



SPANISH CONSTITUTIONAL COURT  
Cabinet of the President  
Press Office

## INFORMATION NOTE No. 10/2016

### THE TC GRANTS LEAVE TO PROCEED TO THE POSITIVE COMPETENCE CONFLICT FILED BY THE GOVERNMENT AGAINST CREATING A CATALONIAN DEPARTMENT OF FOREIGN AFFAIRS

The Plenary Meeting of the Constitutional Court (TC) has granted leave to proceed to the positive competence conflict filed by the National Government against Arts. 1.1 and 3.3, sections 1 and 2, of Catalanian *Generalitat* Decree 2/2016, of 13 January, on the creation, naming and specification of the scope of competence of the Administration Departments of the Catalanian *Generalitat*, regarding the creation of a Department of Foreign Affairs, Institutional Relations and Disclosure (in Art. 1.1, on the point related to Foreign Affairs); and against Articles 1.1.b) and 20 of Catalanian *Generalitat* Decree 45/2016, of 19 January, structuring the Department of Foreign Affairs, Institutional Relations and Disclosure.

The Court has resolved to serve notice of the foregoing appeal to the *Generalitat* Government, which has been granted a term of twenty days to present any documents and pleadings it deems appropriate.

The Plenary Meeting has also agreed to automatically suspend the validity and application of the challenged precepts, 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*”).

Finally, the TC has agreed to notify the filing of the conflict to the Contentious-Administrative Chamber of the High Court of Justice of Catalonia (TSJC), should the foregoing provisions be actually or potentially challenged before this Court, in which case the TSJC must stay the proceedings until this competence conflict is resolved.

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, 17 February 2016.