



CONSTITUTIONAL COURT
Cabinet of the President
Press Office

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THE SPANISH CONSTITUTIONAL COURT PARTLY LIFTS THE SUSPENSION ON THE NAVARRE ACT FOR COST-FREE HEALTH CARE

The Plenary Meeting of the Spanish Constitutional Court (TC) has partly lifted the suspension on Regional Act 8/2013, of 25 February, which recognises a right to cost-free health care in the territory of Navarre in favour of persons without a residence permit. The rule was suspended in December 2013 as a result of the Government's appeal being granted leave to proceed. The TC has only kept an interim measure on the additional provision of the challenged rule, regarding the effective date of pharmaceutical benefits.

In order to determine whether to lift or continue with the suspension, the Court should weigh up the interests at play. In this case, it considers that the State Attorney has not sufficiently evidenced that the "*economic impact*" of the cost-free assistance provided by the public health service of Navarre to a social group basically consisting of illegal foreigners or immigrants "*entails a budgetary departure that could amount to economic harm*".

Furthermore, the Plenary Meeting claims that "*the right to health and physical integrity held by the persons affected by the challenged measures, as well as the adequacy of avoiding health risks to society overall, are specifically relevant in the constitutional framework, which should not be distorted on the grounds of future savings not yet ascertained*".

Moreover, the court decision is also against the fact that, as alleged by the State Attorney, the right to health may also be guaranteed by virtue of the "*various measures adopted by the public powers*". According to the order, it has not been evidenced either that "*said health care is provided in the same terms as the one granted*" by the challenged Regional Act.

In turn, the TC has kept a suspension over the additional provision of Regional Act 8/2013, whereby the beneficiaries of cost-free public health care "*are effectively and immediately entitled to complementary pharmaceutical benefits*", foreseen in another rule, Regional Act 18/2013, of 19 October. This latter rule had also been challenged by the Government and suspended by the Spanish Constitutional Court.

Madrid, 15 April 2014