU is a party; | 1. Notes that, on the basis of Article 149(1) (8) of the Spanish Constitution, the State has exclusive competence for regulating property law, and therefore calls on the Government of Spain to provide the means necessary to improve both the application of legislation affecting the rights of property owners and knowledge of the rights and obligations inherent in property; notes, however, that Article 19 of the State Land Law provides ample safeguards regarding the right of third-party purchasers; |

Or. {ES}es

Amendment 65 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 1

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 1. 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 , in order to bring an end to the abuse of rights and obligations enshrined in the EC Treaty, in the Charter of Fundamental Rights, in the ECHR and in the relevant EU Directives, as well as in other conventions to which the EU is a party; | 1. Calls on the Government of Spain and of the regions concerned, where they have not yet done so , to carry out a thorough review and to revise all legislation on urbanisation , in order to bring an end to any abuse that may occur and affect the rights and obligations enshrined in the EC Treaty, in the Charter of Fundamental Rights, in the ECHR and in the relevant EU Directives, as well as in other conventions to which the EU is a party; |

Or. {ES}es

Amendment 66 Willy Meyer Pleite Motion for a resolution Paragraph 1 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>1a. Considers that the forecast drawn up for Spain by the Commission, of 19% unemployment in 2009 with job losses amounting to 3.9% and a sharp increase in public debt, is a consequence of this economic model, based on non-intervention in the economy;</i> |

Or. {ES}es

Amendment 67Willy Meyer Pleite**Motion for a resolution**Paragraph 1 b (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>1b. Calls on the Spanish authorities to abolish all legal forms that encourage speculation, such as urbanisation agents;</i> |

Or. {ES}es

Amendment 68Carlos José Iturgaiz Angulo**Motion for a resolution**Paragraph 2

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p><i>2. Calls on the competent regional authorities to declare a moratorium on all new urbanisation plans which do not respect the strict criteria of environmental sustainability and social responsibility and which do not guarantee respect for the rightful ownership of legitimately acquired property, and to halt and cancel all existing developments where criteria laid down in EU law, notably as regards the award of urbanisation contracts and compliance with provisions relating to water and the environment, have not been respected or applied;</i></p> | <p><i>Deleted</i></p> |
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Or. {ES} es

Amendment 69 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 2

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| <p><i>Motion for a resolution</i></p> | <p><i>Amendment</i></p> |

2. Calls on the competent regional authorities *to declare a moratorium on all new urbanisation plans which do not respect the strict criteria of environmental sustainability and social responsibility and which do not guarantee respect for the rightful ownership of legitimately acquired property, and to halt and cancel all existing developments where criteria laid down in EU law, notably as regards the award of urbanisation contracts and compliance with provisions relating to water and the environment, have not been respected or applied;*

2. Calls on the competent regional authorities, *where they do not have them, to draw up regional and supramunicipal planning instruments as soon as possible that place limits on growth under criteria based on strict regional sustainability and, to the extent that existing legislation and the preservation of legitimately acquired rights permit, to reconsider those developments that compromise rational land use in the short, medium and long term, with a view to their reorientation towards sites and timeframes for implementation that are more acceptable from the socio-economic and environmental point of view; recommends, likewise, that the competent authorities reconsider, where appropriate, the application of contract law as regards the implementation of urbanisation work, as the Commission has argued before the Court of Justice of the European Communities, as well as compliance with provisions relating to water and the environment; calls, likewise, on the competent regional authorities to promote an agreement between all social stakeholders with a view to a pact on improved town planning geared to sustainable development;*

Or. {ES}es

Amendment 70 Nicolae Vlad Popa Motion for a resolution Paragraph 2

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| <i>Motion for a resolution</i> | <i>Amendment</i> |

