



## INFORMATION NOTE No. 44/2014

### SUMMARY NOTE OF THE CONSTITUTIONAL COURT'S 2013 ANNUAL REPORT

#### CASES ADMITTED

For the second consecutive year, the number of cases admitted by the Constitutional Court has increased. In 2013, 7,573 jurisdictional cases were lodged (279 more than in 2012), resulting in a 3.82 per cent increase in comparison with the previous year. This growth in the demand of constitutional justice confirms the change of pattern that began in 2012, after a decrease of five consecutive years, and is reflected in all constitutional proceedings. The increase in unconstitutionality appeals, which in 2013 doubled with respect to the previous year, is especially remarkable, (from 38 to 76), as well as unconstitutionality issues, which have almost tripled and gone from 42 in 2012 to 106 in 2013. The important increase in these types of proceedings has immediately entailed an overload in the Plenary Meeting's work, in charge of processing and resolving the same.

<b>TABLE 1</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Unconstitutionality appeals	7	32	31	38	76
Unconstitutionality issues	35	50	51	42	106
Appeals for constitutional protection	10,792	8,948	7,098	7,205	7,376
Positive conflicts of competence	13	6	9	8	12
Negative conflicts of competence	-	1	-	1	-
Conflicts between constitutional bodies	-	-	-	-	-
Conflicts in favour of local autonomy	1	4	3	-	2
Challenge brought against provisions not enjoying the status of an Act and resolutions adopted by Autonomous Communities	-	-	-	-	1
Application on the constitutionality of international treaties	-	-	-	-	-
<b>Total</b>	<b>10,848</b>	<b>9,041</b>	<b>7,192</b>	<b>7,294</b>	<b>7,573</b>

As is usually the case, almost all of the remedies constitute appeals for constitutional protection, which represent 97.39 per cent of the total new cases lodged. Of the 7,376 appeals for constitutional protection registered by the TC during 2013, 7,037 were filed by individuals, 334 by public bodies and the remaining five by the Public Prosecution Service.

As for their source, most were lodged against resolutions issued by the criminal courts, which have increased in relation to 2012. During 2013, 3,272 appeals for constitutional protection were filed against criminal resolutions (44.36 per cent of the total), as opposed to 2,926 (40.16 per cent) in 2012. The appeals lodged against resolutions delivered by the contentious-administrative courts have decreased, although they are still the second largest group in volume. The 2,308 cases in 2013 constituted 31.29 of the total; in 2013 there were 2,508, 34.81 per cent.

There have been 991 appeals for constitutional protection forwarded by the civil courts, 13.43 per cent; 293 were sent by the employment courts, 3.97 per cent; and 40 from the military jurisdiction, 0.54 per cent. There were 13 appeals for constitutional protection brought against parliamentary acts under Art. 42 LOTC (Public General Act of the Constitutional Court), representing 0.17 per cent of the total. Fundamental rights, the protection of which is the most common amongst citizens, are those included in Art. 24 of the Constitution (regarding procedural guarantees). In 2013, 5,914 appeals for constitutional protection reported a breach of Art. 24, representing 80.18 per cent of all claims. The right to equality (Art. 14 CE) is second, which was upheld in 1,013 constitutional protection claims, i.e. 13.77 per cent of the appeals. All other fundamental rights and civil liberties were claimed in 1,608 appeals (22.77 per cent of newly received appeals for constitutional protection).

The applicants of the 76 unconstitutionality appeals registered during 2013 were, mostly, Autonomic Governments and Parliaments, which challenged state rules on 43 occasions. The President of the Government lodged 15 unconstitutionality appeals, whereas the remaining 18 were filed by congressmen and senators. Throughout the year 106 unconstitutionality issues were filed. Half of these (46) were lodged by the courts of the different jurisdictional orders, 5 by provincial courts, 38 by high courts of justice, 15 by the Spanish National Court and 2 by the Supreme Court. The TC raised two unconstitutionality issues internally.

