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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**SPAIN**

**ORGANIC LAW 15/2015 OF 16 OCTOBER ON THE REFORM  
OF ORGANIC LAW 2/1979 OF 3 OCTOBER OF THE  
CONSTITUTIONAL COURT CONCERNING THE EXECUTION OF  
DECISIONS**

**Organic Law 15/2015 of 16 October on the reform of Organic Law 2/1979 of 3 October of the Constitutional Court concerning the execution of decisions of the Constitutional Court as a guarantee of the rule of law.**

FELIPE VI

KING OF SPAIN

To all those who may read and hear this Law

Be aware that the *Cortes Generales* have approved the following organic law to which I grant my royal assent:

PREAMBLE

One of the main components of the exercise of any jurisdictional function is the existence of sufficient instruments to guarantee the effectiveness of the decisions handed down in the exercise of such function.

This guarantee of effectiveness constitutes an essential element without which the rule of law would not exist.

The Constitutional Court is attributed by the Spanish Constitution the task of being its supreme interpreter and guarantor through the exercise of its jurisdictional function.

Even though the current regulation of the Constitutional Court contains general principles that ensure the effectiveness of its decisions, the need to get adapted to new situations intended to prevent or elude such effectiveness forces the development of the necessary instruments to guarantee that this effectiveness is real.

To this end, the reform contained in this Organic Law introduces implementing instruments in constitutional matters providing the Court with a range of powers that guarantee the effective enforcement of its decisions.

Thus, the reform develops the functions of judicial assistance in such a way that the Court may undertake the execution of its decisions either directly or through any other public authority.

Accordingly, the reform confers the nature of enforceable title to all Court decisions and, with regard to enforcement, it provides for the supplementary application of the Law on Contentious-Administrative Jurisdiction (*Ley de la Jurisdicción Contencioso-administrativa*).

It also opens the possibility for the Court to be able to agree the notification of its decisions to any public authority or employee.

The reform lays down a specific regime in the event of non-compliance of the decisions of the Constitutional Court. In these cases, the Court shall request a report from those who should fulfill them and, once the report is received and the time limit expires, the Court may impose penalty payments, agree the suspension of the public authorities or employees responsible for the non-compliance, or entrust the National Government, still in office, with substitute enforcement. The foregoing shall apply without prejudice that the appropriate criminal responsibilities might be called for.

Furthermore, under circumstances of special constitutional relevance, such as, for example, in case of significant non-compliance and where the execution of decisions agreeing the suspension of provisions, instruments or actions challenged is concerned, the Court is allowed to adopt the appropriate enforcement measures *inaudita parte*. However, within the same decision adopting the above measures, the parties and the Public Prosecutor shall be summoned to be heard, after what the Court shall decide whether to maintain, modify or revoke the measures initially adopted.

**Single article.** Modification of Organic Law 2/1979 of 3 October on the Constitutional Court.

Organic Law 2/1979 of 3 October on the Constitutional Court is amended as follows:

One. Article 80 is modified and would now read as follows:

“The provisions of the Organic Law on the Judiciary (*Ley Orgánica del Poder Judicial*) and the Code of Civil Procedure (*Ley de Enjuiciamiento Civil*) shall be applicable, as supplementary law, to appearances in court, challenge and abstention, publication and form of instruments, communications and judicial cooperation, working days and hours, setting of deadlines, deliberations and voting, lapse, renunciation and withdrawal, official language and courtroom police.

Concerning the enforcement of decisions, the provisions set forth in the Law on Contentious-Administrative Jurisdiction (*Ley de la Jurisdicción Contencioso-Administrativa*) shall apply as supplementary law.”

Two. Article 87 would therefore now read as follows:

“1. The decisions of the Constitutional Court shall be binding on all public authorities. In particular, the Constitutional Court may agree that its decisions are notified in person to any public authority or employee deemed necessary.

2. Judges and Courts shall provide the Constitutional Court, as a matter of priority and urgency, with any legal co-operation and assistance it may request.

For that purpose, all judgments and decisions of the Constitutional Court shall be considered enforceable titles.”

Three. Article 92 is modified and shall now read as follows:

“1. The Constitutional Court shall ensure the effective implementation of its decisions. It may determine within the judgement or decision, or in subsequent acts, who shall be responsible for the execution, the enforcement measures required and, where applicable, resolve enforcement issues.

The Court may also declare the nullity of any decision contravening those pronounced in the exercise of its jurisdiction with regard to their execution, after hearing the Public Prosecutor and the issuing authority.

2. The Court may request the assistance of any public administration or public authority in order to ensure the effectiveness of its decisions which shall be provided as a matter of priority and urgency.

3. The parties may promote enforcement issues as established in paragraph 1 to propose the Court the adoption of the necessary enforcement measures to ensure the effective compliance of its decisions.

4. In the event it is noticed that a decision pronounced in the exercise of its jurisdiction may not being complied with, the Court, at its own motion or at the request of the parties to the suit in question, shall require the institutions, authorities, public employees or private persons responsible for the enforcement to inform at that respect within the time limit set out.

Once the report is received or when the time limit expires, should the Court find that its decision is being fully or partially unfulfilled, it may adopt any of the following measures:

a) Impose a penalty payment from three thousand to thirty thousand Euros to the authorities, public employees or private persons failing to comply with the Court’s decision, with the possibility to reiterate the fine until the order is fully enforced.

b) Agree the suspension from their duties of any public authorities or Administration employees that are responsible for non-compliance, during the time needed to ensure the Court’s decision enforcement.

c) Substitute enforcement of decisions delivered in constitutional processes. In this case, the Court may request the cooperation of the National Government so that, within the

terms established by the Court, the necessary measures are adopted to ensure compliance with such decisions.

d) Produce certified copies of the particulars of the case required to call for the criminal responsibilities that may correspond.

5. Under circumstances of special constitutional relevance, where the execution of decisions agreeing the suspension of provisions, instruments or actions challenged is concerned, the Court, at its own motion or at the request of the Government, shall adopt the appropriate measures to ensure proper compliance without hearing the parties. In the same decision the parties and the Public Prosecutor shall be summoned to be heard within the common term of three days, after what the Court shall render a decision lifting, confirming or modifying the measures previously adopted.”

Four. Current paragraph 4 of Article 95 is deleted and the contents of paragraph 5 shall become number 4 with the following wording:

“4. The limits of penalty payments or fines established in Article 92, paragraph 4.a) may be reviewed at any moment by means of an ordinary law.”

**Single final provision.** Entry into force

This Organic Law shall enter into force on the same day of its publication in the “*Boletín Oficial del Estado*” (Spanish Official Gazette).

Henceforth,

I order all Spaniards, individuals and authorities, to abide by and enforce this organic law.

Madrid, 16 October 2015

FELIPE R.

The President of the Government,  
MARIANO RAJOY BREY