



## PARLAMENT DE CATALUNYA

### RESOLUTION 1/XI OF THE PARLIAMENT OF CATALONIA, ON THE START OF THE POLITICAL PROCESS IN CATALONIA AS A CONSEQUENCE OF THE ELECTORAL RESULTS OF 27 SEPTEMBER 2015

250-00001/11

Adoption

Plenary Assembly, 2, 09.11.2015, DSPC-P 2

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#### PLENARY ASSEMBLY

The Parliament of Catalonia, meeting in Plenary Assembly on 9 November 2015, has discussed the text of the motion for a resolution on the start of the political process in Catalonia as a consequence of the electoral results (proc. 250-00001/11), presented by the Parliamentary Group of Junts pel Sí and the Parliamentary Group of the Candidatura d'Unitat Popular - Crida Constituent, and the amendments proposed by the Parliamentary Group of Junts pel Sí and the Parliamentary Group of the Candidatura d'Unitat Popular - Crida Constituent (reg. 195), and by the Parliamentary Group of Partit Popular de Catalunya (reg. 196) and the Parliamentary Group of Catalunya Sí que es Pot (reg. 198).

Finally, in accordance with Article 165 of the Rules of Procedure, the Parliament has adopted the following

#### RESOLUTION

1. The Parliament of Catalonia notes that the democratic mandate obtained at the recent elections on 27 September 2015 is based on a majority of seats occupied by parliamentary forces whose object is that Catalonia should become an independent state, and on an ample sovereigntist majority of votes and seats in favour of beginning a non-subordinate constituent process.
2. The Parliament of Catalonia solemnly declares the start of the process to create an independent Catalan state in the form of a republic.

3. The Parliament of Catalonia proclaims the start of a participative, open, integrating and active citizen's constituent process to lay the foundation for the future Catalan Constitution.

4. The Parliament of Catalonia urges the future Catalan government to adopt the necessary measures to give effect to these declarations.

5. The Parliament of Catalonia considers appropriate to begin within thirty days the passing of legislation on the constituent process, the Catalan social security system and the Catalan Tax Agency.

6. The Parliament of Catalonia, as the repository of sovereignty and the expression of the constituent power, reiterates that this House and the process of democratic disconnection from the Spanish State shall not be subject to the decisions of the institutions of the Spanish State, in particular the Constitutional Court, which it considers devoid of legitimacy and jurisdiction following its ruling of June 2010 on the Statute of Autonomy of Catalonia previously voted on by the people in a referendum, among other rulings.

7. The Parliament of Catalonia shall adopt the necessary measures to begin this process of disconnection from the Spanish state in a democratic, massive, sustained and peaceful way, in order to empower citizens at every level, and on the basis of open, active and integrating participation.

8. The Parliament of Catalonia urges the future Catalan government to comply exclusively with those rules and mandates emanating from this legitimate and democratic House in order to safeguard fundamental rights which may be affected by decisions of the institutions of the Spanish state, such as those specified in the annex to this resolution.

9. The Parliament of Catalonia declares its will to begin negotiations with a view to giving effect to the democratic mandate to create an independent Catalan state in the form of a republic, and it agrees to make this known to the Spanish State, the European Union and the international community as a whole.

## ANNEX

### MEASURES TO BE APPLIED BY THE FUTURE CATALAN GOVERNMENT AIMING AT SAFEGUARDING FUNDAMENTAL RIGHTS AFFECTED BY DECISIONS OF THE INSTITUTIONS OF THE SPANISH STATE

#### *1. Energy Poverty*

In order to ensure that no one is deprived of access to basic supplies, the future government shall implement the measures aiming at avoiding energy poverty provided by Catalan Law No. 24/2015 of 29 July on urgent measures to deal with the emergency regarding housing and energy poverty (*Llei 24/2015, del 29 de juliol, de mesures urgents per a afrontar l'emergència en l'àmbit de l'habitatge i la pobresa energètica*), with a view to guaranteeing the right of access to basic drinking water, gas and electricity supplies by individuals and households at risk of homelessness, as long as this risk exists.

#### *2. Housing*

In order to ensure that no one is deprived of access to decent housing, the future government shall work on the implementation of the new regulatory framework governed by Catalan Law No. 24/2015 of 29 July on urgent measures to deal with the emergency regarding housing and energy poverty. In this context, the future government shall ensure that in eviction proceedings regarding the habitual dwelling of individuals and households at risk of homelessness, it is necessary, for the eviction to be implemented, to observe the principle of adequate resettlement of individuals and households concerned.

In addition, the future government shall urgently implement regulatory changes to give effect to the provisions of Law No. 24/2015, such as the rules of operation of the evaluation committees for the allocation of housing in economic and social emergencies and in other cases of special needs within the framework of the Catalan Housing Agency (*Agència de l'Habitatge de Catalunya*).