During 2013 the TC registered 44 unconstitutionality appeals against State acts, and 21 against acts from the Autonomous Communities. By Autonomous Community, those with a higher rate of unconstitutionality appeals against State acts were Catalonia (15), the Canary Islands (10), and Andalusia (4). These last two Autonomous Communities are also at the top of the list of positive competence conflicts: the Generalitat lodged 6, the Government of the Canary Islands 3, and the last one (number 10) was lodged by the Government of the Basque Country (10 in total). The Government of Spain lodged 2 positive competence conflicts.

Autonomous Community	Unconstitutionality Appeals		Positive Competence conflicts	
	State Acts Challenged	Autonomous Community Acts Challenged	Lodged by the Government of the Autonomous Community	Lodged by the Government of Spain
Basque Country	7	1	1	-
Catalonia	15	1	6	-
Galicia	-	-	-	-
Andalusia	4	2	-	1
Asturias	-	-	-	-
Cantabria	-	-	-	-
La Rioja	-	-	-	-
Murcia	1	-	-	-
Valencia	-	2	-	-
Aragón	1	1	-	-
Castilla-La Mancha	-	1	-	-
Canary Islands	10	-	3	-
Navarra	2	5	-	1
Extremadura	2	-	-	-
Balearic Islands	-	1	-	-
Madrid	-	6	-	-
Castilla y León	-	-	-	-
	<b>44</b>	<b>21</b>	<b>10</b>	<b>2</b>
<b>TOTAL</b>		<b>65</b>		<b>12</b>

## RESOLUTIONS ISSUED

During 2013, the TC issued a total of 6,665 resolutions. Of these, 219 were judgments, 298 were decisions and 6,148 were orders. Of the 219 judgments, 129 were issued by the Plenary Meeting (85 in unconstitutionality proceedings, 35 in constitutional conflicts and nine during appeals for constitutional protection previously assigned to the Plenary Meeting) and 90 by the various Chambers: 39 Chamber One and 51 Chamber Two. Of the total orders, 5,884 constituted inadmittance and 264 admittance.

<b>Table 3</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Judgments</b>					
Plenary Meeting	20	48	59	136	129
Chamber One and Sections	97	29	77	59	39
Chamber	78	25	55	59	39
Section 1	3	3	11	-	-
Section 2	8	1	11	-	-
Chamber Two and Sections	103	66	71	51	51
Chamber	84	62	50	50	51
Section 3	11	-	9	-	-
Section 4	8	4	12	1	-
<b>Total</b>	<b>220</b>	<b>143</b>	<b>207</b>	<b>246</b>	<b>219</b>
<b>Final Decisions</b>					
Plenary Meeting	29	20	43	44	43
Chamber One and Sections	43	36	29	36	36
Chamber Two and Sections	67	40	28	24	32
<b>Total</b>	<b>139</b>	<b>96</b>	<b>100</b>	<b>104</b>	<b>111</b>
<b>Orders of inadmittance and termination</b>					
Plenary Meeting	-	-	-	3	-
Chamber One	7,476	5,387	3,013	3,948	2,802
Chamber Two	7,968	4,604	3,387	3,387	3,082
<b>Total</b>	<b>15,434</b>	<b>9,991</b>	<b>6,400</b>	<b>7,338</b>	<b>5,884</b>
Interlocutory Appeals	147	112	86	145	187
Orders of admittance	82	204	137	209	264
Total final resolutions (judgments+final decisions +final orders)	15,793	10,230	6,708	7,691	6,214
<b>Total resolutions delivered</b>	<b>16,022</b>	<b>10,546</b>	<b>6,931</b>	<b>8,041</b>	<b>6,665</b>

## ADMITTANCE PROCEEDINGS FOR APPEALS

The information related to decisions of admittance adopted in 2013 once again evidence the very high percentage of refusals to grant leave to proceed: only 2.27 per cent of the Court's decisions entailed a processing of appeals for a subsequent judgment, whereas the remaining 97.73 per cent constituted inadmittance.

In 2013 the Plenary Meeting of the TC granted leave to proceed to 139 unconstitutionality appeals and constitutional conflicts. The Chambers and Sections, in turn, granted leave to proceed to 125 appeals for constitutional protection and inadmitted another 5,506. At this initial stage, the Court resolved 74.64 per cent of all new cases.

