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THE CONSTITUTIONAL COURT DECLARES EXTINGUISHED THE GOVERNMENT'S APPEAL OF UNCONSTITUTIONALITY AGAINST VALENCIAN LAW 3/2017, TO REDUCE ENERGY POVERTY, DUE TO A SUPERVENING LACK OF CAUSE OF ACTION

The Plenary Session of the Constitutional Court has issued an order declaring extinguished the appeal of unconstitutionality brought by the Government against Article 3 of Valencian Law 3/2017, dated February 3rd, to reduce energy poverty in the Valencian Community based on "*supervening lack of cause of the legal proceedings*".

The Court considers that the jurisdictional issue raised in this appeal no longer exists. Indeed, Law 19/2017 on the Valencian Inclusion Income – dated December 20th – entered into force on April 22nd 2018. It justifies its decision observing that the said regulation now abrogates, among other provisions, Article 3 of Law 3/2017 by opting for a different system to protect vulnerable consumers.

The Government's appeal of unconstitutionality was initially based on the fact that Law 3/2017 invaded the competences of the State (art. 149.1 paragraphs 13 and 25) by regulating a situation in which electricity and gas suppliers would not be entitled to interrupt the energy supply of certain consumers who did not pay their bills, until their situation could not be assessed by the appropriate social services when the said amounts had to be assumed by the State Administration.

The Valencian Law 19/2017, on Inclusion Income, has opted for a system which is described in its preamble as "*a new paradigm*" and which consists in defining "*a new basic and subjective right of citizenship, which guarantees both a minimum economic amount together with the implementation of technological, technical and professional services that are in line with the right to social inclusion by accompanying people who need it (...)*".

The ruling of the Court was drafted by Magistrate Alfredo Montoya Melgar, who acted as Rapporteur. It concludes that following the enactment of this Law by the Valencian Community, the new regulation "*opts for a different system in which the protection of vulnerable consumers goes directly through economic benefits paid to them, which leads to the extinction of the jurisdiction issue in the terms in which it was originally raised*".

Madrid, 13 September 2018