

The beginning of the end of the coastal law (?)

Thus the newspaper El Pais titled today (21.11.2011) in a large article! The election victory of the PP in total Spain and the CiU could strengthen the impression stated by the newspaper. Both parties made the coastal law and its execution by the socialists the election campaign topic and promised help for victims in concerned areas. So also the delegates of the province Girona, Xucia, Surroca, Paramo (CiU) and Milo (PP) elected into the parliament. (The not elected candidates Casamitjana, and the elected delegate Saez of the PSOE defended the coastal law and its applications practices during their election campaign. It will be of interest to the readers of the Arena what is to be expected now.

The PP and the CiU submitted amendments to the Coastal law to the senate and congress in the last fall, which were however rejected by the majority of the PSOE.

Neither the PP nor the CiU want to waive the law but to modify it. The PP wants to change "temporary provisions", which had serious consequences for the concerned. She wants to change the criteria for lastingness what is worth on the coast to protect and its supposed common property so it can be applied more flexible and precise.

Thus historical settlements and buildings to remain intact, economic important concessions (Hotels, industrial plants, Chiringuitos) not to expire latest 2018 (like it was planned by the past department of the Environment).

Each case to be checked separately, with stronger participation of the communities and regions. Including the strengthening of the rights of the private owners that have bought their property, build legally before the law was passed in 1988.

The legal uncertainty for the owners is to be overcome!

The CiU would like to supplement the law to that effect that " navigable cities are excluded " like Empuriabrava and Roses-Santa Margarita" from the collection by the coastal law.

Under the pressure from Europe and the concerned associations, the socialist government had already planned changes, quietly and secretly in the application of the coastal law.

Thus they inserted into the law project to the sea navigation (Ley de Navegacion Maritima - 2008), that houses that were build legally in the Domino Publico of the coastal region- after examination by the coastal office, allowed to leave to and to sell. This is not the case until today! This bill was approved by the Council of Ministers and submitted to the Cortes Generales (congress, senate) for final approval. However there it remained lying. It is questionable whether the new government will dig it out again!

What can one expect from the new government?

The PP promised immediate action in regard to the coastal law after the election.

One should remember what was promised by the delegates! But pre-election promises become not always immediate reality, this is well known. The new government has other sorrows and priorities then the coastal law. The change or addition to a law is a complicated and lengthy process.

The result what will come out of the political mixture cannot be precisely predicted .

In no case an abolition of the coastal law, perhaps a softening and a more flexible execution.

In reference to the proposal of the CiU "Ciudades navegables" it stands on unsecure feet.

The PP does not need the CiU with its absolute majority for governing, The proposal faces legal obstructions by the Spanish Constitution. This, by the way, is valid for all alteration proposals.

Also according to the Spanish Constitution, alterations cannot be applied retroactive (Art. 9).

And with all the alterations the danger exists that regulation authority is delegated to the autonomous " federal state governments", in our case the Catalan Generalitat and the individual municipalities.

In that case the concerned private property owners might come "from the rain into the eaves".

Because here one waits already, for a long time, to apply high cost to to expropriated owners, while the Spanish State, formerly, in case of legal construction and acquisition, promised the free use for 30and or 60years!!

The concerned should not be swayed. What our associations, the APA and the APE are trying to achieve is the abolition of the unjustified application of the coastal law in Empuriabrava and Santa Margarita at all! Therefore we have to continue our way through the courts!!!

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