## PENDENCE

By late 2013, the Plenary Meeting had 259 cases pending judgment. This figure is notably lower than the one registered at the end of 2012 (with 302 cases admitted and pending judgment) and is itemized as follows: 183 unconstitutionality appeals, 27 unconstitutionality issues, 12 appeals for constitutional protection forwarded from lower courts, 29 positive conflicts of competence, seven conflicts in favour of local autonomy and a challenge against provisions not enjoying the status of an Act and resolutions adopted by Autonomous Communities. In addition to the 259 cases pending judgment from the Plenary Meeting, there are 44 unconstitutionality issues and 13 positive conflicts of competence, all forwarded by the Plenary Meeting to the Chambers and which are therefore pending on the latter (19 unconstitutional matters, and four positive conflicts of competence in Chamber One and 25 issues and nine conflicts in Chamber Two). At the end of the year, 4 unconstitutionality appeals, 38 issues and one positive conflict of competence were pending a decision on admittance.

There were 167 constitutional protection cases judgment at the end of the year. In addition to the 12 appeals forwarded by the Plenary Meeting (see above), there are 77 appeals for constitutional protection pending judgment from Chamber One and 78 pending in Chamber Two. As for appeals pending admittance, at the end of 2013 they totalled 3,738, a higher number than in 2012, which ended with 2,895. Of the total 3,738 cases pending admittance, 1,987 were assigned to Chamber One and 1,751 to Chamber Two. Pendency data differ depending on whether they refer to the Plenary Meeting, which is registered a downward trend since 2009, or the Chambers, where the number of pending cases has increased over the last year.

<b>Table 4</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Unconstitutionality Appeals	4	30	55	57	83
Unconstitutionality Issues		88	63	65	78
<b>Appeals for Constitutional Protection</b>					
By judgment	177	91	145	124	87
Per decision of inadmittance	34	26	37	2	5
By order of inadmittance	13,008	8,964	5,868	7,298	5,342
For other causes (decisions or orders)	2,469	1,027	532	43	574
In aggregate	5	2	2	5	3
<b>Total</b>	<b>15,693</b>	<b>10,110</b>	<b>6,584</b>	<b>7,472</b>	<b>6,012</b>
Positive conflicts of competence		3	15	34	40
Negative conflicts of competence	-	-	1	1	-
Conflicts between constitutional bodies	-	-	-	-	-
Conflicts in favour of local autonomy	-	-	-	-	-
Application about the constitutionality of international treaties	-	-	-	-	-
<b>Total cases resolved</b>	<b>15,851</b>	<b>10,232</b>	<b>6,708</b>	<b>7,630</b>	<b>6,217</b>

<b>Table 5</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Total cases pending admittance by the Plenary Meeting	22	16	34	14	43
Total cases pending admittance by Chambers	4,569	3,149	3,420	2,895	3,738

<b>Table 6</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Unconstitutional Appeals	207	227	219	193	183
Unconstitutional Matters	147	120	97	81	71
Positive conflicts of competence	97	103	25	72	42
Negative conflicts of competence	-	-	-	-	-
Conflicts amongst constitutional bodies	-	-	-	-	-
Conflict in favour of local autonomy	5	6	7	5	7
Challenge brought against provisions not enjoying the status of an Act and resolutions adopted by Autonomous Communities	-	-	-	-	1
Application about the constitutionality of international treaties	-	-	-	-	-
Appals for constitutional protection	173	203	145	142	167
<b>Total suits pending judgment from the Plenary Meeting</b>	<b>399</b>	<b>386</b>	<b>270</b>	<b>290</b>	<b>251</b>
<b>Total cases pending judgment from the Plenary Meeting</b>	<b>411</b>	<b>407</b>	<b>284</b>	<b>302</b>	<b>259</b>
<b>Total processes pending judgment from each Chamber and Section</b>	<b>213</b>	<b>247</b>	<b>171</b>	<b>193</b>	<b>212</b>
<b>Total cases pending judgment from each Chamber and Section</b>	<b>219</b>	<b>253</b>	<b>173</b>	<b>183</b>	<b>212</b>

**Madrid, 28 May 2014.**

NOTE: The full content of the 2013 Report is available on the TC website in PDF, EPUB and HTML formats.