



CONSTITUTIONAL COURT OF SPAIN
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ACTING BY UNANIMITY, THE CONSTITUTIONAL COURT GRANTS LEAVE TO PROCEED TO THE APPEALS CONCERNING THE CALL AND PREPARATORY ARRANGEMENTS OF THE REFERENDUM, WHICH ARE PRECAUTIONARILY SUSPENDED

The Plenary Session of the Constitutional Court, by unanimity, has given the green light to the four appeals lodged today by the Government concerning the measures adopted by the Government of Catalonia and the Parliament of Catalonia in relation to the holding of a referendum of self-determination on October 1st. In particular, it has granted leave to proceed to:

1. The appeal on the basis of unconstitutionality against Law 19/2017 of the Parliament of Catalonia, on the referendum of self-determination.
2. The challenge against appeal against Resolution 807/XI of the Parliament of the Catalonia, whereby the members of the electoral institution are appointed.
3. The appeal against the Decree adopted by the Government of Catalonia, whereby the complementary norms for the holding of the referendum are approved.
4. The appeal against the Decree of the Government of Catalonia, on the call for holding the referendum on October 1st.

The Plenary Session has resolved to suspend all the challenged provisions as a result of the Government's invocation of article 161.2 of the Spanish Constitution.

The aforementioned constitutional provision establishes that: "*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.*".

In parallel, the Court has initiated enforcement proceedings, upon request of the State Attorney, **in relation to** the decision of the Board of the Parliament of Catalonia whereby **the proposition for a Law on legal transition and founding of the Republic is given way to proceed.**

Furthermore, the jurisdictional decrees adopted by the Plenary Session affirmed the following:

1) Appeal on the basis of unconstitutionality against Law 19/2017 of the Parliament of Catalonia, of September 6th, on the referendum of self-determination. In addition to the

precautionary suspension, the Plenary Session has resolved to transmit the appeal to the Congress of Deputies, to the Senate, to the Government of Catalonia and to the Parliament of Catalonia, which have a delay of 15 days within which they may submit their arguments.

Likewise, the Court has resolved **to notify in person** this jurisdictional decision to the President of the Government of Catalonia, to all the Members of the Cabinet, to the Secretary of the Government of Catalonia, to the President of the Parliament of Catalonia, to all the members of the Parliament of Catalonia, to the Chief of the Publications Department and to the Coordinator of publications production of the Edition Department of the Parliament of Catalonia.

The decision admonished them of their duty to *“prevent or stop any initiative which entails ignoring or circumventing the suspension that has been ordered”*. In particular, they are warned that they must refrain from *“initiating, proceeding with, informing about or issuing, in the realm of their competence, any decision or proceeding that allows the preparation and/or holding of the referendum on the self-determination of Catalonia regulated in the challenged Law at issue, and that they must refrain from providing the Electoral Institution of Catalonia or the regional electoral institution the material and personal resources that are necessary for them to exercise their functions”*. The latter is accompanied by the reminding of the **“eventual criminal consequences that any disobedience could entail”**.

The decision equally resolves to **notify personally** its content to the members (incumbent and deputies) of the electoral institution of Catalonia. They are all warned that they must *“prevent or stop any initiative which entails ignoring or circumventing the ordered suspension”*. In particular, they must refrain from *“proceeding to the appointment of the members of regional electoral institutions, from the creation of any register and/or file necessary to the holding of the referendum of self-determination, and of any act and/or activity in application of article 18 of Law 19/2017, as well as from initiating, proceeding with, informing about or adopting any decision in relation to the enforcement of the measures contained in the law of the referendum, and from promoting or developing any rule that may pursue that goal”*. They are likewise warned of the *“radical nullity”* of that kind of activity they may develop, as well as of the **“eventual responsibilities, including the criminal one, they might incur in case they disobeyed the Court’s order”**.

2) Challenge of the appointment of the members of the electoral institution of Catalonia by the Parliament of Catalonia. In addition to the precautionary suspension, the Court has transmitted the appeal to the Government of Catalonia in order for it provide, within a delay of 20 days, any documents or argument it wishes.

