



TRIBUNAL CONSTITUCIONAL
Gabinete del Presidente
Oficina de Prensa

NOTA INFORMATIVA Nº 74/2013

DEROGATION OF THE "ANTI-EVICTION DECREE" OF THE ANDALUSIAN GOVERNMENT ENTAILS THAT THE CAUTIONARY SUSPENSION OF THE DECREE IMPOSED BY THE CONSTITUTIONAL COURT SHALL NO LONGER HAVE ANY EFFECT

The Plenary Session of the Constitutional Court has agreed to declare the "*subsequent inexistence of the subject matter of the incidental plea filed regarding the upholding or dismissal of the cautionary measures*" regarding Decree Law 6/2013, April 9, passed by the Regional Government of Andalusia, commonly known as the "*anti-eviction decree*".

This legal enactment was subject to cautionary suspension on July 9 last following a decision by the Constitutional Court to grant leave to an appeal for constitutional relief filed by the Government; subsequently the Decree was derogated by Regional Government of Andalusia following approval of Regional Law 4/2013, October 1 on measures to ensure compliance with the social function of housing.

The Constitutional Court has examined whether following repeal of Decree 4/2013, the cautionary suspension measure on Decree Law 6/2013 should be maintained or lifted.

The Constitutional Court considers that the derogation of the Decree entails "*the subsequent inexistence of the subject matter of the incidental plea concerning the upholding or dismissal of the cautionary suspension*" because "*it is not possible*" to take a decision on whether a measure should be maintained or revoked when it refers to "*a legal provision which is no longer enforceable because it has been derogated by the regional legislator*".

This decision, according to the Plenary Session of the Constitutional Court does not entail any "*judgment on the merits of the case filed in these constitutional proceedings*". In other words, the Constitutional Court shall in due time issue a judgment regarding the unconstitutionality appeal filed by the Government against the so-called "*anti-eviction act*" passed by the Regional Government of Andalusia. It will only then be possible to determine if the subject matter of the appeal still exists or not.

Madrid. November 7, 2013.