



Asociación Veïns de L'Alfàs
Unites affected owners



Press notice

Albir, April 29 2009

Questions asked in Dutch Parliament

On March 30 2009 written questions are asked in Dutch Parliament (the 2nd Chamber of the States General) in the Netherlands by the members of the Camp and Ormel (both CDA), questions to the Minister of Foreign Affairs on the legal residents of those affected by the Coastlaw from 1988 in Spain.

At this press release is the reaction of the Minister of Foreign Affairs on the questions concerning expropriations in Spain.

The answer, we see that it refers to the contacts which our Chairman Marco Perotti with the Dutch Embassy.

Following the answer to April 29, 2009 additional written questions, partly because there is no reference to the report Auken in the Europarlement was adopted including the recommendations. At the request of the European Parliament by the committee Auken an investigation, and recommendations to Spain to force the offending constitutions to adapt so that the victims still compensated, and the houses are spared. These recommendations were recently in the European Parliament. It was shown that in Spain there is the following:

- Breach of individual property rights without due process and reasonable compensation (also known as the 'land grab law');
- Arbitrary use of the 1998 coastal laws (Ley de Costas, or Coastal Law);
- Speculative construction projects, which is detrimental to historical heritage;
- Encouraging macro-urbanisations without sufficient water resources;
- Failure to comply with EU directives on public spending;
- There is insufficient justice to the wishes of the EU, the Spanish legal system;
- The granting of corruption affecting residents of the EU fell by the wayside.

These sanctions have significant financial consequences for the country of Spain, in our estimation threatens Europe more than 500 million Euro grant to Spain to remember (for more information, please refer to the report (<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2009-0082&language=EN>))

The additional questions to clarify how the Minister responds to the report Auken and how more publicity is given to the legal uncertainty of homeowners in Spain.

Following these questions, we are invited to regular consultations with European embassies in Madrid will be held to explain the recent developments around the landgrab laws in Spain. During this consultation we will respond to the report of committee Auken.

The economic crisis, many urban plans are put in the fridge. This has huge financial implications for residents in such a plan are: it can be almost impossible to sell their house because there is a sword of Damocles hanging over the new buyers would not run such risks. It is estimated that more than 200 project development plans now in the Valencian regional government in a precarious situation where approval on the game that thousands of legally-built houses in the area threaten to go.

Besides the financial consequences these people face mental and physical complaints. The mere threat of your house expropriated in which all your savings are cents, virtually no compensation is made and you can not get right caused a huge impact, which almost nobody can go with them.



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That the plans in our town Alfaz del Pi is not yet definitely stopped and the affectation of an approved project development plan is the only way to value for a custom design, with participation of the victims for their own living environment to help design .

We have this counter-proposal for "Pla de la Serra" together with our architect and attorney and the municipality and the developer worked out and this is now the project developer to be adapted in a new development plan with the existing homes remain spared. We wait anxiously for a month off.

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I would like to offer you, on behalf of the State Secretary for European Affairs, answers to written questions by members of the Camp and Ormel on expropriation in Spain. These questions were submitted on March 30, 2009 to feature 2009Z05853.

*The Minister of Foreign Affairs,
Drs. M.J.M. Verhagen*

*The information can be found at <http://www.henkjanormel.nl/>
and specifically on page <http://www.henkjanormel.nl/standpunt.php?id=527>*

Reply by Mr Verhagen, Minister of Foreign Affairs, also on behalf of the Secretary of State for European Affairs, to questions from members of the Camp and Ormel (CDA) on purchases in Spain.

Question 1

Is it true that the Spanish State, is to expropriate 45,000 homes along the coast of Spain?

Answer

By Spanish authorities is no total number of planned expropriation available. Associations of homeowners who may be affected, handling various estimates, including estimates of 45,000 houses is mentioned in an article in El País of 2 February, 2009).

Question 2

Is this based on the expropriation Coastal Law of 1988? This is a regional or a national law? The distance to the coastline is defined by this law?

Answer

The above article expropriations are planned or are held under the so-called Kustwet. The Ley de Costas is a national law published in the Boletín Oficial del Estado (Spain's Official Gazette) on July 28, 1988. The law established a distance of 500 meters from the maximum high water line.

Question 3

Notaries in Spain are obliged to buyers of real estate in the event of a possible threat of expropriation on the basis of these Coastal Law?

Answer

Notaries are required to tell buyers about the business expenses that rest on proposed real estate. Notaries are not required to inform buyers about possible expropriation and they provide no cadastral survey.

Question 4

How is in Spain, the value of properties expropriated by the State? Is appeal against a valuation possible?

Answer

Parties should establish estimated value negotiable. This is between the register value of the object and its market value. In practice, often a value close to the register value agreed. Action is possible. There is case law which the court has determined a higher value.

Question 5

How many houses of Dutch owners likely to be expropriated?

Answer

Official figures for total expropriation and a breakdown by nationality of stakeholders are currently unavailable. There were no homeowners in Dutch Embassy in Madrid reported that declare to be or will be affected by expropriation under the Kustwet. However, the Dutch president of a homeowners association declared to be affected by expropriation. This, however, an expropriation under the so-called Valencian urbaniseringswetten the reguladora Ley de la Actividad Urbanística of 1994 and the Ley Valenciana Urbanística of December 30, 2005.