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| <p>2. Calls upon the competent regional authorities to <i>declare a moratorium on</i> all new urbanization plans which do not <i>respect</i> the <i>strict</i> criteria of environmental sustainability and social responsibility and which do not guarantee the respect for the rightful ownership of legitimately acquired property; and to halt <i>and cancel</i> all existing developments where criteria contained in EU law, notably as regards the award of urbanization contracts and respect for water and environmental provisions, have not been <i>respected or</i> applied;</p> | <p>2. Calls upon the competent regional authorities <i>to review and control</i> all new urbanization plans which do not <i>take into consideration</i> the criteria of environmental sustainability and social responsibility and which do not guarantee the respect for the rightful ownership of legitimately acquired property <i>in compliance with the Spanish Constitution</i>; and to halt all existing developments where criteria contained in EU law, notably as regards the award of urbanization contracts and respect for water and environmental provisions, have not been applied;</p> |
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Or. {EN}en

Amendment 71 Marian Harkin Motion for a resolution Paragraph 2 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>2a. Requests the Spanish authorities to make sure that no administrative act that would oblige a citizen to cede legitimately acquired private property would find its legal base in a law which has been adopted after the construction date of the abovementioned property. This would indeed infringe the principle of non- retroactivity of administrative acts which is a general principle of Community law (ECJ, January 29th 1985, Gesamthochschule Duisburg, 234/83, p. 333) and guarantees for the citizens legal certainty, confidence and legitimate expectations of the protection within EU law;</i></p> |

Or. {EN}en

Amendment 72 Willy Meyer Pleite Motion for a resolution Paragraph 2 a (new)

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | 2a. Calls on the Spanish authorities to develop a culture of transparency geared to informing citizens about soil management, fostering effective mechanisms for public information and participation; |

Or. {ES}es

Amendment 73 Willy Meyer Pleite **Motion for a resolution** Paragraph 2 b (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | 2b. Urges the Spanish Government to hold a public debate, with the participation of all the administrations, 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; |

Or. {ES}es

Amendment 74 Gerardo Galeote **Motion for a resolution** Paragraph 3

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>3. Urges the competent national and regional authorities to establish functioning judicial and administrative mechanisms, involving the regional ombudsmen, which are given the authority to provide means of redress and of compensation for victims of urbanisation abuse who have suffered under the provisions of existing legislation such as the Ley Reguladora de la Actividad Urbanística and the Ley Urbanística Valenciana;</p> | <p>Deleted</p> |
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Or. {ES}es

Amendment 75 Nicolae Vlad Popa Motion for a resolution Paragraph 3

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>3. Urges the competent national and regional authorities to establish functional judicial and administrative mechanisms, involving the regional ombudsman, which are given the authority to provide means of redress and of compensation for the victims of urbanization abuse for citizens and residents who have suffered under the provisions of existing legislation such as the Ley Reguladora de la Actividad Urbanística and the Ley Urbanística Valenciana;</p> | <p>3. Welcomes the efforts made by the Spanish judicial authorities and calls on aggrieved parties to seek redress in the courts, in particular by challenging the constitutionality of the provisions of existing legislation such as the Ley Reguladora de la Actividad Urbanística and the Ley Urbanística Valenciana <i>if they consider that the application of those laws has violated their fundamental rights;</i></p> |

Or. {EN}en

Amendment 76 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 3

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p>3. Urges the competent national and regional authorities to establish functioning judicial and administrative mechanisms, involving the regional ombudsmen, which are given the authority to provide means <i>of</i> redress and <i>of</i> compensation for victims of urbanisation abuse who have suffered under the provisions of existing legislation <i>such as the Ley Reguladora de la Actividad Urbanística and the Ley Urbanística Valenciana</i>;</p> | <p>3. Urges the competent national and regional authorities to establish functioning judicial and administrative mechanisms, involving the regional ombudsmen, which are given the authority to provide means <i>that make it possible to speed up</i> redress and compensation for victims of urbanisation abuse who have suffered under the <i>incorrect application of the</i> provisions of existing legislation;</p> |
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Or. {ES}es

Amendment 77Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 3 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p>3a. Considers that many cases of infringements are due to ignorance of the law among citizens who came to live in Spain and, misinterpreting the rules, are in clear breach of the laws affecting their property, owing above all to disinformation and the permissive attitude of the Spanish authorities;</p> |

