

A SCANDAL THAT WONT GO AWAY.

So often I come across problems in Europe which (as I like to say) “No one can explain; no one can justify; and no one can resolve”. Things like the “Travelling Circus” between Brux & Straz, or the Common Fisheries Policy, spring to mind.

But on Thursday in the Petitions Committee I came face-to-face with a problem which has been with us for a great number of years, and which causes far more personal anguish than the Travelling Circus or the CFP. It is the Spanish property issue, and it has brought me over the years many hundreds of letters and e-mails from people who have lost their homes in Spain, and frequently had to find more money to cover site clearance, rubble removal, or even the provision of utilities to the site for subsequent building projects. It sounds too bad to be true, but it is.

To be fair, we occasionally get similar stories from Portugal, or Cyprus, or Romania, or Croatia (this last not an EU member but an accession candidate). But the vast majority come from Spain. And though most of my correspondence comes from Brits, the same problems affect citizens from Germany, France, Scandinavia — and indeed Spanish nationals too.

A word of advice to anyone thinking of buying a property in Spain: don't. And never, never, never buy off-plan (that is, a property not yet built). Don't put down a deposit. Don't even think about it.

There are two strands to the problem. One is the Spanish Coastal Law (the *Ley des Costas*), most notably affecting the development at Empuriabrava, where literally miles of water frontage and moorings in a marine property development are to be confiscated by the state, and then the owners offered an opportunity to rent back their own moorings at extortionate prices. The other is a more general problem, which seems to arise from collusion between corrupt developers, lawyers and local officials who manage to alter planning permission retrospectively, and require existing properties to be destroyed. Sometimes this is to make way for new, lucrative high-rise developments. Sometimes it seems to be done out of sheer devilment.

The English lady above is Helen Prior. She and her husband sold up in the UK and emigrated to Spain just days after they retired, buying a rather beautiful house in the Spanish style. I didn't enquire, but I suspect that they invested the bulk of their assets in their retirement home. They started to enjoy their new life in the sun, until one day they received notice that their property rights were being reviewed by the court. Their house was ruled illegal and they were told it would have to come down. This was despite the fact that they had done everything by the book, they had employed local lawyers and due diligence, and believed they had a rock-solid claim to ownership. So far as the authorities were concerned, they were “foreigners living illegally”.

Mrs. Prior had brought a video which was shown in committee as she spoke. We saw their lovely two-storey home in the Spanish sunshine. Then we saw the bulldozers arrive and commence the demolition. We saw stacks of window frames removed by the demolition men. We saw the family leaving the house, and family members clinging to each other in tears as their dreams and their assets fell around them. This was one of the most moving

and disturbing things I have seen in twelve years in the parliament. Mr. & Mrs. Prior now live in the garage of the former house: they have nowhere else to go.

When I came to speak, I said "Madame President: This is Groundhog Day. We have sat in this committee again and again, on many occasions, though none as moving as this, and we have heard grave discussions of the problem. We have asked questions and written to the Commission. We have heard the Commission wringing their hands and telling us there is nothing they can do about it. But the rule of law, the rights of property and enforceable contracts are at the heart of a free society and a free economy. Spain is not a country under the rule of law: this is bandit behaviour". And more in the same vein.

The Commission insists that the "Charter of Fundamental Rights" within the Lisbon Treaty applies only to the operation of EU law, not national law, so there is nothing they can do. The Spanish behaviour is in breach of the Universal Declaration of Human Rights and the European Convention of Human Rights. In theory the plaintiffs could go to the European Court of Human Rights. They would probably win. But the cost is prohibitive, and pensioners might not live to see the day when a verdict was reached, given the years of delay.

We have discussed the possibility of setting up some kind of colloquium in Spain to try to resolve the problem, and I would back any measure with any hope of success. But I'm not optimistic. And meantime, Mrs. Prior goes back to her garage.

Please also see my YouTube clip, speaking in the Petitions Committee on 14th April about this problem. <http://www.youtube.com/watch?v=uTrBbZOaqGE>

Kind regards

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