



The Formentera local police, technical services and tourism inspection services, at the behest of the Office of Activities and Tourism, will continue to perform checks at establishments of tourism in the interest of regulating the commercial activity realised at island locales.

Several sanctionary measures have been brought against one accommodation establishment in particular. This has first included the application of a town-planning sanction for the execution of remodel activity deemed 'major' despite possession of 'minor'-project size building permits. Secondly, sanctions were applied for failure to possess the necessary activities-license and for establishment of commercial activity in a zone that did not permit use for such purposes. A third sanction was given for motives of 'tourism'.

Law 16/2006 [17 October], which establishes a judicial regime for the system of comprehensive licenses used for tourist activity, states that an infraction labelled as 'serious' can be penalised with fines from 1,001€ to 10,000€ and the suspension of commercial activity for a maximum of six months. Such penalties are applied in the event an offence involves the opening of an establishment for business, or that business' continued operation, be the establishment a permanent or temporary installation, or the remodel work executed involve substantial modifications to existing facilities. Infractions can also be incurred for changes to the type of commercial activity or to an establishment's physical location that occur after required licenses

and administrative authorisation have been granted.

Punitive measures adopted in response to offences with motives of 'tourism' are as follows:

**Serious offences:** Offences deemed 'serious' are punishable by fines from 4,001€ to 40,000€. As a secondary sanction the possibility exists of a temporary suspension of a company's activity or of any professional activity, or the temporary closing of an establishment.

**Very serious offences:** Offences qualified as 'very serious' are punishable by fines from 40,001€ to 400,000€. Secondary sanctions can once again include the temporary suspension of commercial/professional activity; revoking the facilities granted towards the management of the commercial tourism activity; the loss of the effects involved in the initial application to start tourist activity or the temporary or definitive closure of the establishment.

Upholding the law is one of this governing body's top priorities, and it is for this reason that, in the high-season months, checks are carried out to ensure that island businesses offer their services with a maximum respect for legal order. This in turn serves as a quality guarantee for tourist visitors to Formentera.

### **For respectful neighbourhoods founded on respect for the law**

This August more than ten disciplinary files have been opened against nightlife locales across the island for noise pollution and instances of other prohibited activities. Additionally, in what have served as provisional measures adopted in the case of three Es Pujols establishments in order to bring sound levels in line with current regulations, the sound sources of the alleged infractions (speakers, stereo equipment, etc.) have also been temporarily sealed off. Sound level checks are also being applied to ensure proper sound-proofing at the nightlife locales in question.

These businesses were found in violation of Royal Decree 1367/2007 [17 November] regarding offensive noise with reference to sound zoning, quality and sound emission objectives; with articles 53-62 of Law 1/2007 [16 March] regarding noise pollution in the Balearic Islands; and

articles 27-31 of Law 37/2003 [17 November] regarding offensive noise. For this reason provisional measures (including the sealing off of the offending sound sources) were adopted on 9 August. The establishments in question have already made all necessary changes and the sound equipment has been unsealed.

According to Article 53 of Law 1/2007 [16 March] on noise pollution in the Balearic Islands, it falls under the responsibility of the Formentera Island Council to ensure that this law is upheld, enforce corrective measures, indicate limitations, carry out all necessary checks and impose sanctions in the event of non-compliance.