Or. {ES}es

Amendment 78Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 4

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 4. Requests the competent financial and commercial bodies concerned with the construction and urbanisation industry to participate actively with the political authorities in the search for solutions to the existing problems, resulting from massive and unsustainable urbanisation, which have affected hundreds of thousands of European citizens who have chosen to take advantage of the provisions of the EU Treaty and who have taken up their rights of establishment under Article 44 in an EU Member State which is not their country of origin; | 4. Requests the competent financial and commercial bodies concerned with the construction and urbanisation industry to participate actively with the political authorities in the search for solutions to the existing problems; |
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Or. {ES}es

Amendment 79 Nicolae Vlad Popa Motion for a resolution Paragraph 4

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 4. Requests the competent financial and commercial bodies concerned with the construction and urbanization industry to actively participate with the political authorities in the search for solutions to the existing problems, resulting from massive and unsustainable urbanization, which have affected hundreds of thousands of European citizens who have chosen to take advantage of the provisions of the EU-Treaty and who have taken up their rights of establishment under Article 44, in an EUROPEAN member state which is not their country of origin; | 4. Requests the competent financial and commercial bodies concerned with the construction and urbanization industry to participate with the political authorities to seek for solutions with regard to the problems, resulting from considerable urbanization, which has affected numerous European citizens who have chosen to take advantage of the provisions of the EU-Treaty and who have taken up their rights of establishment under Article 44, in an EU member state which is not their country of origin; |

Or. {EN}en

Amendment 80 Gary Titley Motion for a resolution Paragraph 4 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>4a. Urges the competent national, regional and local authorities to guarantee a fair settlement for the many ongoing cases of European citizens affected by non-completion of their houses as a result of the poor planning and coordination between institutions and construction companies;</i> |
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Or. {EN}en

Amendment 81Nicolae Vlad Popa**Motion for a resolution**Paragraph 4 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>4a. Points out that, if aggrieved parties fail to obtain satisfaction in the Spanish courts, they will have to appeal to the Court of Human Rights, given that the alleged violations of the fundamental right to property do not come within the jurisdiction of the Court of Justice;</i> |

Or. {EN}en

Amendment 82María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón,**Motion for a resolution**Paragraph 5

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>5. 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;</i> | <i>Deleted</i> |

Amendment 83Nicolae Vlad Popa**Motion for a resolution**Paragraph 5

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 5. Calls upon the EU institutions to provide advice and support, if requested by the Spanish authorities, in order to provide them with the means to properly overcome the disastrous impact of massive urbanization on citizens' lives within a duly short yet reasonable time-frame; | Delete |

Amendment 84José Manuel García-Margallo y Marfil**Motion for a resolution**Paragraph 5

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 5. 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; | Deleted |

Amendment 85Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 5 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>5a. Calls on the embassies and consulates of the various European citizens affected to provide information, advice and assistance to those citizens, in turn and if requested to do so, in the event of violations that affect the protection of their rights;</i> |
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Or. {ES}es

Amendment 86Nicolae Vlad Popa**Motion for a resolution**Paragraph 6

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 6. Calls upon the Commission, at the same time, to ensure the strict respect for the application Community law and of the objectives contained in the Directives covered by this report and to be more exigent with the Spanish authorities when <i>it appears that many</i> local authorities are not fulfilling their obligations to EU citizens; | 6. Calls upon the Commission, at the same time, to ensure the strict respect for the application <i>of</i> Community law and of the objectives contained in the Directives covered by this report and to be more exigent with the Spanish authorities when <i>some of the</i> local authorities are not fulfilling their obligations to EU citizens; |

Or. {EN}en

Amendment 87Carlos José Iturgaiz Angulo**Motion for a resolution**Paragraph 6

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 6. Calls on the Commission, at the same time, to ensure strict respect for the application of Community law and of the objectives laid down in the Directives covered by this resolution, <i>and to be more exigent vis-à-vis</i> the Spanish authorities <i>when it appears that many local authorities are failing to fulfil their obligations in relation to EU citizens;</i> | 6. Calls on the Commission, at the same time, to ensure strict respect for the application of Community law and of the objectives laid down in the Directives covered by this resolution, <i>and to demand that</i> the Spanish authorities <i>monitor compliance therewith;</i> |

