

ORAL QUESTION H-0001/04
for Question Time at the part-session in February 2004
pursuant to Rule 43 of the Rules of Procedure
by Josu Ortuondo Larrea
to the Council

Subject: Is the Spanish Government in breach of Article 6(1) of the EU Treaty?

Over a hundred lecturers and professors of criminal law at public universities from all over Spain have published a manifesto in which they harshly criticise the 'lamentable and continuing spectacle' of the criminal law reforms promoted by the Aznar Government in 2003.

The publication condemns the latest amendment to the Criminal Code, which is intended to prevent the President of the Basque Government holding a referendum of the Basque people, and to cast him into prison if he does so. Similarly, it warns that the Spanish Government's policy of 'exacerbating the repression' in legal matters could result in the 'collapse of the rule of law, leaving nothing but barbarism'.

Is the Council fully aware of this situation? Article 7(1) of the EU Treaty states that 'the Council... may determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1), and address appropriate recommendations to that State.' Does the Council not feel that it has a moral, political and legal duty to check whether the points which have been raised are valid and, if needs be, to adopt the appropriate recommendations and measures?

Tabled: 05.01.2004
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