Committe on Petitions

13.1.2011

NOTICE TO MEMBERS

Subject: **Petition 0159/2010 by Hillen Maura (Irish), on behalf of the AUAN Association opposing unacceptable development projects in the Almanzora area, on the impact of such development on the Almanzora Valley**

1.   Summary of petition

The petitioner describes the situation of residents in Albox, indicating that the Andalusian regional authorities are seeking to demolish their homes, despite the fact that the requisite planning permission was issued by the Albox municipal authorities in 2002. She indicates that the homeowners in question purchased their properties in good faith and that their expropriation is an infringement of their rights under the EU Charter of Fundamental Rights. They assert that, in purchasing their homes, they obtained the advice of advocates and notaries, that they acted within the legal system, that the local and regional governments gave their authorisation for construction in a rural area, and that the proceedings now underway for the demolition oft their homes is the result of corruption in the planning sector. Arguing that they are not the only victims of such practices, they call for a committee of inquiry and arbitration to be set up and for the responsibility of the property developers to be investigated. In addition they are seeking immediate access to basic services such as water and electricity.

2.   Admissibility

Declared admissible on 8 June 2010. Information requested from Commission under Rule 202(6).

3.   Commission reply, received on 13 January 2011.

According to Article 51§1 of the EU Charter of Fundamental Rights, its provisions "are addressed to the institutions and bodies of the Union with due regard for the principle of

subsidiarity and to the Member States only when they are implementing Union law".

With regard to the issue of property rights in Spain, the European Commission can only intervene if the matter concerns the implementation of Union law. Such a connection has not been identified at this point.

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