



CONSTITUTIONAL COURT OF SPAIN
Cabinet of the President
Press Office

INFORMATIVE NOTE No. 40/2017

THE CONSTITUTIONAL COURT GRANTS LEAVE TO PROCEED TO THE GOVERNMENT'S APPEAL AGAINST THE ENVIRONMENTAL EVALUATION ACT OF THE BALEARIC ISLANDS

The Plenary Meeting of the Constitutional Court has granted leave to proceed to the unconstitutionality appeal brought by the President of the Government against several provisions of Environmental Evaluation Act 12/2016, of 17 August, of the Balearic Islands.

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 Government and Parliament of the Balearic Islands, 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 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, 13 June 2017