Amendment 88 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 6

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 6. Calls on the Commission, at the same time, to ensure strict respect for the application of Community law and of the objectives laid down in the Directives covered by this resolution, <i>and to be more exigent vis-à-vis the Spanish authorities when it appears that many local authorities are failing to fulfil their obligations in relation to EU citizens;</i> | 6. Calls on the Commission, at the same time, to ensure strict respect for the application of Community law and of the objectives laid down in the Directives covered by this resolution, <i>so that compliance therewith can be demanded;</i> |

Amendment 89 Cristina Gutiérrez-Cortines Motion for a resolution Paragraph 6 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>6a. Calls on the relevant Spanish authorities to display the greatest possible circumspection in applying the law, so as to avoid the problems which have been caused by development, and to provide those affected with guarantees and explicit information as to possible alternatives, and above all to property-owners located in areas classed as fit for property development, so that such development can be made compatible with existing agricultural holdings or homes, without this resulting in any financial prejudice;</i> |

Amendment 90 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 7

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 7. Expresses its concern and dismay that the legal and judicial authorities in Spain have shown themselves to be largely ill-prepared and inadequate in dealing with the impact of massive urbanisation on peoples' lives, as evidenced by the thousands of representations received by Parliament and its responsible committee on this issue; | deleted |

Or. {ES}es

Amendment 91 Carlos José Iturgaiz Angulo **Motion for a resolution** Paragraph 7

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 7. Expresses its concern and dismay that the legal and judicial authorities in Spain have shown themselves to be largely ill-prepared and inadequate in dealing with the impact of massive urbanisation on peoples' lives, as evidenced by the thousands of representations received by Parliament and its responsible committee on this issue; | deletion |

Or. {ES}es

Amendment 92 Nicolae Vlad Popa **Motion for a resolution** Paragraph 7

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 7. Expresses its concern <i>and dismay</i> that the legal and judicial authorities in Spain <i>have shown themselves to be largely ill-prepared and inadequate</i> in dealing with the impact of massive urbanization on peoples' lives, as is witnessed by thousands or representations received by the European Parliament and its responsible committee on this issue; | 7. Expresses its concern that the legal and judicial authorities in Spain <i>have encountered difficulties</i> in dealing with the impact of massive urbanization on peoples' lives, as is witnessed by thousands or representations received by the European Parliament and its responsible committee on this issue; |
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Or. {EN}en

Amendment 93Margrete AukenMotion for a resolutionParagraph 7 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>7a. Considers it alarming that there appears to be a widespread lack of confidence among the petitioners in the Spanish judicial system as an effective means of redress and justice;</i> |

Or. {EN}en

Amendment 94David HammersteinMotion for a resolutionParagraph 7 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>7a. Expresses concern over the lack of correct transposition of the Directives (2005/60/CE) and (2006/70/CE) on money laundering, now subject to infringement proceeding, that has limited the transparency and legal pursuit of illicit circulation of financial capital including investments in certain large urbanisations projects;</i> |

Or. {EN}en

Amendment 95Margrete AukenMotion for a resolutionParagraph 7 b (new)

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>7b. Takes the view that persons who have bought property in Spain in good faith, which has been declared illegal should have the right to appropriate compensation through the Spanish courts;</i> |

Or. {EN}en

Amendment 96Margrete Auken**Motion for a resolution**Paragraph 7 c (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>7c. Considers that if private individuals, who have bought property in Spain while aware of the likely illegality of the property concerned, can be obliged to bear the costs of their risk-taking, this must apply by analogy even more so to professionals in the field; therefore developers that have entered into contracts, the unlawfulness of which they should have been aware of, ought not be entitled to compensation for plans which are abandoned due to lack of compliance with national and European law, nor should they have an automatic right of recovery for payments already made to municipalities when these have been made while aware of the likely illegality of the contract entered into;</i> |

Or. {EN}en

Amendment 97José Manuel García-Margallo y Marfil**Motion for a resolution**Paragraph 8

