



MEMORANDUM #6

COURT RULING AND CONGRESSIONAL DEBATE IN MADRID

It came as no surprise when, on 25 March, the Spanish Constitutional Court ruled against the Declaration of Sovereignty which the Catalan Parliament issued in January 2013, on the grounds that it violated Article 2 of the Spanish Constitution – though it is peculiar that a Constitutional Court should take the time to deliberate on a political resolution with no legal effects approved by a Parliament. In fact, it was the first time that the Spanish Constitutional Court had ever considered such a case.

The decision was expected because the membership of the Constitutional Court is known to be unsympathetic to Catalan independence. **What is interesting, however, is that the Constitutional Court did allow the right to decide and the possibility for Catalonia to hold its own consultation, provided it is not unilateral with respect to sovereignty.**

The next important step towards Catalonia's self-determination is on 8 April, when the Spanish Congress will debate the motion submitted by the Parliament of Catalonia to agree to transfer the necessary powers to the Catalan Government through Article 150.2 of the Spanish Constitution, so that a referendum can be held under Spanish law.

There is no legal reason not to authorise a popular vote on Catalonia's future. The Catalan institutions offer this opportunity to their Spanish counterparts to discuss organising this referendum on the future of Catalonia with us.

However, the PP, which has an overall majority in the Congress, opposes Catalonia's right to self-determination, and, while still in opposition in 2006, referred the Catalan Statute of Autonomy to the Constitutional Court. This led to much of it being overturned – even though the Statute had been amended by the Spanish Parliament, approved by that body as well as the Catalan Parliament, and finally approved in a referendum by the people of Catalonia – a ruling which triggered an explosion of support for independence in Catalonia. It is therefore unlikely that the Congress will approve the Catalan Parliament's request.

Even if the Spanish Congress rejects the Catalan Parliament's request on 8 April, the plebiscite will still be held on 9 November 2014. **Article 122 of the Catalan Statute of Autonomy allows Catalan institutions by themselves to call a non-binding popular consultation. A new law to give this effect is currently under consideration by the Catalan Parliament.**

Secretariat of Foreign and European Union Affairs
Government of Catalonia

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