Question 6

Take the Spanish authorities the basic principles of legal protection and legal certainty in?

Answer

See answer to question 8.

Question 7

Can properties be expropriated as the coastline has changed by human intervention or climate change?

Answer

The existing legislation provides for the possibility not.



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Question 8

Are you willing to express your concerns to the Spanish authorities about the legal certainty for Dutch owners of property in Spain?

Answer

Interested parties have raised questions before the court in Spain, the European Court of Justice in Luxembourg and the European Parliament's about the expropriation. I am confident that through the Spanish and European level available remedies an outcome will be achieved in accordance with the principles of legal certainty and legal protection as applicable within the European Union. The Dutch and other European ambassadors have written in December 2004 a letter asking for attention of local and regional authorities to this problem. This letter was never received a reply. Our Embassy will also issue to the Spanish authorities under the national attention. The ambassador, the Dutch chairman of the association under question 5 invited the embassy to keep informed of developments. It will also be information available on the website of the Embassy.

Response of Veïns de L'Alfàs:

Landgrablaw

Against the LRAU and LUV is the most resistance, and also for many homeowners may be even more acute. These are in fact already implemented. Homeowners have to pay a lot of money to lose land and get nothing in return, in many cases even the house is demolished. Nevertheless, the Coastal Law has enormous impact on homeowners. This is still in its infancy, because the law of later date.

The two laws are hardly known to the public and certainly not by house buyers from other countries (as NL).

The landgrablaw already has over 25,000 affected house owners. The study of Margrete Auken of the European Parliament has stated its broader focus (more on that later).

Coastal law:

In this broadcast by the Spanish TV channel TVE shows that approximately 500,000 people in Spain are affected by the shoreline definition.

<http://www.youtube.com/watch?v=FO5XQdqOY0s>

This definition is coastline for the most part only since the 1998 law is in place, and only in special cases by the Spanish authorities in the property register as a warning for new buyers.

Incorrect answer the questions:

- *The notary in Spain - unlike in the Netherlands - not the obligation to refer cases to search or to warn that a development is that the coastline is!*
- *The fee is not focused on land values but rather is aimed at no charge because supposedly built illegally and that is also the cost of the bulldozer still borne by the people who see smoking in saving cents direction. That many houses do construction licenses from the counties have received but a vague handling of administrative matters. The kustwet ensures that you use in an uncertain situation is when your house is within the 100m - 500m zone. That if you meet certain conditions that your house is not lost but is converted into a 30-year concession may be extended if necessary, but in many cases, refused.*
- *That you lost your house when you are contacted and that there was nothing going on as long as you do not get written. The official arbitrariness can not be indicted in Spain. Action is therefore not possible.*
- *The coast line is not easy public must be requested by the coastal authorities and house should be searched zone which now apply. The technicians of the coastal many mistakes in the calculation of the coastline is the experience ..*
- *Reflecting the previously asked questions about the laws coast shows (there is reference to a response which they received from an association of homeowners from Spain) a report in the European Parliament by Ms. Margrete Auken is adopted, which Spain guilty to :*
- *Infringement on individual ownership of private property without due process and reasonable fee, also known as the 'land grab law' (LRAU and LUV);*
 - *Arbitrary use of the 1998 coastal laws (Ley de Costas, or Coastal Law);*
 - *Speculative construction projects, which is detrimental to historical heritage;*
 - *Encouraging macro-urbanisations without sufficient water resources;*
 - *Failure to comply with EU directives on public spending;*
 - *There is insufficient justice to the wishes of the EU, the Spanish legal system.*
 - *Allowing corruption to EU residents victims.*
 - *The report indicates that Spain has to compensate the individual homeowners who are victims of urban malpractice.*
- *This report can be downloaded here:*
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0192&language=EN&ring=A6-2009-0082>



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Veïns de L'Alfas additional Chamber has proposed to make more awareness of the overall problem in order to unsuspecting buyers warn Dutch houses and the Dutch to give homeowners more legal certainty. Following our response to the April 29, 2009 Chamber made the following additional This can be found at URL: <http://www.henkjanormel.nl/standpunt.php?id=533>

Further Chamber of expropriations in Spain,

Written questions from members of the Camp and Ormel (both CDA) in response to your answering On March 30, 2009 with characteristic 2009Z05853 about expropriations in Spain to the Minister of Foreign Affairs and State Secretary for European Affairs.

- 1. Can you comment on the Spanish authorities on the alert by the Dutch embassy of the problem of legal uncertainty for Dutch homeowners as a result of the Coastal Law from 1998 and the Landgrablaw from 2005 to notify the Chaimber once you have received?*
- 2. What is your reaction to the report Auken of the European parliament which states that there is corruption, speculative construction and violation of EU - Directives?*
- 3. How can the Dutch Government Dutch property in Spain with help in obtaining legal?*
- 4. How will you publicize broader than just through the website of the embassy to give this issue?*