



Mr David T. Allport
7 Minerva House
Olympian Court
York
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Brussels, 19 May 2010

Dear David Allport,

Thank you very much for your letter dated 30 April in which you express your concerns about the Spanish government redrawing the coastline and the implications this has on your property.

I am fully aware of the problems you describe and the European Parliament's Petitions Committee has received numerous petitions about this vexed issue. As a result, the Committee was examining a report on this topic by the Danish MEP, Mrs Auken. Her report summarises all the petitions received thus far and argues her views forcefully. Furthermore, it emphasises that, under Article 17 of the Charter of Fundamental Human Rights, "everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions"; a right that is clearly being violated by the Spanish Government and local authorities. The Committee took their final vote on the report on 26th March during that month's second Strasbourg Plenary session and I am pleased to be able to inform you that the report was adopted with 349 votes in favour, 110 against and 114 abstentions.

Most of these decisions are taken by the Spanish local authorities and, under the principle of subsidiarity, the EU has no role to play unless there are clear breaches of EU Directives. When that happens, infringement proceedings are initiated against the relevant government. One of the problems revealed here is that the European Commission has no codified legislation on property; the Lisbon Treaty is going some way to address this.

However, the effects of the continuing bad publicity, the investigations and visits of the Petitions Committee and the hostility of MEPs from other countries are combining to embarrass Spanish MEPs and they realise that the situation is getting out of hand.

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EDWARD McMILLAN-SCOTT
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I have met with the secretary of the Petitions Committee and discussed specifically the *Ley de Costas 1988* law that I believe you have been personally affected by. Through the Auken report the issue of coastal law in Spain has been brought to the Parliament's attention and I am committed to getting justice for those who have fallen victim to such scandalous legislation

One course of action you could take is to forward your complaint to the European Parliament's Petitions Committee. The Committee has been working closely with various regional and local authorities, but now feels that it is important to consolidate the European Parliament's position in the form of a substantive report in response to the numerous complaints from individuals across the EU.

In the meantime, please note that I am not ignoring the sort of problems that you identify. In addition, if you feel it would help I can prepare a letter expressing my outrage at the situation you find yourself in that you may feel free to pass on to the relevant authorities.

Many thanks once again for contacting me.

Yours sincerely,

Edward McMillan-Scott
Vice-President of the European Parliament

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EDWARD McMILLAN-SCOTT
VICE-PRESIDENT

Mr David T. Allport
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Brussels, 08 July 2010

Dear David Allport,

Thank you very much for your letter dated 30 April in which you express your concerns about your property on the outskirts of Roses, Costa Brava and the proposed re-drawing of the coastline there. I was outraged to hear of the treatment you and so many others have received.

As I am sure you are aware, I am avidly interested in drastically improving the imbalanced regulation concerning the rights of EU citizens who move from one Member State to another, particularly concerning property rights. I was instrumental in establishing the campaign against timeshare fraud and malpractice, leading to new EU and national consumer laws such as the Timeshare Directive.

It is completely unacceptable the Spanish authorities are retrospectively reintroducing *Ley de Costas 1988* with no regard for those - like you - whose property was built entirely legally. Furthermore, the suggestion by the government in Madrid that you and other owners should have to pay for the works required for this delineation is absurd.

I am grossly disappointed in both the Spanish construction and legal system for allowing this deception of trusting and well-meaning European citizens - who bring so much money to regions such as Costa Brava - to continue happening. Please rest assured that such ridiculous practices such as the reintroduction of *Ley de Costas 1988* is not being ignored by the European Parliament and we are currently working on a report to address these issues.

I have passed on the details of your case to my colleague in Yorkshire & the Humber Diana Wallis MEP, who, like me, is a Vice-President of the European Parliament and a lawyer. I believe you are taking the right course of action by encouraging the local

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authority to take your case to the courts, and should you require any further advice or assistance please do not hesitate to contact my office.

Many thanks once again for contacting me.

Yours sincerely,

Edward McMillan-Scott
Vice-President of the European Parliament

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