



SPANISH CONSTITUTIONAL COURT

Cabinet of the President

Press Office

## PRESS RELEASE No. 97/2016

### THE CONSTITUTIONAL COURT STAYS THE RESOLUTION OF THE PARLIAMENT OF CATALONIA THAT GAZES AT A REFERENDUM OF INDEPENDENCE IN 2017

The Plenum of the Constitutional Court has agreed to process the execution issue submitted by the Government Attorney against the Resolution 306/XI passed by the Parliament of Catalonia the 6<sup>th</sup> October 2016. More precisely, the execution issue refers to the sections called “Referendum” and “Constituent Process” included in Title I of “The political future of Catalonia” of the mentioned Resolution. According to the Government Attorney, the contested resolution infringes one Judgment (259/2015, of 2<sup>nd</sup> December) and two Orders (145/2016, of 19<sup>th</sup> July, and 148/2016, of 27<sup>th</sup> July). The former annulled Resolution of the Parliament of Catalonia 1/XI, of 9<sup>th</sup> November 2015 “on the beginning of the political process in Catalonia in line with election results of 27<sup>h</sup> September 2015”. The Orders referred to two other Resolutions passed by this same regional Parliament concerning the Parliamentary Committee for the Constituent Process.

Following the rule provided by Art. 92.1.2 of the Organic Law of the Constitutional Court, the Plenum agrees to transfer the request of the Government Attorney to the Public Prosecutor and the Parliament of Catalonia, in order to file allegations in 20 days. The Plenum also agrees a precautionary measure: the suspension of the contested points of parliamentary resolution. This is due to the previous invocation of Art. 161.2 of the Spanish Constitution by the State Government. (2. *The Government may contest before the Constitutional Court the provisions and resolutions adopted by the agencies of the Autonomous Communities, which shall bring about 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 Court, in line with the request of the Government Attorney, agrees to notify the execution issue personally to the President of the Parliament of Catalonia, the members of the Parliament Bureau, the Secretary General and the members of the Government of Catalonia. The Plenum stress their duty to “deter” any initiative that pursues to shirk the suspension. It also warns about the “possible responsibilities, criminal ones included, that they may incur”.

Finally, the Court requests the President of the Parliament of Catalonia, the Bureau members and the Secretary General to issue the reports foreseen in Art. 92.4 LOTC “on whether the parliamentary proceedings that resulted in the adoption of Resolution 306/XI” have infringed the aforementioned Judgment and the Orders.

Madrid, 14<sup>th</sup> December 2016.