



CONSTITUTIONAL COURT OF SPAIN
Cabinet of the President
Press Office

INFORMATIVE NOTE No. 19/2017

THE TC GRANTS LEAVE TO PROCEED TO THE GOVERNMENT'S APPEAL AGAINST THE *GENERALITAT* BUDGETARY ACT FOR 2017

The Plenary Meeting of the Constitutional Court (TC) has unanimously granted leave to proceed to the unconstitutionality appeal brought by the President of the Government against sections one and two of the 40th Additional Provision of Catalanian Parliament Act 4/2017, of 28 March, on Budgets of the Catalanian *Generalitat* for the 2017 financial year. The appeal also covered the budgetary items entitled "*Electoral processes and popular consultations*" and "*Citizen participation processes*".

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 *Generalitat* of Catalonia, which have been granted a term of fifteen days in which to appear as party to the suit and present any pleadings deemed appropriate.

The Plenary Meeting has also decided to suspend the validity and application of the challenged precepts, as an automatic consequence of the Government upholding Art. 161.2 of the Spanish Constitution. Said provision provides as follows: "*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 decision was completed with a personal notification of the resolution delivered to the President of the *Generalitat*, the Vice-President and other Councillors, as well as the heads of the competent bodies in budgetary and economic matters of the Catalanian Government. Furthermore, they were advised of the liability they could incur if the decision was not followed

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

Madrid, 4 April 2017.