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THE CONSTITUTIONAL COURT ADMITS THE GOVERNMENT'S APPEAL AGAINST THE REFORM OF THE REGULATION ON THE PARLIAMENT OF CATALONIA

The Plenary Session of the Constitutional Court has admitted, via a unanimous decision, the appeal on the grounds of unconstitutionality against the second section of article 135 of the Regulation on the Parliament of Catalonia, in the wording brought about via the partial reform passed by the Plenary of that Institution on 26 July.

The Court has resolved to serve notice of the appeal to the Chamber of Deputies and to the Senate, along with the Parliament and Regional Government of Catalonia, which are afforded fifteen days in which to appear as a party to the proceedings and make any representations they deem appropriate.

The Plenary session has also decided to suspend the validity and application of the challenged decision, as an automatic consequence of the Government invoking article 161.2 of the Constitution in its appeal. The aforementioned precept establishes the following: *“The Government may contest before the Constitutional Court the provisions and resolutions adopted by bodies of the Autonomous Regions. This challenge shall entail the suspension of the contested provision or resolution, but the Court must either ratify or lift the suspension, as the case may be, within a period of not more than five months”*. This suspension takes effect from the lodging of the appeal (28 July 2017), for the parties, and from publication in the Official State Gazette, for third parties.

The Court resolves that notification of the decision is to be served in person to the President of the Parliament of Catalonia and President of the Parliamentary Assembly of Catalonia Carme Forcadell i Lluís; to the First Vice-President, Lluís Guinó i Subirós; to the Second Vice-President, José María Espejo-Saavedra Conesa; to the First Secretary, Anna Simó i Castelló; to the Second Secretary, David Pérez Ibáñez; to the Third Secretary, Joan Josep Nuet i Pujals; to the Fourth Secretary, Ramona Barrufet i Santacana; to the General Secretary of the Parliament of Catalonia, Xavier Muro i Bas; and to the Senior Counsel of the Parliament of Catalonia, Antoni Bayona i Rocamora.

The Court advises all of them *“of the duty to prevent or halt any initiative that might entail the disregarding or circumventing of the ordered suspension”*. In particular, the judgment points out, they are advised of their duty to refrain from *“instigating, finalising, introducing into the order of the day of any body of the Parliament of Catalonia and, in general issuing any form of resolution that implies the processing of a proposal for a Law via the single-reading procedure in application of the challenged section two of article 135 of the Regulation on the Parliament of Catalonia , advising them of the possible responsibilities, including criminal responsibility, that they may incur in the event of failing to abide by this injunction”*.

The Plenary orders the content of its resolution to be published in the Official State Gazette and the Official Journal of the Regional Government of Catalonia; furthermore, the month of August is assigned for the processing of this appeal on the grounds of unconstitutionality.

The admission and interim suspension of this appeal on the grounds of unconstitutionality do not represent any form of advance decision on the merits of the appeal, which the Court will resolve shortly.

Madrid, 31 July 2017