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THE PLENARY SESSION OF THE CONSTITUTIONAL COURT CALLS ON THE GOVERNMENT OF CATALONIA TO SUBMIT ITS ARGUMENTS IN SEVERAL PENDING APPEALS OF UNCONSTITUTIONALITY STALLED DUE TO THE ENFORCEMENT OF ARTICLE 155 OF THE CONSTITUTION

The Plenary Session of the Constitutional Court has, by unanimity, resolved to adopt several jurisdictional decrees (*“providencias”*) whereby it calls on the Government of Catalonia to join several proceedings as a party and to submit its legal arguments within a period of 15 days. This request concerns several actions of unconstitutionality brought by the Government of Spain against Catalan laws. The jurisdictional processing of these cases had been stalled due to the application of article 155 of the Constitution.

The Magistrates consider that, following the formation of a new Government in Catalonia, Royal Decree 944/2017, dated October 27th, is no longer in force. This Royal Decree had set up several organs and authorities charged with the duty to implement and ensure compliance with the measures concerning the Government and the administration of Catalonia, in application of article 155 of the Constitution.

Thus, the jurisdictional decrees concern the following cases:

1. Actions of unconstitutionality lodged by the President of the Government of Spain against the following laws:

- Several provisions of Catalan Law 10/2017, dated June 27th, on digital testament and the modification of the Second and the Fourth Book of the Civil Code of Catalonia.
- Several provisions of Catalan Law 4/2016, dated December 23rd, on protection measures concerning the right to the housing of people in danger of social exclusion.
- Catalan Law 21/2017, dated September 20th, on the Catalan Agency for Social Protection.
- Catalan Law 13/2017, dated July 6th, on associations of cannabis consumers.
- Catalan Law 15/2017, dated July 25^h, on the Cybersecurity Agency of Catalonia.
- Several provisions of Catalan Law 18/2017, dated August 1st, on business, services and trade fairs.
- Article 1 of Catalan Decree-Law 5/2017, dated August 1st, on urgent measures for the organisation of transport services in vehicles with up to nine people.

- Articles 4.1, 51 to 68 and paragraph a) of the seventh final provision of Catalan Law 5/2017, dated March 28th, on fiscal and administrative measures concerning the public sector and on the creation and regulation of taxes on large commercial establishments, tourism facilities, radiotoxic elements, bottled sweet beverages and carbon dioxide emissions.
- Articles 1, 2 (paragraphs 2 and 3), 3, 4, 5, additional provisions 2, 3, 4 and 7, and against the first final provision of Catalan Law 9/2017, dated June 27th, on the Universalisation of Healthcare covered by public funds through the Catalan Health Service.
- Catalan Law 2/2018, dated May 8th, modifying Catalan Law 13/2008, dated November 5th, on the Government and its Presidency, concerning the following provisions: article 1, which introduces paragraph 3 of article 4 of Law 13/2008; article 2, in its entirety, which adds new paragraphs to article 35 of Law 13/2008 and the additional provision in its entirety.

2. Actions of unconstitutionality brought by the Parliament of Catalonia and by more than 50 MPs of the Confederal Parliamentary Group “Unidos Podemos-En Comú Podem-En Marea” against:

- The Resolution of the Plenary Session of the Senate, dated October 27th 2017, whereby it authorizes the Government of Spain to enforce several measures to the Government of Catalonia in accordance with article 155 of the Constitution.

3. Question of unconstitutionality brought by the Ninth Section of the Provincial Court of Barcelona concerning:

- The third additional disposition of Catalan Law 12/1987, dated May 28th, on the regulation of road transport by motor vehicles, introduced by article 147 of Catalan Law 9/2011, dated December 29th, on the promotion of economic activity, due to an eventual infringement of articles 25, 149.1 (6) and 149.1 (29) of the Constitution.

Madrid, 5 June 2018