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <p><i>8. Believes, nevertheless, that 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 European citizen is the primary victim, but which has also caused the Spanish state to suffer significant loss;</i></p> | <p><i>deleted</i></p> |
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Or. {ES} es

Amendment 98 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 8

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| <p><i>Motion for a resolution</i></p> | <p><i>Amendment</i></p> |

8. Believes, *nevertheless, that 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 *European citizen is* the primary *victim*, but which has also caused the Spanish state to suffer significant *loss*;

8. Believes *that possible misapplication of the provisions concerning property rights with regard to the general interest, as laid down in current legislation on both development and the environment is one of the root causes* of many problems related to urbanisation and that this, combined with *the complexity of* the judicial process, has not only compounded the problem but has also *made possible some cases* of corruption of which the primary *victims are ordinary citizens, as a result of the failure to achieve rational spatial planning*, but which has also caused the Spanish state to suffer significant *prejudice, specifically in the Valencian Community, arising from the interpretation of the application of Law 6/1994 of 15 November, regulating development activity, which, although formally repealed, continues to be applied to many development plans and projects currently being processed, since this is permissible under the transition provisions of the new Ley Urbanística Valenciana Development Law.*

Believes that the conclusions reached by the Valencian Community's Ombudswoman (S ndica de Greuges), an institution justly famed for its defence of citizens' fundamental rights, conclusions which state that owners' rights may have been affected, whether as a result of being undervalued by the developer, or by their having to shoulder sometimes excessive development charges unilaterally imposed by the developer;

Access to information and citizens' involvement in the development process needs to be guaranteed from the outset of the process, making environmental information available to citizens in a clear, simple and comprehensible form.

Believes that no properly delimited definition

Amendment 99 Nicolae Vlad Popa Motion for a resolution Paragraph 8

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 8. Believes, nevertheless, that lack of clarity, <i>precision and certainty</i> relating to individual property rights in existing legislation, and the lack of the proper <i>and consistent</i> application of environmental law is <i>the root</i> cause of many problems related to urbanism and that this, related to a laxity in the judicial process, <i>has not only compounded the problem but has also generated a endemic form of corruption where, once again, the European citizen is the primary victim, but where the Spanish state has also lost considerably;</i> | 8. Believes, nevertheless, that <i>if</i> lack of <i>clarity</i> relating to individual property rights 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, combined with a certain laxity in the judicial process <i>and</i> compounded <i>by</i> corruption, <i>aggrieved citizens' only remedies are to press the competent Spanish authorities to change the law and enforce it better and, if necessary, to go to law;</i> |

Amendment 100 Margrete Auken Motion for a resolution Paragraph 8 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>8a. Recognises and supports the efforts of the Spanish authorities to protect the coastal environment and, where possible, to restore the coastal environment in a way which allows bio-diversity and the regeneration of indigenous species of flora and fauna and in this specific context appeals to them to urgently review and if necessary revise the Coastal Law in order to protect the rights of legitimate home-owners and those who own small plots of land in coastal areas which do not impact negatively on the coastal environment; emphasises that such protection should not be afforded to those developments which are designed as speculative ventures which are not conducive to the respect for EU Environmental Directives; undertakes to review such petitions as have been received on this subject in the light of responses from the competent Spanish authorities;</i></p> |
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Or. {EN}en

Amendment 101 David Hammerstein Motion for a resolution Paragraph 8 a (new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <p><i>8a. Expresses concern over the urban planning situation of the municipality of Marbella in Andalusia where tens of thousands of homes built illegally, that probably contravene EU legislation on environmental protection and public participation, water policy and public procurement, are about to be legalised by a new general plan for the town, with the absence of legal certainty and safeguards for home buyers, property owners and citizens in general;</i></p> |

Or. {EN}en

Amendment 102Gerardo GaleoteMotion for a resolutionParagraph 9

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 9. Pays tribute to, and fully supports the activities of, the regional ombudsmen (“síndics de greuges”) and their staff, as well as to the more assiduous public prosecutors (“fiscales”) who have recently done an enormous amount to restore the integrity of some of the institutions affected by this issue; | <i>deleted</i> |