Moreover, the Court has resolved to **notify personally** this decision to the President of the Government of Catalonia, to all the Members of its Cabinet, to the Secretary of the Government of Catalonia, to the territorial delegates of the Government of Catalonia, to the Director of the Autonomous Entity of the Official Publications Gazette (EADOP), to the Deputy Director of the Official Gazette and of the Administration, of the EADOP, to the Deputy Director of Publications of the EADOP, to the Chief of Area of Official Publications of the EADOP, and to the managers of the provincial official gazettes.

The Plenary Session **admonished them of their duty** *“to prevent or stop any initiative that entails ignoring or circumventing the ordered suspension”*. In particular, it notes that they must refrain from *“initiating, proceeding with, informing about or adopting, in the realm of their*

*respective competence, any decision or activity that allows the preparation and/or holding of the referendum on the self-determination of Catalonia regulated in the Law at issue, and from providing the electoral institution of Catalonia or the regional electoral institutions with the material and human resources necessary to exercise their functions". It equally reminds them of "the **eventual responsibilities**, including criminal ones, they may incur if they do not obey this order".*

The Plenary Session has resolved to **notify personally** this decision to the President of the Parliament of Catalonia, to the members of the Board of the Parliament, to the General Secretary, to the main Lawyer, to the Chief of the Publications Department and to the Coordinator of publications production of the Edition Department of the Parliament of Catalonia.

All of them are **admonished of their duty** "*to prevent or stop any initiative that entails ignoring or circumventing the ordered suspension*". In particular, they must "*refrain from initiating, proceeding with, informing about or adopting, in the realm of their respective competence, any decision or activity that allows the preparation and/or holding of the referendum on the self-determination of Catalonia regulated in the Law at issue, and from providing the electoral institution of Catalonia with the material and human resources necessary to the exercise of its functions*". They are equally warned of "*the **eventual responsibilities**, including criminal ones, they might incur if they do not obey this order*".

3) Challenge of the Decree of the Government of Catalonia whereby it approves complementary rules for the holding of the referendum of self-determination. In addition to the precautionary suspension, the Court has submitted the appeal to the Government of Catalonia so that, within a delay of twenty days, it may take part in the proceedings and make the argument it wishes.

The Court also resolves to **notify personally** this decision to the President of the Government of Catalonia, to all the members of its Cabinet, to the Secretary of the Government of Catalonia, as well as to other 60 high-ranking official of the Government of Catalonia and to the Mayors of all the municipalities of Catalonia.

The Plenary Session **admonished them of their duty** "*to prevent or stop any initiative that entails ignoring or circumventing the ordered suspension*". In particular, they must refrain from "*initiating, proceeding with, informing about or adopting, in the realm of their respective competence, any decision or activity that allows the preparation and/or holding of the referendum on the self-determination of Catalonia regulated in the Decree at issue*". They are equally warned of the "***eventual responsibilities**, including criminal ones, they may incur if they do not obey this order*".

4) Challenge of the Decree calling the referendum of self-determination of Catalonia. In addition to the precautionary suspension, the Plenary Session has resolved to submit the appeal to the Government of Catalonia, which has a delay of twenty days in order to submit any document or make any argument it considers.

The Court has equally decided to **notify personally** this decision to the President of the Government of Catalonia, to all the members of its Cabinet and to its Secretary.

They have been **admonished of their duty** “*to prevent or stop any initiative which entails to ignore or circumvent the ordered suspension*”. In particular, they must refrain from “*initiating, proceeding with, informing about or adopting, in the realm of their competence, any decision or activity that might allow the preparation and/or holding of the referendum on the self-determination of Catalonia regulated in the Decree at issue*”. They are equally warned of the “eventual responsibilities, including criminal ones, they might incur if they do not obey this order”.

5) Besides, as to the enforcement proceedings concerning the parliamentary treatment by the Parliament of Catalonia of the project of a Law about legal transition, the Court resolves to accept the participation at the proceedings of the President of the Parliament of Catalonia, Carme Forcadell, to the sole effect of allowing her to defend her rights and legitimate interests, without prejudice to the participation of the Parliament of Catalonia through its legal services.

Madrid, 7 September 2017.