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THE CONSTITUTIONAL COURT ADMITS TO PROCESS, BY UNANIMITY, THE GOVERNMENT'S APPEAL CONCERNING THE NOMINATION OF CARLES PUIGDEMONT AS CANDIDATE FOR THE PRESIDENCY OF THE “GENERALITAT”

The Plenary Session of the Constitutional Court has issued an order in which it has resolved, by unanimity, to grant leave to proceed to the appeal lodged by the central Government against the resolution of the President of the Parliament of Catalonia proposing the investiture of Carles Puigdemont as candidate for the presidency of said Regional Government (as published in the Official Gazette of the Parliament on 23 January 2018). Likewise, it has also admitted the appeal against the resolution calling for a plenary session to be held on 30 January 2018 at 3 p.m. The Government's appeal invokes Article 161(2) of the Spanish Constitution [CE] and Article 77(2) of the Constitutional Court's Organic Law (LOTC) for the purposes of triggering the suspension of the contested provision.

The Court, after hearing the parties, considered that, even if the President of the Parliament of Catalonia were to cancel the proposal of Puigdemont as a candidate for said investiture and to appoint a new candidate, the appeal lodged by the Government raised questions of general interest which would justify to declare that the constitutional process had not yet expired.

The Court has observed that the initial doubts that may have existed around the procedural viability of the appeal - doubts which were essentially based on its potential precautionary nature - were objectively cleared by the decision of the President of the Chamber. Indeed, he resolved to postpone the investiture session until the Court had ruled on the admissibility of the appeal. According to the Court's judgement, this decision emphasised that the candidate's proposal for the contested investiture might not be compatible with the precautionary measures adopted in a previous Judgment (ATC 5/2018).

Once the precautionary nature of the appeal had been ruled out and the remaining procedural requirements had been met, the Court, as stated earlier, decided grant leave to proceed to the appeal.

In particular, the Plenary RESOLVES:

1. To admit the appeal filed by the central Government against the resolution of the President of the Parliament of Catalonia, dated January 27th 2018, proposing the investiture of Carles Puigdemont as a candidate for the presidency of the *Generalitat*.
2. To grant a period of twenty days to the Parliament of Catalonia, through its President, as well as all other parties, in order for them to submit the arguments they deem appropriate.
3. To consider the central Government's invocation of article 161.2 of the Constitution. Consequently, as provided in the article mentioned and in accordance with article 77 of the LOTC, to determine the suspension of the contested resolutions as of January 26th 2018 (the date on which the challenge was filed).

4. To annul and declare void any act, resolution, or agreement that contravenes the suspension resolved by this resolution, including those acts aiming at the confirmation or reproduction of any of the suspended acts.
5. To personally notify the President of the Parliament of Catalonia, Mr Roger Torrent i Ramió and the Members of the Regional Bureau of this resolution: Mr Josep Costa i Rosselló, Mr José María Espejo-Saavedra Conesa, Mr Eusebi Campdepadrós i Pucurull, Mr David Pérez Ibáñez, Mr Joan García González and Ms Alba Vergés i Bosch.
6. To warn all of them about their duty to prevent or impede any initiative that involves ignoring or circumventing the suspension. In particular, they must refrain from initiating, processing, informing or issuing, within the scope of their respective competences, any agreement or action that contravenes the aforementioned suspension, admonishing them of these responsibilities, including criminal liability that they may incur if they fail to comply with this requirement.
7. In accordance with Article 87.2 LOTC, to request legal co-operation and assistance of the High Court of Justice of Catalonia in order to carry out the notifications, injunctions and warnings that have been issued.
8. To declare that this order is immediately enforceable as from its publication.

In any event, it is recalled that the said leave to proceed granted by the Constitutional Court fulfils the procedural step necessary to examine the merits of the case, without anticipating the Court's final decision.

Madrid, 26 April 2018