

**Question for written answer E-005994/2020
to the Commission**

Rule 138

Izaskun Bilbao Barandica (Renew)

Subject: 2020 Rule of law report and reform of the Constitutional Court in Spain

In the Commission's first rule of law report, the chapter on Spain describes the role of its Constitutional Court, but fails to mention the reform which gave it what the legislator referred to as 'a body of powers to ensure that its decisions are effectively enforced'. The Court itself dismissed two appeals against the reform, insisting that it did not allow it to supervise 'the legislator's intention, political strategy or proposals'. All the same, the fact is that this 'body' has proposed that orders, rather than judgments, apply to preventive suspensions of agreements that have not been adopted (monitoring intentions, political strategy or proposals). This has led to criminal charges being brought against elected officials for carrying out strictly parliamentary activities, *de facto* abolishing parliamentary immunity. It has confirmed the fears of the Venice Commission which, despite validating the reform in the absence of European standards in this field, expressed concerns about penalty payments and suspensions of those who do not comply with the Court's decision. In addition, the Court never assessed whether orders, rather than final judgments, were insufficient as a trigger for the 'body of powers'.

1. Does the Commission believe that this shows this to be an issue which should be addressed in the next report?
2. Does the Commission believe that applying the law in the way described above impacts the separation of powers?