



INFORMATIVE NOTE No. 52/2016

THE TC GRANTS LEAVE TO PROCEED TO THE COMPETENCE CONFLICTS FILED BY ANDALUSIA AND ARAGÓN AGAINST THE RULE REGULATING DRUG DISPENSATION BY NURSES

The Plenary Meeting of the Constitutional Court (TC) has granted leave to proceed to two positive competence conflicts filed by the Governing Council of Andalusia and by the Government of the Autonomous Community of Aragón, against Royal Decree 954/2015, of 23 October, regulating the suitability, use and authorisation to dispense drugs and healthcare products for human use by nurses.

The Court has resolved to serve notice of the appeal filed by Aragón to the Spanish Government, which will have a term of twenty days in which to present any documents and pleadings it deems appropriate.

As regards the claim filed by the Governing Council of Andalusia, the Plenary Meeting has agreed to process it as an unconstitutionality appeal, further to the plaintiff's request and pursuant to Art. 67 of the Public General Act of the Constitutional Court [LOTC]. Consequently, it has served notice of the appeal to the Congress of Deputies, to the Senate and to the Government, which have been granted a term of fifteen days in which to appear as parties to the suit and submit their pleadings.

The Plenary Meeting has also agreed to inform of the filing of both competence conflicts to the Contentious-Administrative Chamber of the Supreme Court, in case said Royal Decree is already being challenged, or could be challenged in the future. In this case, as provided in Art. 61.2 of the Public General Act of the Constitutional Court, "*the course of proceedings will be suspended*" until a decision is reached on the competence conflicts.

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

Madrid, 24 May 2016.