



## INFORMATION NOTE No. 86/2015

### THE PLENARY MEETING UNANIMOUSLY DECIDES NOT TO SUSPEND THE RESOLUTIONS ADOPTED BY THE CATALONIAN PARLIAMENT TO PROCESS ITS PROPOSAL FOR INDEPENDENCE

The Plenary Meeting of the Spanish Constitutional Court (TC) has unanimously decided not to grant an interim suspension of the resolutions adopted by the Catalanian Parliament on 27 and 28 October and 2 and 3 November, as requested by deputies of “Ciudadanos” and “Partido Popular” in the appeals for constitutional protection filed yesterday.

In two orders, the Plenary Meeting has affirmed that, although the law contemplates the provisional suspension of any act delivered by the public powers that is the object of an appeal for constitutional protection, the Court has always highlighted *“as one the pillars of the democratic system, that the Parliament is the natural seat of political debate and that any future outcome of parliamentary debate is a matter that should not condition in advance the very viability of such debate”*.

In the case at hand, the request to adopt an interim measure surpasses the purpose of an appeal for constitutional protection, by promoting *“a constitutional check over a resolution not yet adopted and whose ultimate content is unknown”*. The aim of an appeal for constitutional protection, it adds, is safeguarded, given that a future judgment upholding the claim *“would entail a declaration of nullity of all those acts-including procedural measures- that were detrimental to the fundamental rights of the applicants for protection”*.

The Plenary Meeting states that it is aware of the *“risk”* of the Plenary Meeting of the Catalanian Parliament, scheduled for 9 November, approving a resolution in line with the proposal being processed. However, it affirms that *“this should not distort the moment in time assigned by constitutional law to each institution, to exercise its competences”*. *“At the present time”*, it adds, *“it is the autonomous Chamber which should be in charge of ensuring that its activity is constitutional”*. *“The parliamentary Assemblies, as constituent powers, are the ones that should initially ensure that its decisions at all times conform to the Constitution”*.

Finally, the Plenary Meeting has pointed out that *“the content of any provisions, resolutions or acts delivered by any kind of public power, is not detrimental to the integrity of the constitutional competences entrusted to the Court, which it will accordingly perform, cautiously and decisively”*.

Madrid, 5 November 2015.