

**Question for written answer E-003290/2023/rev.1
to the Commission**

Rule 138

Maite Pagazaurtundúa (Renew), **Adrián Vázquez Lázara** (Renew), **María Soraya Rodríguez Ramos** (Renew), **José Ramón Bauzá Díaz** (Renew), **Jordi Cañas** (Renew), **Susana Solís Pérez** (Renew), **Eva María Poptcheva** (Renew)

Subject: EU intervention to prevent a fraudulent change to Spain's constitutional order

On 6 November 2023, Manuel García Castellón, a judge in the Central Criminal Court of the National High Court, said that he would investigate former Catalan President Carles Puigdemont, the head of Esquerra Republicana (ERC), Marta Rovira, and several former senior officials of the Catalan Government on alleged terrorism charges based on their leadership of, and participation in, the Tsunami Democràtic platform. He stated that the aim of the platform was to 'subvert the constitutional order, economically and politically destabilise the state, and seriously disrupt public order through mass social mobilisation'.

In view of the unprecedented statement by the General Council of the Judiciary regarding a possible amnesty law in Spain negotiated with the fugitive Puigdemont in relation to specific events and actors¹:

1. When do the European Commission intend to take action under Articles 2 and 19 of the Treaty on European Union in order to prevent a fraudulent change to the constitutional order and de facto delegitimisation of the judiciary?
2. Does the Commission intend to enforce Directive (EU) 2017/541 on combating terrorism and the UN Security Council mandate to prosecute extremely serious acts and acts of a terrorist nature?

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¹ <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/En-Portada/Declaracion-institucional-del-Pleno-del-CGPJ-6-noviembre-de-2023->