



CONSTITUTIONAL COURT OF SPAIN
Office of the President
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THE PLENARY OF THE CONSTITUTIONAL COURT UNANIMOUSLY UPHOLDS THE ENFORCEMENT PROCEEDINGS OF ITS JUDGMENT STC 98/2019 AND DECLARES THE AGREEMENTS OF THE BUREAU OF THE CATALONIAN PARLIAMENT TO DISAPPROVE AGAIN KING FELIPE VI NULL AND VOID

The Plenary of the Constitutional Court has unanimously upheld the enforcement proceedings of judgment 98/2019 presented by the Government against the agreements of the Bureau of the Parliament of Catalonia of 22 and 29 October 2019. The agreement of 22 October qualified and admitted, for its discussion and approval by the plenary, the “Proposal for resolution in response to the Supreme Court’s judgment regarding the events of 1 October”. On the other hand, the agreement of 29 October 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 Judge Antonio Narváez, explains that the challenged passage of the proposal for resolution reproduces again, by using the same term of “disapproval”, an institutional pronouncement of the Parliament of Catalonia that this Court has declared unconstitutional and void.

Therefore, the admitted proposal disregards once again what was decided by this Court in its judgment STC 98/2019, as well as in the order of 10 October 2019, which suspended the paragraphs of Resolution 534/XII that reiterated the King’s disapproval. Also, the Court warned the President, the members of the Bureau and the Secretary General and reminded them of their obligation to refrain from carrying out any actions to comply with such paragraphs, as well as of their duty to prevent or paralyse any legal or material initiative that directly or indirectly involves ignoring or evading the aforementioned constitutional jurisprudence.

In short, the order states that *“the Bureau of the Parliament of Catalonia admitted the proposal for resolution filed by the parliamentary groups ERC and JxCat and the subgroup CUP-CC, with the content expressed above, even if they knew that there were previous resolutions of the Constitutional Court that prevented it from being admitted because it was a reiteration of resolutions 92/XII, which had already been annulled by STC 98/2019”*.

The Court considers that, in the exercise of this power, the Bureau of the Parliament of Catalonia was obliged to reject the proposed decision with regard to the challenged section 11, in accordance with our reiterated doctrine expressed above. Its admission to achieve its substantiation by the plenary of the Chamber entailed a manifest breach of the Bureau's duty to respect what had been agreed by this Court (arts. 9.1 of the Spanish Constitution and 87.1 of the Organic law of the Constitutional Court) in judgment STC 98/2019 and in the order of 10 October 2019. Also, it violates the *ius in officium* (art. 23 of the Spanish Constitution) of the members of that Chamber. 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