#### *3. Health*

Regarding health policy, the future government shall guarantee universal access to quality public health care provided by the Catalan Health Service (*Servei Català de la Salut, CatSalut*) for all people living in Catalonia. No one may be excluded by reasons of their origin, irrespective of whether or not they are insured under or benefit from the National Health System, and independently of whether or not they are included in the register of

population. In addition, no citizen may be deprived of pharmaceutical assistance for financial reasons.

In accordance with various resolutions adopted by Parliament, it shall not be called for new tenders for the management of primary health care centres.

#### *4. Education*

The Parliament of Catalonia has brought an action, which was declared admissible on 3 April 2014, to have a substantial portion of the articles of Organic Law No. 8/2013 of 9 December for the improvement of educational quality (*Ley orgánica 8/2013, de 9 de diciembre, de mejora de la calidad educativa*) declared unconstitutional. This action, supported by the legal opinion of the Council for Statutory Guarantees (*Consell de Garanties Estatutàries*<sup>1</sup>), argued that the contested provisions of the organic law are contrary to the powers vested in the Generalitat in this field, contrary to the Catalan educational model determined by the Catalan law on education, and contrary to the consensus reached by the entire educational community. Consistently with this action, the future government shall ensure, in its action in the field of education, that the powers vested in the Catalan administrations are fully effective and respected and that the consensus reached by the entire educational community is maintained.

#### *5. Guarantee of public freedoms*

The Parliament of Catalonia has brought an action, which was declared admissible on 21 July 2015, to have some articles of Organic Law No. 4/2015 on protecting public safety (*Ley orgánica 4/2015, de protección de la seguridad ciudadana*) declared unconstitutional. This action, supported by the legal opinion of the Council for Statutory Guarantees, argued that the contested provisions of the organic law are contrary to some fundamental rights protected by international instruments such as the Universal Declaration of Human Rights and the European Convention on Human Rights and by case-law of the European Court of Human Rights. Consistently with this action, the future government shall ensure, in its action in the field of public safety, that the aforementioned fundamental rights are fully effective and respected.

#### *6. Local government*

With a view to guaranteeing the full powers of the Catalan local authorities in the public interest, the future government shall provide the necessary support tools to cease the effects of the provisions of Law nº 27/2013 of the Spanish State of 27 December on the rationalisation and sustainability of local government (*Ley 27/2013, de 27 de diciembre, de racionalización y*

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<sup>1</sup> **TN:** Advisory body of the Generalitat that ensures the compliance of Catalan regulations to the Statute of Autonomy of Catalonia and the Spanish Constitution.

*sostenibilidad de la Administración local*), adopted pursuant to Organic Law No. 2/2012 of 27 April on budgetary stability and financial sustainability (*Ley orgánica 2/2012, de 27 de abril, de estabilidad presupuestaria y sostenibilidad financiera*), implementing Article 135 of the Spanish Constitution, that limit the powers of local authorities, control the cost of services and require to give priority to private economic activity.

#### *7. Refugees*

To address the serious humanitarian situation faced by refugees, the future government shall create a framework for relations with the United Nations High Commissioner for Refugees (UNHCR) to give reception and asylum to the largest number of refugees, beyond the decisions taken in this regard by the Spanish government.

#### *8. Right to abortion*

Regarding the right to abortion, the future government shall be governed by the provisions of Law No. 17/2015 of 21 July on equality between women and men (*Llei 17/2015, del 21 de juliol, d'igualtat efectiva de dones i homes*).

#### *9. Financing of a social emergency plan and debt management*

In order to free up resources to provide financial backing for a social emergency plan, the future government shall establish, amongst other measures, negotiating tracks to reduce the debt burden as a share of total spending.

The future government shall promote, as a priority, the renegotiation of all structured finance operations, separating payments which compensate for a service (investment and maintenance) from excessive payments in view of current interest and inflation rates. In addition, the future government shall ask holders of an administrative concession or a right to use the land to redefine structured contracts, by transforming the depreciation of investments into ordinary funding through public debt and by eliminating excessive cost of capital.

This transformation, which should allow for a reduction in the costs borne by the Generalitat which may be used to finance the social emergency plan, shall be accompanied by a thorough review of budget spending programmes in order to evaluate and verify their utility at a time when addressing social emergency has become the main priority for the expenditures of the Generalitat, as expressed in the aforementioned emergency plan. Savings derived from programme review must be fully allocated to the social emergency plan.

In order to monitor the effectiveness of this objective and this commitment, the future government shall create a working group open to parliamentary groups.

In addition, the future government shall establish a schedule of meetings with officials of resident banks to explore the possibility of a renegotiation of the interest payment for social purposes.