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THE PLENARY OF THE CONSTITUTIONAL COURT DECLARES THE TERMINATION OF THE LEGAL ACTION, DUE TO THE SUPERVENING LACK OF OBJECT, OF THE AMPARO APPEAL BROUGHT BY PSC AGAINST THE DECISION OF THE PRESIDENT OF THE PARLIAMENT OF CATALONIA TO POSTPONE SINE DIE THE INVESTITURE OF PUIGDEMONT

The Plenary Session of the Constitutional Court has unanimously resolved to declare the termination of the proceedings, due to the supervening lack of object, started with the appeal for constitutional protection (*“recurso de amparo”*) brought by the *Socialist Parliamentary Group – Unidos por Avanzar* at the Parliament of Catalonia. The appellants challenged the decision adopted by the President of that Parliament, dated January 30th 2018, to postpone *sine die* the session of the Plenary scheduled for the debate on the investiture of the candidate to the presidency of the Government of Catalonia, Carles Puigdemont.

The MPs that contested that decision considered that it violated their right to hold public office (article 23.2 of the Spanish Constitution [CE]) as well as the rights of citizens to participate in public affairs through their representatives (23.1 CE).

The judgement of the Court, which was drafted by Magistrate Fernando Valdés Dal-Ré, considers that the challenged resolution *“automatically lost any effect at the very moment when the President of the Parliament, through a decision adopted on March 5th 2018, proposed a new candidate to the presidency: Jordi Sánchez i Picanyol and, correlatively, scheduled a new call for a session of investiture on March 12th”*. Therefore, that second resolution *“substantially modified the core of the dispute, since it unblocked the situation of institutional paralysis that is denounced by the plaintiffs”*.

Indeed, the investiture session concerning Jordi Sánchez did not even take place. Instead, the President of the Parliament of Catalonia nominated a new candidate, Jordi Turull i Negre who neither obtained the majority of votes that was necessary for his election. Finally, the Joaquim Torra i Pla was proposed as candidate.

The judgement concludes that this event *“led to the disappearance of the eventual limitation of the parliamentary prerogatives [of the appellants] and, thereby, the parliamentary act that was challenged through this appeal lost all legal effect”*.

Madrid, 16 April 2019