Or. {ES}es

Amendment 103Nicolae Vlad PopaMotion for a resolutionParagraph 9

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 9. Pays tribute to, and fully supports, the activities the regional ombudsman- `syndic de greuges` -and their staff, as well as to more assiduous investigating magistrates- `fiscal` - who have done an enormous amount in the recent period to restore the integrity of some of the institutions affected by this issue ; | 9. Pays tribute to, and fully supports, the activities the regional ombudsman- `syndic de greuges` -and their staff, as well as to more assiduous investigating magistrates- `fiscal` - who have done an considerable amount in the recent period to restore the correct procedures concerning this case by the institutions affected; |

Or. {EN}en

Amendment 104Carlos José Iturgaiz AnguloMotion for a resolutionParagraph 9

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 9. Pays tribute <i>to, and fully supports the activities of,</i> the regional ombudsmen (“síndics de greuges”) and their staff, as well as to the <i>more assiduous</i> public prosecutors (“fiscals”) who have recently <i>done an enormous amount to restore the integrity of some of the institutions affected by this issue;</i> | 9. Pays tribute to the regional ombudsmen (“síndics de greuges”) and their staff, as well as to the public prosecutors (“fiscals”), who have recently done an enormous amount; |
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Or. {ES}es

Amendment 105 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón, Motion for a resolution Paragraph 9

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 9. Pays tribute to, and fully supports the activities of, the regional ombudsmen (“síndics de greuges”) and their staff, as well as to the more assiduous public prosecutors (“fiscals”) who <i>have recently done</i> an enormous amount to <i>restore the integrity of some of the institutions affected by this issue;</i> | 9. Pays tribute to, and fully supports the activities of, the regional ombudsmen (“síndics de greuges”) and their staff, as well as to the more assiduous public prosecutors (“fiscals”) who <i>are doing</i> an enormous amount to <i>streamline court proceedings, despite the complexity entailed by the legal actions arising from development activity;</i> |

Or. {ES}es

Amendment 106 Nicolae Vlad Popa Motion for a resolution Paragraph 10

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 10. Praises also, the activity of the petitioners, their associations and the local community associations, involving these issues to the attention of the European Parliament and who have been instrumental in safeguarding the fundamental rights of their neighbours and of all those affected by this <i>enormous and</i> complex problem; | 10. Praises also, the activity of the petitioners, their associations and the local community associations, involving these issues to the attention of the European Parliament and who have been instrumental in safeguarding the fundamental rights of their neighbours and of all those affected by this complex problem; |

Amendment 107Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 11

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 11. Recalls that the Environmental Impact Assessment Directive and the Strategic Environmental Impact Assessment Directive impose an obligation to consult the public concerned at a stage when plans are being established and drawn up, <i>not – as so often has happened in cases brought to the attention of the Committee on Petitions – after the plans have been de facto agreed by the local authority; recalls, in the same context, that any substantial modification to existing plans must also respect this procedure and that plans must also be current and not statistically inaccurate or out of date;</i> | 11. Recalls that the Environmental Impact Assessment Directive and the Strategic Environmental Impact Assessment Directive impose an obligation to consult the public concerned at a stage when plans are being established and drawn up; |

Amendment 108Carlos José Iturgaiz Angulo**Motion for a resolution**Paragraph 12

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| <i>12. Recalls also that the Commission is empowered by Article 91 of Regulation (EC) No 1083/2006 to interrupt the payment of structural funding, and by Article 92 to suspend such funding to a Member State or region concerned, and to establish corrections in relation to projects in receipt of funding which are subsequently deemed not to have fully complied with the rules governing the application of relevant EU legislative acts;</i> | <i>deleted</i> |

Amendment 109 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón
Motion for a resolution Paragraph 12

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 12. Recalls also that the Commission is empowered by Article 91 of Regulation (EC) No 1083/2006 to interrupt the payment of structural funding, and by Article 92 to suspend such funding to a Member State or region concerned, and to establish corrections in relation to projects in receipt of funding which are subsequently deemed not to have fully complied with the rules governing the application of relevant EU legislative acts; | deleted |

