



TRIBUNAL CONSTITUCIONAL
Gabinete del Presidente
Oficina de Prensa

NOTA INFORMATIVA Nº 86/2013

THE CONSTITUTIONAL COURT HAS REVOKED TWO RESOLUTIONS PASSED BY THE PARLIAMENT OF VALENCIA DUE TO BREACH OF THE RIGHT TO PARTICIPATE IN PUBLIC MATTERS.

The Constitutional Court has granted constitutional relief to the Parliamentary Group Esquerra Unida of the Parliament of Valencia considering that two resolutions passed by the Permanent Committee of the Parliament breached their right to political participation as acknowledged in article 23.2 of the Spanish Constitution. The Permanent Committee refused the request to convene a meeting of the Commission of Economy, Budgetary Matters and the Exchequer in order to decide on whether certain former senior officials of the Government of Valencia should be summoned to appear before the Parliament. The Constitutional Court considers that the foregoing resolutions issued on December 31, 2012 are null and void and orders the Permanent Committee to reverse the proceedings to the previous stage in order "*to adopt new resolutions which comply with the fundamental right acknowledged in the Constitution*". The ruling issued by the First Division includes a dissenting vote by the judge Andrés Ollero.

According to the Constitutional ruling in which the judge Juan Antonio Xiol acted as the rapporteur judge, the resolutions adopted by the Permanent Committee of the Parliament of Valencia were based on an interpretation of article 44.1 of the Parliamentary Regulations which "*discloses a restrictive view on when the Standing Committees of the Parliament may be convened*". And further adds that such interpretation "*does not adequately respect the core elements embodied in the right of political participation*".

The Permanent Committee argued that it did not wish to grant leave to the requests for summoning those senior officials because they no longer held office in the government; it however added that the request to appear before the Parliament could be submitted with regard to those officials who at the time were still holding senior positions in the government.

The interpretation made of article 44.1. of the Parliamentary Regulations included in the resolutions voided by the Constitutional Court is based, according to the ruling "*on the existence of a general prohibition that senior officials or high-ranking members of the government may be summoned by the Parliament of Valencia once they are no longer in office in order to be screened on matters to which their public duties referred to in the past*".

"This general prohibition applied by the Permanent Committee - according to the Constitutional Court - provides a restriction which is not contemplated in the Parliamentary Regulations, or at least, it is removed from a more favourable interpretation of the fundamental right enshrined in article 23.2 of the Spanish Constitution regarding the possibility of controlling the actions by the government by

summoning individuals who although are not holding office at the time, may be consulted on certain decisions which they adopted or carried out while they held a public position".

The foregoing limitation in view of the Constitutional Court, "may not be compensated, as invoked by the challenged resolutions, with the possibility of summoning other authorities or senior officials who currently have responsibility over such matters, because they are not best suited to inform on such matters as the persons who had a direct relationship with the facts or matters being investigated".

The Constitutional Court reaches the conclusion that the challenged resolutions "have made an inadequate interpretation of the applicable regulations, leading to a breach of article 23.2. of the Spanish Constitution, because it did not convene the Commission of Economy, Budgetary Matters and the Exchequer, the latter being the body who should examine the request filed for the screening of certain senior officials in compliance with the functions vested in it by the Parliamentary Regulations and decide on such request according to its criteria".

The judge Andrés Ollero issued a dissenting vote because he considers that the Permanent Committee interpreted with the scope of its competencies the Regulations of the Parliament of Valencia and that the Constitutional Court has gone beyond its duties as the constitutional watchdog. For these reasons he contends that the ruling issued by the Constitutional Court should not have granted the relief sought.

Madrid. December 2, 2013.