



SPANISH CONSTITUTIONAL COURT  
Cabinet of the President  
Press Office

## INFORMATION NOTE No. 60/2015

### **THE TC GRANTS LEAVE TO PROCEED TO THE APPEAL BROUGHT BY THE GOVERNMENT AGAINST THE CATALONIAN ACT THAT TAXES POLLUTING EMISSIONS FROM COMMERCIAL FLIGHTS AND INDUSTRIAL ACTIVITY, AND THE PRODUCTION OF NUCLEAR ELECTRICITY**

The Plenary Meeting of the Constitutional Court (TC) has granted leave to proceed to the unconstitutionality appeal brought by the Government against several precepts of Catalanian Parliament Act 12/2014, of 10 October, taxing the emission of nitrogen oxide into the air as a result of commercial aviation, taxation on the emission of gases and particles into the air caused by industrial activity, and the tax on the generation of nuclear electricity.

The Court has resolved to serve notice of both claims to the Congress of Deputies and the Senate, as well as the Government and Parliament of Catalonia, which have been granted a term of fifteen days in which to appear as party to each suit and present any pleadings are deemed appropriate.

The Plenary Meeting has also agreed to automatically suspend the validity and application of the challenged precepts (both of the Trade Act and Mining Arrangement Act), as a result of the Government upholding Art. 161.2 of the Spanish Constitution (*“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”*).

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

Madrid, 22 July 2015