Amendment 110 Nicolae Vlad Popa
Motion for a resolution Paragraph 12

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|--|---|
| 12. Recalls, also that Article 91 of Regulation 1083/2006 empowers the European Commission, to interrupt the payment of structural funding, and Article 92 to suspend such funding to a member state or region concerned, and to establish corrections in relation to projects in receipt of funding which subsequently may be deemed not to have fully respected the application of relevant EU legislative acts; | 12. Recalls also that the Commission is empowered by Article 91 of Regulation (EC) No 1083/2006 to interrupt the payment of structural funding, and by Article 92 to suspend such funding to a Member State or region concerned, and to establish corrections in relation to projects in receipt of funding which are subsequently deemed not to have fully complied with the rules governing the application of relevant EU legislative acts; notes, however, that the Commission has not exercised this power; |

Amendment 11 José Manuel García-Margallo y Marfil **Motion for a resolution** Paragraph 13

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 13. Recalls also that Parliament, as the budgetary authority, may also decide to place funding set aside for cohesion policies in the reserve if it considers this necessary in order to persuade a Member State to end serious breaches of the rules and principles which it is obliged to respect either under the Treaty or as a result of the application of EU law, until such times as the problem is resolved; | <i>deleted</i> |

Amendment 112 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón **Motion for a resolution** Paragraph 13

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|--|------------------|
| 13. Recalls also that Parliament, as the budgetary authority, may also decide to place funding set aside for cohesion policies in the reserve if it considers this necessary in order to persuade a Member State to end serious breaches of the rules and principles which it is obliged to respect either under the Treaty or as a result of the application of EU law, until such times as the problem is resolved; | <i>deleted</i> |

¹¹ Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund (OJ L 210, 31.7.2006, p. 25).

Amendment 113 Carlos José Iturgaiz Angulo Motion for a resolution Paragraph 14

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|---|------------------|
| 14. Reiterates the conclusions contained in its previous resolutions by calling in question the methods of designation of urbanisation agents and the frequently excessive powers often given to town planners and property developers by certain local authorities at the expense of communities and the citizens who have their homes in the area; | deleted |

Or. {ES}es

Amendment 114 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón Motion for a resolution Paragraph 14

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|---|---|
| 14. Reiterates the conclusions contained in its previous resolutions by calling in question the methods of designation of urbanisation agents and the frequently excessive powers often given to town planners and property developers by certain local authorities at the expense of communities and the citizens who have their homes in the area; | 14. Reiterates the conclusions contained in its previous resolutions on the methods whereby town planners and property developers are designated by the administration to carry out urbanisation work, on the basis of the Commission's arguments and legal bases for applying Community and Spanish government procurement legislation to the carrying out of urbanisation work, as set out before the European Court of Justice; |

Or. {ES}es

Amendment 115 Nicolae Vlad Popa Motion for a resolution Paragraph 14

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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|---|---|
| 14. Reiterates its conclusions of past resolutions by calling into question the methods of designation of urbanizing agents, and the frequently excessive powers often given to town planners and property developers by certain local authorities at the expense of communities and the citizens who have their homes in the area; | 14. Reiterates its conclusions of past resolutions by calling into question the manner in which some of the urbanizing agents, town planners and property developers are given considerable amount of power by certain local authorities at the expense of communities and the citizens who have their homes in the area; |
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Or. {EN}en

Amendment 116Gerardo GaleoteMotion for a resolutionParagraph 15

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|--|--|
| 15. Urges local authorities, once again, to consult their citizens and involve them in urban development projects in order to encourage more acceptable 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 ; | 15. Urges local authorities, once again, to consult their citizens and involve them in urban development projects in order to encourage more acceptable and sustainable urban development where this is necessary, in the interest of local communities; |

Or. {ES}es

Amendment 117Nicolae Vlad PopaMotion for a resolutionParagraph 15

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|--|---|
| 15. Urges once again, local authorities to consult their citizens and involve them in urban development projects in order to encourage more acceptable 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; | 15. Calls once again, on local authorities to consult their citizens and involve them in urban development projects in order to encourage a fair and transparent 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; |

