



TRIBUNAL CONSTITUCIONAL

Gabinete del Presidente

Oficina de Prensa

NOTA INFORMATIVA Nº 42/2013

THE CONSTITUTIONAL COURTS LIFTS THE SUSPENSION ON THE ACT FOR ORGANISATION OF THE BASQUE COUNTRY'S PUBLIC SECURITY SYSTEM

The Plenary Meeting of the Constitutional Court (Constitutional Court) has decided to lift the suspension decreed on several precepts of Basque Country Act 15/2012, of 28 June 2012, for organisation of the public security system. The suspension of this regulation, effective as of 5 April, took place after refusing to hear the appeal based on the grounds of unconstitutionality filed by the Government.

Because the time period of five months established under Article 161.2 of the Constitution is soon to elapse (*"The Government may challenge before the Constitutional Court those provisions and resolutions adopted by the bodies of the Autonomous Regions. The challenge shall produce the suspension of the appealed provision or resolution, but the Court, where appropriate, must ratify it or lift it within a term of no more than five months"*), the Constitutional Court sent the matter on to the parties concerned so that they could express their opinion regarding the lifting or maintenance of the precautionary measure. The State Attorney requested that the suspension be extended, whereas the Basque Government Parliament requested that it be lifted.

In accordance with reiterated Constitutional Court doctrine, maintaining this interim measure requires, in this case by the State Attorney, that the existence of the damage which would be caused by lifting the suspension be proven, with "consistent" reasoning that this damage would be of "difficult reparation."

In this specific case, the Plenary Meeting of the Constitutional Court believes that the arguments provided by the State's legal counsel are not sufficient to extend the suspension, and therefore, insofar as "the presumption of constitutionality which the regulation enjoys" must hold precedence, it has decided to lift the precautionary measure.

Madrid, 17 July 2013