



SPANISH CONSTITUTIONAL COURT

Cabinet of the President

Press Office

INFORMATIVE NOTE No. 66/2016

THE TC DECLARES THAT THE ORDINARY COURTS ARE COMPETENT TO DETERMINE THE OWNERSHIP AND FINAL LOCATION OF ASSETS BELONGING TO THE MONASTERY OF SIGENA

The Plenary Meeting of the Constitutional Court (TC) has unanimously dismissed the enforcement incident brought by the Catalanian *Generalitat* with respect to Constitutional Court Judgment (STC) 6/2012, of 6 January, and has determined that ownership of the assets belonging to the Monastery of Sigena, as well as their final location, is an ordinary legality issue that should be settled by the civil courts. These assets were acquired at the time by Catalonia and are currently kept there. The Catalanian *Generalitat* submitted this judgment enforcement incident on the grounds that both resolutions delivered by one of Huesca's Courts of First Instance and Preliminary Examination, ordering the Catalanian Administration to transfer said assets to Aragón, would breach STC 6/2012.

The Plenary Meeting has dismissed the Catalanian Generalitat's petition as what the Constitutional Court resolved in said judgment was totally unrelated to the litigation to which the Huesca Court's resolutions refer; consequently, no breach is ascertained of STC 6/2012, as claimed by the Catalanian Government.

STC 6/2012, explains the Plenary Meeting, upheld the positive competence conflict filed by the Autonomous Community of Catalonia and declared the nullity of two orders issued by the Regional Minister of Education and Culture of the General Deputation of Aragón, dated 8 August 1997 and 10 February 1998. Said orders referred to the exercise by the Administration of Aragón of its pre-emption right (right of preferential acquisition) over certain assets, included in the artistic treasury of the Monastery of Sigena, which had been acquired by the Catalanian *Generalitat* and which Aragón wanted to recover.

What the TC received at the time was a conflict that resulted in acknowledging Catalonia's competence "*in historic heritage protection matters, to preserve the assets belonging to the Monastery of Sigena, as they were located in the territory of Catalonia*". "*In this case*", highlighted STC 6/2012, "*resorting to a pre-emption right as an instrument of the policy to recover cultural heritage located outside the territory of Aragón (...) collides with the autonomous competence of Catalonia as regards preservation of heritage, which is presumed to cover any located in its territory, irrespective of its source*".

In this judgment, the Court also affirmed that it was not authorised to discuss "*the ownership of these assets, their classification, or the legality of their disposals*", as well as "*other ordinary legality issues that could affect them*", which the civil courts should settle. Consequently, the resolutions of the Huesca Court giving rise to the present enforcement incident "*do not raise any controversy related to the constitutional order for the distribution of competences*" that is related to what was decided in STC 6/2012.

The decision now delivered by the Plenary Meeting indicates that the enforcement incident raised by the Catalanian *Generalitat* "*starts off with the mistaken premise of*

presuming that STC 6/2012 requires that the assets belonging to the Monastery of Sigena, referred to in the positive competence conflict settled therein, should in any case remain in the Autonomous Community where they are presently located (i.e. in Catalonia)”. The Court adds that it decided on the specific destination of these assets solely and exclusively in relation to the prevalent competence of the Autonomous Community of Catalonia to preserve assets located in its territory, over the competence, in the same matter, that the Autonomous Community of Aragón intended to exercise through a right of pre-emption. Rather, it includes, “the final location” of the assets “will depend on what the civil courts decide, when settling any litigation raised on the classification and ownership of these assets and any future legality vices that may exist in their disposal”.

To conclude, what the Huesca Court decided “*does not exceed the scope of ordinary law on the nature and classification of assets belonging to the Monastery of Sigena and on any legality vices in their successive disposal to the Catalanian Generalitat*”.

Madrid, 30 June 2016