Amendment 118Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 15 a
(new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | 15a. Calls on the authorities responsible for development to extend development consultation processes to property-owners, with acknowledgement of receipt, whenever there are changes to the classification of their properties, and to propose to local authorities that they issue direct, personal invitations during the zoning plan or reclassification appeal proceedings; |

Or. {ES}es

Amendment 119María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
Ramón**Motion for a resolution**Paragraph 16

| <i>Motion for a resolution</i> | <i>Amendment</i> |
|--|------------------|
| 16. Strongly condemns the illicit practice whereby certain property developers undermine by subterfuge the legitimate ownership of property by European citizens by interfering with land registration and cadastral notifications, and calls on local authorities to establish proper legal safeguards to counter this practice; | deleted |

Or. {ES}es

Amendment 120Gerardo Galeote**Motion for a resolution**Paragraph 16

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
|---|---|
| <i>16. Strongly condemns the illicit practice whereby certain property developers undermine by subterfuge the legitimate ownership of property by European citizens by interfering with land registration and cadastral notifications, and calls on local authorities to establish proper legal safeguards to counter this practice;</i> | <i>16. Urges the authorities to strengthen measures designed to guarantee legal security in property transactions;</i> |

Or. {ES}es

Amendment 121 **María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés Ramón** **Motion for a resolution** **Paragraph 17**

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 17. Reaffirms that, where compensation is payable for loss of property, it should be awarded at a suitable rate and in conformity with the case-law of the Court of Justice and of the European Court of Human Rights; | 17. Reaffirms that, where compensation is payable for loss of property, it should be awarded at a suitable rate and in conformity with the <i>law and the</i> case-law of the Court of Justice and of the European Court of Human Rights; |

Or. {ES}es

Amendment 122 **Margrete Auken** **Motion for a resolution** **Paragraph 17 a (new)**

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>17a. Recalls that Directive 2005/29 concerning unfair business-to-consumers commercial practices in the internal market obliges all member states to provide appropriate means for legal redress and remedies for consumers who have been victims of such practices and to ensure that adequate sanctions are in place against such practices;</i> |

Amendment 123 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
Ramón Motion for a resolution Paragraph 18

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 18. Once again calls on the Commission to initiate an information campaign directed at European citizens buying real estate in a Member State other than their own; | deleted |

Or. {ES}es

Amendment 124 María Sornosa Martínez, Inés Ayala Sender, Vicente Miguel Garcés
Ramón Motion for a resolution Paragraph 19

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| 19. Instructs its President to forward this resolution to the Commission and the Council, to the Government and Parliament of the Kingdom of Spain and the Autonomous Regional Assemblies, to the national and regional ombudsmen of Spain and to the petitioners; | 19. Instructs its President to forward this resolution to the Commission and the Council, to the Government and Parliament of the Kingdom of Spain and the Autonomous Regional Governments and Assemblies, to the national and regional ombudsmen of Spain and to the petitioners; |

Or. {ES}es

Amendment 125 Cristina Gutiérrez-Cortines Motion for a resolution Paragraph 20 a
(new)

| <i>Motion for a resolution</i> | <i>Amendment</i> |
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| | <i>20a. Asks that Parliament's Committee on Petitions, when it receives complaints and declares them admissible, check whether a legal basis exists which justifies the complaint in question;</i> |
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Or. {ES}es

Amendment 126Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 21 a
(new)

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
| | <i>21a. Asks the Commission, in its replies and reports, to be more specific as to whether the petitions have a legal basis in the Treaties;</i> |

Or. {ES}es

Amendment 127Cristina Gutiérrez-Cortines**Motion for a resolution**Paragraph 22 a
(new)

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| <i>Motion for a resolution</i> | <i>Amendment</i> |
| | <i>22a. Asks that the codes of conduct for dealing with petitions and the procedure applied by officials when selecting petitions be revised, so that no complaints without a legal basis will be accepted, and that checks will be made as to whether the complaints point up genuine breaches of the law in their country of origin;</i> |

Or. {ES}es