



PRESS RELEASE No. 45/2018

THE CONSTITUTIONAL COURT HAS, BY UNANIMITY AND UPON REQUEST OF THE CENTRAL GOVERNMENT, SUSPENDED THE CATALAN LAW ALLOWING THE REMOTE INVESTITURE OF THE PRESIDENT OF THE GOVERNMENT OF CATALONIA

The Plenary Session of the Constitutional Court has resolved, by unanimity, to grant leave to proceed to the action of unconstitutionality lodged by the Central Government against Catalan Law 2/2018, dated May 8th. This Law modified Law 13/2008, on the Government and its Presidency, and intended to allow the remote investiture of the president of the Government of Catalonia. The admission of the appeal means, by virtue of article 161.2 of the Spanish Constitution invoked by the Government of Spain, that the Catalan law is automatically suspended.

Thus, the Court has also suspended the applicability of paragraphs 3, 4, 5 and 6 of article 35 of the aforementioned Law. These provisions would allow the Government of Catalonia as well as other collegial bodies to call and hold sessions, adopt decisions and submit documents not only in an ordinary manner but also remotely, i.e. by using electronic means.

The operative part of the jurisdictional decree ("*providencia*") rendered by the Court reads as follows:

"The Court has resolved:

- *To grant leave to proceed to the action of unconstitutionality brought by the President of the Government.*
- *To communicate the appeal and the relevant documents to the Congress of Deputies, to the Senate and to the Government as well as to the Parliament of Catalonia, so that they may join the proceedings as parties and submit their arguments within a period of 15 days.*
- *In order to prevent any conflict in the defence of the interests of the State and the Autonomous Community of Catalonia, to suspend the period granted to the Government of Catalonia to participate as a party and to submit its arguments.*
- *To consider the invocation of article 161.1 of the Constitution and, thereby, to conclude that the challenged provisions are suspended as of the lodging of the appeal number 2533/2018 concerning the parties, and as of its publication in the Official State Gazette concerning third parties.*
- *To notify personally this decision to the President of the Parliament of Catalonia, sir Roger Torrent I Ramió, and to the members of its Bureau: sir Josep Costa i*

Rosselló, sir José María Espejo-Saavedra Conesa, sir Eusebi Campdepadrós I Pucurrull, sir David Pérez Ibáñez, sir Joan García González and madame Alba Vergés i Bosch. Likewise, this decision shall also be personally notified to the Secretary General, sir Xavier Muro i Bas, and to the Chief Lawyer, sir Antoni Bayona i Rocamora.

- *To admonish all of the aforementioned persons of their duty to prevent or stop any initiative leading to the infringement or circumvention of the resolved suspension.*
- *To seek the jurisdictional assistance of the High Court of Justice of Catalonia in order to carry out the notifications, injunctions and warnings adopted.*
- *To publish the content of this decision in the Official State Gazette and in the Official Gazette of the Government of Catalonia”.*

Madrid, 9 May 2018