



SPANISH CONSTITUTIONAL COURT
Cabinet of the President
Press Office

INFORMATIVE NOTE No. 44/2016

THE TC GRANTS LEAVE TO PROCEED TO THE GOVERNMENT'S APPEAL AGAINST THE ACT OF THE BASQUE COUNTRY REGULATING THE USE OF "FRACKING"

The Plenary Meeting of the Constitutional Court (TC) has granted leave to proceed to the unconstitutionality appeal filed by the President of the Government against various precepts of the Act issued by the Autonomous Community of the Basque Country 6/2015, of 30 June, on additional measures for environmental protection in order to extract unconventional hydrocarbons and hydraulic fracturing or "fracking".

The Court has resolved to serve notice of the foregoing appeal to the Congress of Deputies and to the Senate, as well as to the Parliament and Government of the Basque Country, which have been granted a term of fifteen days in which to appear as parties to the suit and present any pleadings they deem 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").

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

Madrid, 3 May 2016.