CONSTITUTIONAL COURT JUDGMENT 42/2014, of 25 March 2014

The Constitutional Court, in full bench, composed of the Honour Judges Mr. Francisco Pérez de los Cobos Orihuel (President), Ms. Adela Asua Batarrita, Mr. Luis Ignacio Ortega Álvarez, Ms. Encarnación Roca Trías, Mr. Andrés Ollero Tassara, Mr. Fernando Valdés Dal-Ré, Mr. Juan José González Rivas, Mr. Santiago Martínez-Vares García, Mr. Juan Antonio Xiol Ríos, Mr. Pedro José González-Trevijano Sánchez, Mr. Enrique López y López and Mr. Ricardo Enríquez Sancho, has pronounced

IN THE NAME OF THE KING

the following

J U D G M E N T

In the challenge to enactments without force of law and to decisions of the Autonomous Communities (Title V of the Organic Law on the Constitutional Court), number 1389-2013, filed by the State Attorney, acting on behalf of the Government, against the Resolution 5/X adopted by the Parliament of Catalonia, of 23 January 2013, approving the Declaration of Sovereignty and Right to Decide of the People of Catalonia. The Attorneys of the Parliament of Catalonia have been party to these proceedings and have submitted their pleadings. The reporting judge has been Ms. Adela Asua Batarrita, who expresses the view of the Court.

II. Grounds

1. The State Attorney, on behalf of the Government, has challenged Resolution 5/X, issued by the Parliament of Catalonia, approving a "Declaration of Sovereignty and a right of the right to decide of the People of Catalonia". This challenge has been brought according to the procedural channel foreseen in Article 161(2) of the Spanish Constitution and regulated in Articles 76 and 77 of the Organic Law on the Constitutional Court. These rules entitle the Government to bring a challenge before the Constitutional Court against "enactments without force of law", and "decisions of the Autonomous Communities". The claim, contrary to the opinion of the representatives of the Parliament that passed the Resolution —fully transcribed in the Background Facts above— is unconstitutional because itt is contrary to Articles 1(2), 2, 9(1) and 168 of

the Spanish Constitution and Articles 1 and 2(4) of the Statute of Autonomy of Catalonia.

Resolution 5/X was adopted "in accordance" with Article 146 of the Rules of Procedure of the Parliament of Catalonia, regulating the processing of resolutions presented to the Chamber by Parliamentary Groups or Members of Parliament, as well as parliamentary review of those approved. The preamble and list of principles included, according to their wording, may be presumed as addressed both to the Government of the *Generalitat* and to the citizens of Catalonia, as expressly foreseen, for proposed resolutions, in Article 145 of the Rules of Procedure of the Parliament; the foregoing is readily accepted by the procedural representatives of the Spanish Government and the Parliament of Catalonia.

The Resolution consists of a preamble and the Declaration itself, which entitles it. The preamble refers to Resolution 742/IX, of 27 September 2012, where the Parliament stated "the need for the Catalonian people to be able to freely and democratically determine their collective future by means of a referendum"; and the latest elections to Parliament, on 25 November 2012, which "expressed and confirmed this wish in a clear and unequivocal manner".

The Declaration approved, according to its preamble, to "carry out this process… representing the will of the citizens of Catalonia as expressed democratically in the last elections", bears the same time as the Resolution approving it: "Declaration of sovereignty and of the right to decide of the People of Catalonia". The Parliament "agrees to initiate the process exercise the right to decide so that the citizens of Catalonia may decide their collective political future", in accordance with the principles established thereafter. The first of these principles is entitled "sovereignty" and states: "The People of Catalonia have, for reasons of democratic legitimacy, the nature of a sovereign political and legal subject." The other principles, described along the background facts of this Judgment, include "Democratic legitimacy", "Transparency", "Dialogue", "Social cohesion", "Europeanism", "Legality", "Leading role of the Catalan Parliament" and "Participation". In the concluding paragraph of the Declaration, "the Parliament of Catalonia encourages all citizens to actively participate in the democratic process of exercising the right to decide of the people of Catalonia."

