



## PRESS RELEASE No. 86/2018

### THE CONSTITUTIONAL COURT LIFTS THE SUSPENSIVE VETO ON THE PARLIAMENTARY PROCESSING OF THE LAW PROPOSAL ON THE DISMANTLING OF NUCLEAR POWER PLANTS, BROUGHT BY UNIDOS PODEMOS

The Second Chamber of the Constitutional Court has resolved to uphold the appeal for constitutional protection (*“recurso de amparo”*) brought by the Confederal Parliamentary Group *Unidos Podemos – En Comú Podem – En Marea* of the Congress of Deputies. This appeal had been filed against two Resolutions of the Bureau of Congress, dated April 28<sup>th</sup> and June 6<sup>th</sup> 2017, whereby the Bureau rejected a motion at a the Plenary Session of Congress to debate a law proposal on the dismantling of nuclear power plants.

The judgement of the Court declares that the right to the exercise of a parliamentary office (article 23.2 of the Spanish Constitution [CE]) has been breached in this case. That right is, in turn, connected to the right of citizens to participate in public affairs through their representatives (article 23.1 CE). In addition, the Court has declared the invalidity of the aforementioned resolutions, and has ordered to resume the parliamentary proceedings *“at the moment immediately preceding the resolution of the Bureau, so that this body adopts a new decision regarding the law proposal brought by the Confederal Parliamentary Group Unidos Podemos”*, which will have to comply with the said rights to political participation.

The appellants had argued that the challenged Resolutions had unduly extended the temporary prerogative held by the Government to veto a law proposal beyond the current budget limit by extending it to subsequent years. In order to do so, the Bureau had alleged the so-called *“multiannual budgetary scenarios”*, which lacked the necessary and autonomous justification required to exert the Bureau’s prerogative of control over the Government’s veto powers.

The judgement has been drafted by Magistrate Antonio Narváez. In substance, he explained that the challenged resolutions have breached the appellant’s right to political participation because *“the application of the Government’s veto power has been grounded on an argument that runs counter to the purpose and the scope of article 134.6 of the Constitution”*. The judgement adds that this consideration is based on the fact that *“the underlying cause that justified the use of that prerogative (the increase of expenditures and the reduction of revenues) was extended to multiannual budgetary scenarios”*.

The Second Chamber of the Court further points out that *“the veto power may only concern expenditure items and estimates of revenue that have been previously approved by the Parliament in the annual State’s budgetary law, and which refer to a budget that is in force or whose validity has been extended”*.

As a result, the Court considered that the Resolutions of the Bureau of the Congress of Deputies have breached the *ius officium* of the spokesperson of the Parliamentary Group Unidos Podemos.

Madrid, 25 September 2018