

**Question for written answer E-011174/2014  
to the Commission**

Rule 130

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**Subject:** Spain's Public Safety Act and its adaptation to EU law

The new 'Public Safety Act', approved by the Congress of Deputies solely with the votes of the *Partido Popular* [People's Party], imposes heavy sanctions – outside immediate judicial control – against actions taken in exercising fundamental rights. These sanctions restrict freedoms which are enshrined in the Charter of Fundamental Rights of the European Union (CFREU), namely freedom of assembly (Article 12) and the right to an effective remedy (Article 47), by obliging the sanctioned party to exhaust the administrative route before resorting to litigation, and to pay the high court fees introduced by the PP Government which do not apply in criminal proceedings; respect for private life (Article 7), by allowing police phone-tapping and recording without prior authorisation from the courts; and the principle of proportionality between offences and penalties (Article 49.3), by bringing such actions into the criminal arena, which has much higher chance of success.

Similarly, it amends the Aliens Act so as to 'legalise' 'on-the-spot returns', which involve summarily expelling immigrants arriving on Spanish soil, in breach of international law on asylum, which requires legal assistance to be provided to asylum seekers.

Does the Commission consider this Act to be compatible with European Law and the legal values protected by the CFREU?