



**PRESS RELEASE NO. 19/2020**

**THE PLENARY OF THE CONSTITUTIONAL COURT UNANIMOUSLY UPHOLDS THE ENFORCEMENT PROCEEDINGS AND WITHDRAWS TESTIMONY TO THE PUBLIC PROSECUTOR TO INVESTIGATE IF CRIMINAL ACTIONS MAY BE INITIATED AGAINST MEMBERS OF THE CATALONIAN PARLIAMENT FOR PROCESSING A RESOLUTION THAT INSISTED ON SELF-DETERMINATION**

The Plenary of the Constitutional Court has unanimously sustained the enforcement proceedings of the judgment STC 259/2015, filed by the Government against the agreements of the Bureau of the Catalan Parliament of 22 and 29 October 2019, respectively. Also, it has withdrawn the testimony from individuals to the Public Prosecutor's Office to verify the possible criminal liability of the President of the Parliament of Catalonia, Roger Torrent i Ramió, the First Vice-president of the Parliament's Bureau, Josep Costa i Rosselló and the First Secretary of the Bureau, Eusebi Campdepadrós i Pucurull, for failing to comply with the mandate of the first paragraph of article 87.1 of the Organic Law of the Constitutional Court.

The enforcement proceedings were filed against the agreements of the Parliamentary Bureau of 22 and 29 October 2019. In the first agreement, the Bureau accepted to discuss and approve at the plenary session the proposal for resolution in response to the Supreme Court's judgment on the events of 1 October. At the final sentence of paragraph 11, the Proposal indicated. “[...] *Therefore, the Parliament of Catalonia reiterates and will reiterate as many times as the deputies wish (...) the defence of the right to self-determination and the claim of the sovereignty of the People of Catalonia to decide their political future*”. In the second agreement, the Bureau rejected the requests for reconsideration made against the previous agreement by the parliamentary groups Socialistes i Units per Avançar (PSC-Units) and Ciutadans (C's) and the subgroup Partido Popular (PPC).

The order, whose rapporteur was Andrés Ollero, states that *“it is clear that the Bureau of the Parliament of Catalonia was aware that the admission of the proposal for resolution, in the final sentence of its paragraph 11, involved the non-compliance with the decisions of this Court in judgment STC 259/2015 and in the orders of 10 and 16 October 2019”*. In addition, the Secretary General and the Senior Counsel of the Chamber warned the Bureau of this non-compliance.

The Court explains that the proposal for resolution not only causes political but also legal effects, thus reiterating the intention of the autonomous chamber to defend the so-called “right to self-determination” as an instrument to access “*the sovereignty of the people of Catalonia*”. This goes against the Constitution and the Statute of Autonomy of Catalonia, as declared by this Court in judgment STC 259/2015. This way, the Parliament of Catalonia insists on its anti-legal desire to continue the secessionist process in Catalonia, outside the constitutional order and without subjecting to the decisions of the institutions of the Spanish State, and in particular to those of the Constitutional Court.

In this sense, the order stresses that “*the Bureau of the Parliament of Catalonia has once again disregarded the warnings of this Court, which were reiterated again in the orders of 10 and 16 October 2019, concerning its duty to prevent or paralyse any initiative that involves the unilateral alteration of the constitutional framework or the non-compliance with the decisions of this Court. The Bureau did so when it admitted the proposal for resolution ‘in response to the Supreme Court’s judgment on the events of 1 October’, in the final sentence of paragraph 11*”.

The Court concludes by stating that “*it is not within the jurisdiction of this Court to decide whether the conduct of the President of the Parliament of Catalonia and the members of the aforementioned Bureau (the First Vice-President and the First Secretary) constitutes a criminal offence, but it is competent to verify that that the circumstances referred to constitute a sufficient set of circumstances to be transferred to the Public Prosecutor’s Office so that it may promote the exercise of criminal actions if it deems it appropriate*”.

Madrid, 31 January 2020