



CONSTITUTIONAL COURT OF SPAIN  
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### THE CONSTITUTIONAL COURT OF SPAIN, BY UNANIMITY, GRANTS LEAVE TO PROCEED TO THE SOCIALIST PARTY'S APPEAL FOR CONSTITUTIONAL PROTECTION AGAINST THE POSTPONEMENT OF THE INVESTITURE SESSION OF THE PRESIDENT OF THE GOVERNMENT OF CATALONIA

The Plenary Assembly of the Constitutional Court has unanimously resolved to grant leave to proceed to the appeal for constitutional protection ("*recurso de amparo*") brought by the Party of the Socialists of Catalonia (PSC) against the decision taken on January 30<sup>th</sup>, by the President of the Parliament of Catalonia, Roger Torrent. The latter had decided to postpone the Plenary Session in which the debate on the investiture of the President of the Government of Catalonia must have taken place.

The Court considered that the action complied with the legal requirement of special constitutional relevance for two reasons: first, that it "*raised a problem or affected an aspect of a fundamental right on which there is no doctrine issued by this Court*"; second, that "*the question raised transcended the specific case because it could potentially have general political consequences*".

In its request, PSC maintained that the undated postponement of the investiture affected the legislative initiative of the members of the Parliament of Catalonia and their role of control over the executive branch, which constituted essential elements of the fundamental right of the members to "*exercise their public office and functions in on an equal footing, without unlawful disturbances*", as established in Article 23(2) of the Spanish Constitution (CE). It also denounced the fact that, indirectly, the right of citizens to elect their political representatives would also have been affected (Article 23(1) CE), since it would have become void if members of Catalanian parliament were prevented from carrying out their duties with all the necessary guarantees.

Lastly, the Plenary considered that there was no need to rule on the precautionary measures requested by appellant for constitutional protection.

Madrid, 6 March 2018.