2. Our examination should first of all begin with the prior issue that both sides raise as to the eligibility of Resolution 5/X to constitute the object of these constitutional proceedings. As explained in the Background Facts, the discussion on the matter is whether the Resolution challenged constitutes a "resolution" in the terms of Articles 76 and 77 of the Organic Law on the Constitutional Court, as claimed by the State Attorney and denied by the representatives of the Parliament of Catalonia. This is the procedural issue to be settled on a preliminary basis, given that the admissibility of the challenge is an indispensable requirement to then examine whether or not to accept the challenge brought against the Resolution of the Parliament of Catalonia.

In the Constitutional Court Order (in Spanish *Auto del Tribunal Constitucional*, hereinafter ATC) 135/2004, of 20 April, very often cited by the parties, the inadmissibility was declared of a challenge brought against a decision of the Basque Parliament to grant leave to proceed to the "Project for a Political Statute of the *Euskadi* Community", filed by the autonomous Government. This Order states that the process regulated in Title V of the Organic Law on the Constitutional Court is part of the relations and control devices existing between the State and Autonomous Communities; consequently, any provisions that are less than an Act- and what is relevant here- the resolutions covered by the same, must manifest the wish of the Autonomous Community, i.e. they must be issued by bodies able to express the latter's intent [Ground (in Spanish, *fundamento jurídico*, hereinafter FJ) 4 and, similarly, FJ 7]. The Constitution (Article 161(2)) thus entitles the Government to apply for the constitutional review —for reasons not related to competences, in principle— of acts attributable to Autonomous Communities further to the position held by the State in relation to the former [Constitutional Court Judgment (in Spanish, *Sentencia del Tribunal* Constitucional, hereinafter STC) 4/1981, of 2 February, FJ 3, and STC 31/2010, of 28 June, FJ 13].

For the purposes of this constitutional process, in order for a resolution to be attributable to an Autonomous Community it must refer to a legal act and must also constitute —as stated by ATC 135/2004— an expression of the former's institutional wish, i.e. in negative terms, it must not be presented as a procedural act in the relevant procedure (FJ 6, 7 and 8). In the aforementioned Order, it is not questioned whether

parliamentary acts may be challenged, but a challenge is denied against any acts that are part of a legislative process (FJ 4).This latter condition is not met in Resolution 5/X, the object of this challenge.

Resolution 5/X of the Parliament of Catalonia is a perfect or definitive act, because it constitutes the final manifestation of the Chamber. To this effect, it is irrelevant whether it states a wish to "initiate the process to exercise the right to decide", given that an act only amounts to a step —in the sense and for the procedural purposes referred to in ATC 135/2004— if it is part of a succession or sequence in a regulated legal procedure; this is not the case of Resolution 5/X, which is delivered to encourage or commence a certain political process not foreseen in the regulations.

The challenged act is a political act, adopted by a public power, the Parliament of Catalonia, further to one of the competences conferred by Autonomous Community laws [Article 55(2) of the Statute of Autonomy of Catalonia and Articles 145 ff. of the Rules of Procedure of the Parliament of Catalonia] and through the procedure established for this purpose, of a legal nature.

However, the challenge we are now examining would only be admissible if, in addition, the challenged act were to even suggest that it was able to produce legal effects. The mere heading of a proposal that is contrary to the Constitution, in fact, cannot be examined by this Court (ATC 135/2004, FJ 2; likewise, ATC 85/2006, of 15 March, FJ 3, in an Amparo appeal).

A thorough examination is necessary in order to decide whether this Resolution is able to cause legal, not just political, effects. We could presume that the Resolution lacks any legal effects in relation to its addressees, i.e. the citizens of Catalonia, who are invited, in the conclusion, to lead "the democratic process of exercising the right to decide" and the Government of the *Generalitat*, whose acting is guided or encouraged with this act.

In this case, the Court considers that, in principle, with respect to citizens of Catalonia, the Resolution invites them to take political actions, with no binding effect whatsoever, given that anybody who is so encouraged, further to the Constitution and

without the need for any parliamentary summons, already enjoy total political freedom (STC 31/2010, FJ 12).

As an act to encourage Government action, the Resolution also has no binding effects, as this Court has declared with respect to parliamentary acts of this kind (STC 180/1991, of 23 September, FJ 2; STC 40/2003, of 27 February, FJ 3; and STC 78/2006, of 13 March, FJ 3).

