



INFORMATION NOTE No. 74/2014

THE TC GRANTS LEAVE TO PROCEED TO THE APPEALS LODGED BY THE GOVERNMENT AGAINST THE CATALONIAN CONSULTATION ACT AND AGAINST THE 9-NOVEMBER CALLING AND AGREES TO SUSPEND BOTH

The Plenary Meeting of the Spanish Constitutional Court has unanimously granted leave to proceed to the unconstitutionality appeals lodged by the Government against the Act of the Parliament of Catalonia 10/2014, of 26 September, of popular non-referendum consultations and other forms of citizen participation; and against the Decree from the President of the Government of Catalonia 129/2014, of 27 September, for the calling of popular, non-referendum consultations on the political future of Catalonia.

The Plenary Meeting agreed to automatically suspend the application of both the challenged precepts of the Act and the official announcement decree. This decision results from the Government's request to apply Art. 161.2 of the Spanish Constitution, which establishes that: "*The Government may contest before the Constitutional Court the provisions and resolutions adopted by bodies of the Autonomous Communities. Such challenge will entail suspension of the contested provision or resolution, but the Court must either ratify or lift the suspension, as the case may be, within a maximum of five months*".

Following the granting of leave to proceed and according to said constitutional mandate, all resolutions or acts delivered further to the challenged Act and decree are now suspended.

The Court has also resolved to serve notice of the claims to the Congress, to the Senate, and to the Government, as well as to the Government and Parliament of the Autonomous Community of Catalonia, which have been granted a term of fifteen days in which to appear as party to the proceedings regarding the challenge of the Act, and twenty days to appear as party to the proceedings regarding the challenge of the decree. Both parties shall have identical timeframes in which to submit their pleadings, in each case.

The granting of leave to proceed does not entail any decision whatsoever on the merits of said appeals, which the Court will eventually examine. The said granting of leave to proceed does not usually entail any difficulties from a technical-legal point of view, as it merely consists of ensuring compliance with formal legal requirements: fulfilment of the timeframes in which to lodge the appeal, standing of the appellant, and the challengeable nature of the rule or provision.

Madrid, 29 September 2014.