



CONSTITUTIONAL COURT OF SPAIN
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THE CONSTITUTIONAL COURT DISMISSES THE APPEAL FOR REVIEW LODGED BY THE REGIONAL GOVERNMENT OF CATALONIA AGAINST THE INTERIM SUSPENSION OF THE REFORM OF THE REGULATION ON THE PARLIAMENT OF CATALONIA

The Plenary Session of the Constitutional Court, via a unanimous decision, has dismissed the appeal for review lodged by the Regional Government of Catalonia against the interim suspension of the partial reform of the Regulation on the Parliament of the aforementioned Autonomous Region (RPC). The interim suspension, ordered on 31 July, was an automatic consequence of the admission of the challenge to the indicated reform presented by the Government and the application of article 161.2 of the Constitution, invoked by the Executive in its appeal.

The Court explains that, in accordance with constitutional doctrine, appeals for review lodged against the admission of appeals on the grounds of unconstitutionality may only address procedural aspects and not questions of law, which can only be analysed in the judgment. Appeals for review against decisions admitting an appeal on the grounds of unconstitutionality may only be based “*on the absence of a requisite enabling the action to proceed*”, the ruling affirms, as these are the only aspects subject to review by this Court “*during the admission stage of an appeal on the grounds of unconstitutionality*”. Such appeals cannot be grounded on questions of law, as they do not fall within the bounds of the evaluation that this Court may carry out during the admission stage of proceedings grounded on unconstitutionality.

With regards to the appeal lodged by the Regional Government of Catalonia, the Plenary affirms that “*it does not query the existence of the necessary conditions for the action grounded on unconstitutionality to proceed, but rather, entering into an assessment of questions of law, which proves premature, it provides motives that cannot be evaluated at this point*”. As the Court reasoned in Constitutional Court Judgment 111/2014, of 26 July (legal ground 1c), “*seeking to have this examination of questions of law substituted by dismissal that closes down debate outright and draws a close to the proceedings, is, purely and simply, a failure to understand the nature of and legal system governing appeals on the grounds of unconstitutionality, which, in contrast to other constitutional proceedings, do not contemplate dismissal on the basis of a clear lack of grounds*”. In short, the ruling also points out that, in accordance with past jurisprudential doctrine (the content, amongst many others, of Constitutional Court Judgment 90/2017, of 5 June, 2nd legal ground), the review that may be carried out via an appeal on the grounds of unconstitutionality is abstract, juristic and objective, and excludes examination of intent, misuse of power, the abuse of process or a failure to act in good faith within the proceedings alleged by the appellants.

As a result, the appeal for review lodged by the Regional Government of Catalonia is dismissed.

Madrid, 16 August 2017