



21.1.2010

NOTICE TO MEMBERS

Subject: Petition 0287/2008 by Bernd Hofmann (German), concerning alleged compulsory purchase and misuse of EU funding in Elche (province of Alicante in the autonomous region of Valencia)

1. Summary of petition

The petitioner objects to construction projects currently under way in Elche, indicating that the municipal authorities have authorised the construction of a five-storey block of 1600 apartments, together with an enormous campsite, sacrificing traditional rural properties and trees and landscapes which ought to be conserved. The petitioner indicates that the development project, which is receiving EU funding, fails to meet infrastructural regulations regarding drinking water and electricity supplies and sewerage facilities. He is accordingly seeking action by the European Parliament in order to ensure compliance by the Elche municipal authorities with the relevant EU legislation.

2. Admissibility

Declared admissible on 18 July 2008. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 21 January 2010.

The petitioner complains about a local development project which he considers to be badly planned, for a variety of reasons relating mainly to land parcelling. He also alleges that the project is manifestly insufficient in terms of infrastructure services. This issue was also raised in petition 278/2008 which also concerned urban development at Elche.

The petitioner also repeats allegations which he has separately addressed directly to the OLAF. OLAF has decided not to open a case on these allegations.

The Commission's observations

A crucial issue in terms of infrastructure for a development of the type described by the petitioner is that concerning water, as recognised in art. 40 of the ROGTU (*Reglamento de Ordenación y Gestión Territorial y Urbanística*), the applicable urban planning guidance. The town of Elche is a conurbation of 228 000 inhabitants and is, therefore, covered by articles 3 and 4 of the Urban Waste Water Treatment Directive¹, with the consequence that waste water be collected and treated according to the values set out in the directive.

The Commission monitors closely compliance with the requirements of the Urban Waste Water Treatment Directive and has opened legal infringement procedures against Spain for more than 400 towns and cities across Spain not complying with the requirements on waste water infrastructure. These infringement procedures are currently at the stage of Reasoned Opinion² (second and final written warning before an application to the European Court of Justice). In two further legal cases, the European Court of Justice has already issued judgments, concerning the municipalities of Sueca, Benifaio, Sollana and Almussafes (Valencia province) and of Vera (Almeria province)³.

In parallel, 15 % of the European Regional Development Funds allocated to the region of Valencia in the 2007-2013 period has been allocated to water infrastructure (water supply and waste water) projects to help ensure proper provision following rapid urbanisation in some areas of Spain.

As has also been pointed out in the context of many other similar petitions, the Water Framework Directive⁴ provides a mechanism for ensuring the sustainability of water supplies. However, the implementation of the directive is still at an early stage. The deadline for the publication of river basin management plans under the directive is the end of 2009. The Commission will carefully check the river basin plans meet the requirement of the directive.

On drinking water, the petition refers to another development area, "El Pinet", which is allegedly served by drinking water from tanker trucks. The quality of drinking water supplied is not questioned. Moreover, EU legislation (Drinking Water Directive 98/83/EC⁵) sets out quality standards for drinking water, but does not contain an obligation to supply drinking water through a distribution network. The quality standards set apply to drinking water for the consumer, regardless whether it is supplied by a distribution network, by containers or by tankers.

The principal concerns of the petitioner regarding loss of amenity for his property and changes to the structure of landholdings are a matter for national law.

Conclusions

¹ Directive 91/271/EEC, OJ L135 of 30.5.1991

² See Commission press release of 27 November 2008, IP/08/1802, available in English, German, French, Italian, Spanish and Greek, at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1802>

³ Judgments of 19.4.2007, case C-219/05, and of 8.9.2005, case C-416/02

⁴ Directive 2000/60/EC, OJ L327 of 22.12.2000

⁵ OJ L 330, 5.12.1998, p. 32-54

The problems raised by this petitioner are, in an indirect way, under active investigation by the Commission. Progress on this matter will be reported to the Committee on Petitions in due course.