However, what is legal is not exhausted with what is binding. It could be claimed that the challenged Resolution has not another kind of legal effects on citizens, the Government of the *Generalitat* or the other Catalonian institutions, such as an authorization or entitlement to act in a certain way, given that no autonomous law conditions parliamentary acts, such as the one challenged, to a valid governmental action or an action on the part of citizens or institutions. The Court, first of all, considers that point one of the challenged Resolution, which declares the sovereignty of the people of Catalonia ("Sovereignty. The people of Catalonia have, for reasons of democratic legitimacy, the nature of a sovereign political and legal subject"), is able to cause legal effects given that, as part of the invitation to a dialogue and negotiation with the public powers (principle four) directed at "to exercise the right to decide so that the citizens of Catalonia may decide their collective political future" (initial part of the Declaration), it could be interpreted as a recognition in favour of those who are invited to carry out a process in relation to the people of Catalonia (particularly the Parliament of Catalonia and the Government of the *Generalitat*), of attributions inherent to sovereignty that exceed those arising from the autonomy recognised by the Constitution in favour of the nationalities covered by the Spanish Nation. Secondly, the assertive nature of the challenged Resolution, which "agrees to initiate the process to exercise the right to decide", does not suggest that its effects in parliamentary matters will be strictly limited to politics, given that it demands the execution of specific actions and this execution is subject to parliamentary review, foreseen for resolutions passed by the Parliament [Article 146(4) of the Rules of Procedure of the Parliament of Catalonia].

In short, the Court considers that, without prejudice to its marked political nature, Resolution 5/X is legal and, furthermore, has legal effects. This is why the challenge brought by the State Attorney should be allowed.

3. We will now examine the Resolution according to (a) principle one of the Declaration, which states: “Sovereignty. The people of Catalonia has, for reasons of democratic legitimacy, the nature of a sovereign political and legal subject”; and (b) the references made to “the right to decide of the people of Catalonia” (the title of the Declaration, initial part of the Declaration, and principles two, three, seven and nine, paragraph two).

The sovereign status of the People of Catalonia is claimed in relation to a subject “created further to the Constitution, by powers constituted by virtue of the right of autonomy recognised therein” (STC 103/2008, 11 of September, FJ 4). As this Judgment states in a case that is similar to the one at hand, this subject, however, “does not hold a sovereign power, which is exclusively held by the Spanish Nation constituted as a State”, given that “the Constitution is based on the unity of the Spanish Nation, constituted as a social and democratic State, with powers arising from the Spanish people who enjoy national sovereignty” [STC 247/2007, of 12 December, FJ 4.a)], citing STC 4/1981, FJ 3). In other words, identifying a subject endowed with sovereignty would be contrary to the provisions of Articles 1(2) and 2 of the Spanish Constitution.

Article 1(2) of the Spanish Constitution proclaims that “national sovereignty belongs to the Spanish people, from whom all State powers emanate.” This provision, which “underlies the entire Spanish legal system” (STC 6/1981, FJ 3), therefore exclusively attributes national sovereignty to the Spanish people, the perfect unit to hold constituent powers and, as such, constitute the basis of the Constitution, the Spanish legal order, and the source of any political power (STC 12/2008, FJ 4; STC 13/2009, FJ 16; STC 31/2010, FJ 12). As in the current constitutional order only the Spanish People are sovereign, exclusively and indivisibly, no other subject or State body or any part of the people can be endowed with sovereign status by a public power. An act issued by a public power that asserts “legal sovereign status” as a competence of the people of an Autonomous Community inevitably also denies national sovereignty which, according to the Constitution, can only be held by the entire Spanish people. Thus, sovereignty cannot be entrusted to any group or part thereof.

A recognition of sovereign status in favour of the people of Catalonia, which is not contemplated in the Spanish Constitution for nationalities and regions covered by the State, is incompatible with Article 2 of the Spanish Constitution; the partial subject that is entrusted with this power would be therefore able, at its discretion, to breach what the Constitution has declared as a based principle: "the indissoluble unity of the Spanish Nation". In this regard, this Court has declared that "the Constitution (Articles 1 and 2) is based on the unity of the Spanish nation, constituted as a social and democratic state of law, whose powers are born from the Spanish people, who enjoy national sovereignty. This unity is reflected in the State's organization for the entire territory of Spain" [STC 4/1981, FJ 3; reiterated in STC 247/2007, FJ 4.a)]. The recognition of sovereign status in favour of a part of the Spanish people therefore contradicts this constitutional precept.

