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### THE CONSTITUTIONAL COURT DISMISSES THE APPEAL BROUGHT BY THE PRESIDENT OF THE PARLIAMENT OF CATALONIA AND CONFIRMS THE OUTRIGHT REJECTION OF THE REQUEST TO DISQUALIFY ALL THE MAGISTRATES

The Plenary Session of the Constitutional Court has dismissed the so-called plea appeal brought by the President of the Parliament of Catalonia, Carme Forcadell, and restates its decision not to grant leave to proceed to the request she made in order to disqualify all the Magistrates of said judicial body. The Court specifies that there is no further appeal against that decision. In addition, it points out that neither of the arguments that the plaintiff has now put forward lead to the reconsideration of the initial decision to refuse grant to proceed to a disqualification request whose approach and arguments “*lacked all kind of legal relief*”, making it “*unworthy of a substantive decision*”.

The Court dismisses the argument on which the appeal is based, consisting on the claim that the reform of the Organic Law of the Constitutional Court (LOTC) passed in 2015 has changed the nature of the constitutional jurisdiction. Concerning that point, the Plenary Session reminds that Judgement 185/2016 of the Court, of November 3<sup>rd</sup>, declared the conformity to the Constitution of said reform. That Judgement affirmed that the Constitutional Court has been designed “*as a jurisdictional body proper, to which the exercise of constitutional jurisdiction has been conferred exclusively*”, so much so that it also wields the power to make sure that its decisions are enforced. According to the Court, “*if that was not the case, the Court, only body of its [judicial] order, would lack of the essential features of the exercise of the jurisdictional function, and thus [it would be deprived of] the necessary power to guarantee the supremacy of the Constitution*”.

The Court holds that the interpretation of its enforcement proceedings provided by the appeal is equally groundless. According to the appellant, those proceedings (established in article 92 LOTC) would be divided into two phases. Such interpretation is, according to the Court’s decision at issue, “*fully divergent*” from the interpretation that said Judgement 185/2016 gave to article 92 LOTC. It was pointed out already at the time that, in the wording of the provision currently in force, that provision ascribes to the Court “*purely jurisdictional powers aimed at securing the enforcement of the decisions adopted in a previous constitutional process, without such power implying any kind of punishing or disciplinary faculty*”. “*When exercising such powers through enforcement proceedings*”, it is then concluded, “*the Court does no more than fulfilling to the fullest extent the jurisdictional function of which it has been entrusted*”.

The Plenary Session has also dismissed the claim that said refusal to uphold the disqualification request might have breached the appellant’s right to a judge predetermined by law.

Madrid, 13 September 2017