



INFORMATION NOTE No. 87/2015

THE TC GRANTS LEAVE TO PROCEED TO THE GOVERNMENT'S APPEAL AGAINST DECLARATION 1/XI OF THE CATALONIAN PARLIAMENT

The Plenary Meeting of the Spanish Constitutional Court (TC) has unanimously granted leave to proceed to the writ filed this morning by the Government against Resolution 1/XI (Annex included) of the Catalanian Parliament, on the "*commencement of a political process in Catalonia as a consequence of the election results of 27 September 2015*".

The Plenary Meeting has agreed to suspend the challenged Resolution and Annex, as an automatic consequence of the Government upholding Article 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. A 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*").

The Court has resolved to serve notice of the foregoing appeal to the Catalanian Parliament, which has been granted a term of ten days in order to appear as party to the suit and file any pleadings deemed appropriate.

By virtue of Art. 87.1 of the General Public Act of the Constitutional Court [Ley Orgánica del Tribunal Constitucional] (LOTIC), and "*without prejudice to the obligation imposed by said precept on all public powers to uphold the Court's resolutions*", the Plenary Meeting has agreed to personally notify the decision granting leave to proceed to "*the Chairwoman of the Catalanian Parliament, the other members of the Catalanian Parliament Board, the Secretary General of the Catalanian Parliament and the President and other members of the incumbent Governing Council of the Catalanian Generalitat*". The Court has advised them "*of their duty to prevent or stop any initiative that overlooks or evades the suspension agreed, warning them of the consequent liabilities (including under criminal law) they may incur*".

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, 11 November 2015.