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THE CONSTITUTIONAL COURT DECLARES THE SUPERVENING LACK OF OBJECT OF THE REQUEST TO SUSPEND THE RESOLUTION DATED 22 JANUARY 2018, WHICH PROPOSED TO INVEST PUIGDEMONT AS PRESIDENT OF CATALONIA

The Plenary Session of the Constitutional Court has issued an order by which it declares the supervening loss of the subject matter regarding the dispute to maintain or repeal the resolution of the President of the Parliament of Catalonia, dated January 22nd 2018. This resolution was directed to appoint Carles Puigdemont as President of the said Autonomous Community. In this ruling, the Court considers that *“the current concurring circumstances have led the challenged decisions in this constitutional process to become ineffective. Therefore, they are unenforceable”*.

The Court has resolved to address this case because the five months deadline set by Article 161.2 of the Spanish Constitution was close to come to an end. This period was provided to the Court to rule on the automatic suspension of the contested decision following the admission to process this action of unconstitutionality. Both the State Attorney and the Parliament's Head Counsel were given a period of five days to submit their arguments on the maintenance or the withdrawal of the said suspension. The central Government's position on this matter was to support the maintenance of the suspension. In the same vein, it also alleged that this process appeared to have a connection with the appeal of unconstitutionality against Law 2/2018, dated May 8th, of the Presidency of the Generalitat, which sought to remotely invest a candidate as President of the Catalan Autonomous Community.

Magistrate Juan Antonio Xiol Ríos was the rapporteur of this jurisdictional order. The Court recalled that the President of the Regional Parliament had rendered a decision on March 5th where he proposed to appoint M. Jordi Sánchez i Picanyol as a candidate for this office. As a consequence, such decision had deprived of its effects the resolution adopted on January 22nd. In addition, M. Joaquim Torra has been appointed President of the Generalitat through Royal Decree 291/2018, dated May 15th.

In the view of the Court, *“such facts prevent [the Constitutional Court] from ruling on the withdrawal or the maintenance of the suspension of the contested decisions, since that decision may only be applicable to resolutions or provisions which are likely to produce legal effects”*.

The Court decision observes that *‘the loss of object of the request to withdraw the suspension and the precautionary measure does not render devoid of purpose the government's substantive legal action regarding the contested decisions’*. Moreover, it has been recalled in Jurisdictional Order 49/2018, dated April 29^h, that this constitutional process *“raises issues of general interest which justify not to consider the dispute extinguished so that the Court may resolve to consider them when it delivers its ruling on the constitutional process”*.

Madrid, 22 June 2018