

Dear Mr Hofmann,

Thank you for contacting me regarding the Spanish Ley de Costas.

As you may know, I have long been a supporter of the campaign against the Spanish land grab, and I remain keen to see this issue resolved with the Spanish authorities to prevent any further violation of fundamental rights.

This law, an update and reinterpretation of previous Spanish laws regarding coastal land, has created enormous problems for residents on the coasts of Spain. Firstly, the law has been applied retroactively, meaning that some homes which were once perfectly legal, have since been declared illegal. Secondly, the law is still being implemented in some areas, meaning that some residents have paid taxes on their property, thus expecting it to be perfectly legal, only to find a new interpretation of the coastal area has deemed their property to be illegal. Thirdly, the law is at times applied completely arbitrarily, with the coastal line affecting some regions and not others, seemingly at random. One of the areas that the Ley de Costas is meant to cover is land that *meets or has met the sea*. This, presumably, is why the Empuriabrava area is included within the coastal line. However, in some areas this is not the case, and the Environment Ministry's priorities when applying the law appear to differ in some areas.

The problems of arbitrary application, retroactivity and the poor administrative practices of some Spanish authorities make this a problem that I and many others are desperate to sort out. Indeed, the Ley de Costas issue has a long history here in the European Parliament, and most recently the Auken Report of 2009 took up the issue in relation to the rights of citizens within the European Union.

The [Auken report](#) pressed for the EU's own Charter of Fundamental Rights, including the Article on the right to enjoyment of property, to be applied across the EU. However that Charter in fact only applies in the application of EU law, not domestic laws such as the Ley de Costas. The Spanish government is however bound by the (non-EU) European Convention of Human Rights when enacting and enforcing its own laws; where it has been shown to have been in breach this can be remedied by an action in the (non-EU) European Court of Human Rights. Unfortunately such a course of action takes many years and adequate financial resources, not least as cases must have been taken all the way through national (in this case) Spanish authorities and courts before going to Strasbourg (technically 'all domestic remedies must be exhausted'). Such cases as have gone all the way to date have been either inconclusive or actually found in favour of the Spanish government. There is, I understand at least one case in the pipeline which should be successful and may have wider implications, but again this will take time. This conclusion is clearly unsatisfactory for those who are having their homes placed under threat in countries such as Spain.

That is why political campaigning is also so important in the area of citizens' rights, to ensure that gross violations such as those happening under the Ley de Costas are no longer an occurrence within the European Union. You mentioned in your email a [Written Declaration](#) put forward by four MEPs on the violation of the right to own property represented by the Ley de Costas on the Costa Brava, and I can assure you that I have already signed it. This Resolution calls on the Spanish government to respect private property in any action it may undertake in relation to this law, to submit a report on the current application of the law, and to provide proposals for resolving cases in which the application of the law has infringed on the rights of citizens.

Another action the Liberal Democrats have pushed for in the past, and may support again in the future, is an amendment to the EU budget, making EU Regional Development funds in Spain dependent on the Spanish authorities recognising the fundamental rights of Spanish residents. Last time we tabled such an amendment it was voted down in plenary but this may be a move we campaign for again.

You can be assured that I and my fellow the Liberal Democrat MEPs will continue the fight to protect the rights of EU citizens who own property in Spain and address this injustice for affected land owners which we believe offends against all European rights and values.

Thank you once again for contacting me on this important issue.

Yours sincerely,

Baroness Sarah Ludford MEP  
Member of the European Parliament for London  
Liberal Democrat European justice & human rights spokeswoman

European Parliament,  
Office 10G-165  
Rue Wiertz,  
B-1047, Brussels  
Tel: +32 2 284 7104  
Fax: +32 2 284 9104

[sarah.ludford@europarl.europa.eu](mailto:sarah.ludford@europarl.europa.eu)

[www.sarahludfordmep.org.uk](http://www.sarahludfordmep.org.uk)