



SPANISH CONSTITUTIONAL COURT
Cabinet of the President
Press Office

INFORMATION NOTE No. 83/2014

THE TC GRANTS LEAVE TO PROCEED TO THE CHALLENGE FILED BY THE GOVERNMENT AND SUSPENDS ALL PREPARATORY ACTS FOR THE “9N PARTICIPATION PROCESS”

The Plenary Meeting of the Spanish Constitutional Court has unanimously granted leave to proceed to the Government’s challenge of certain autonomous provisions and, on a subsidiary basis, the positive conflict of competence alleged against the acts taken by the Government of Catalonia, regarding the calling of a "citizen's participation process" on 9 November.

The Plenary Meeting has also agreed to automatically suspend the challenged acts, further to the Government upholding Art. 161.2 of the Spanish Constitution. Said Article establishes that: *“The Government may contest before the Constitutional Court the provisions and resolutions adopted by bodies of the Autonomous Communities. This challenge shall entail the suspension of the contested provisions or resolutions, but the Court must either ratify or lift the suspension, as the case may be, within a period of not more than five months”*.

Following the granting of leave to proceed and as a consequence of applying said constitutional mandate, *“the challenged acts”* are now suspended *“(since the filing of the appeal —31 October, 2014— for the parties to the suit, and following publication in the Official State Gazette for third parties), as well as all other preparatory or related acts resulting from said consultation”*.

The Court has also resolved to serve notice of the claim to the Catalanian Government, which has been granted a term of twenty days in which to submit any pleadings.

The granting of leave to proceed does not entail any decision whatsoever on the merits of the appeal, which the Court will examine shortly.

The writ of pleadings filed yesterday by the Presidency Department of the Government of Catalonia before the Constitutional Court has already been included in the relevant court records.

Madrid, 4 November 2014.