The attribution of national sovereignty to the Spanish people by virtue of Article 1(2) of the Spanish Constitution and the unity of the Spanish nation as the basis of the Constitution, by virtue of Article 2 of the Spanish Constitution, are contemplated along with a recognition and guarantee of the right of autonomy of its member nationalities and regions, as stated in the second constitutional provision. However, the Court has upheld that "the autonomous State is based on a fundamental premise that the Spanish Constitution endows the Spanish people with national sovereignty (Article 1(2) of the Spanish Constitution), which is why sovereignty is not the outcome of an agreement between historical territorial instances that hold pre-constitutional and higher rights, but a rule of the constituent power that becomes generally binding in its field, without excluding former historic situations" [(STC 76/1988, of 26 April, FJ 3; reiterated in STC 247/2007, FJ 4 a)]. Likewise, the Court has declared that autonomy is not the same as sovereignty [STC 247/2007, FJ 4 a)]. It may therefore be inferred that in the constitutional order an Autonomous Community may not unilaterally hold a referendum of self-determination in order to decide on its integration in Spain. This is the same conclusion as the one formulated by the Supreme Court in Canada in its pronouncement of 20 August 1998, where it decided that a unilateral secession project presented by one of its provinces was both contrary to the Canadian Constitution and to International Law.

It is obvious that, as a social/historic reality, Catalonia (and all of Spain) existed prior to the 1978 Constitution. From a legal/constitutional point of view, the "people of Catalonia", referred to in the Declaration, include a subject that is however constituted in legal terms by virtue of a constitutional recognition (in the same way as the entire "Spanish People", "from whom all State powers emanate", pursuant to Article 1(2) of the Spanish Constitution). Consequently, in the challenged Declaration the status as a "political and legal sovereign subject" is acknowledged in favour of a subject that was legally created further to the Constitution, in accordance with the right of autonomy recognised and guaranteed in Article 2 of the Spanish Constitution, i.e. the people of one of the Autonomous Communities into which the State is territorially organized by virtue of Article 137 of the Spanish Constitution. In fact, Article 1 of the Statute of Autonomy of Catalonia states that "Catalonia, as a nationality, exercises its self-determination constituted as an Autonomous Community, in accordance with the Constitution and this Statute, its basic institutional rule."

In STC 31/2010 the Court rejected a challenge brought by the appellants against this statutory precept, on the grounds that the declaration included therein was constitutionally acceptable, given that "it granted to Catalonia any characteristics that make it an integral part of the State founded on the Constitution: a nationality constituted as an Autonomous Community, whose basic institutional rule is its own Statute of Autonomy". Next, it is discussed that the constitution of Catalonia as a legal subject in the terms of Article 1 of the Statute of Autonomy of Catalonia "logically entails acceptance of the entire legal universe created by the Constitution, the only one in which the Autonomous Community of Catalonia can find its meaning in law. In particular, this clearly means that its Statute of Autonomy, based on the Spanish Constitution, will logically integrate the very foundation proclaimed by the Constitution for itself, i.e. "the indivisible unity of the Spanish Nation" (Article 2 of the Spanish Constitution), whilst also recognising that the Spanish people are entitled to national sovereignty (Article 1(2) of the Spanish Constitution), whose wish is formalized in the positive precepts emanating from the constituent power". In short, pursuant to Article 1 of the Statute of Autonomy of Catalonia, "the Autonomous Community of Catalonia — it concludes— is legally derived from the Spanish Constitution and, consequently, entails the national sovereignty proclaimed in Article 1(2) of the Spanish Constitution, which when exercised by its holder, the Spanish people, gives rise to a Constitution that

intends and would like to be founded on the unity of the Spanish nation" (FJ 8 and FJ 9).

To conclude, as the Court declared in that Judgment, when examining a challenge brought against Article 7 of the Statute of Autonomy of Catalonia, "the citizens of Catalonia should not be mistaken for the sovereign people, conceived as 'the perfect unit to attribute constituent powers, underlying the Constitution and the legal order' (STC 12/2008, FJ 10)" (FJ 11).

The Court has repeatedly declared that the validity of the law "should be preserved if its wording does not prevent a constitutionally-based interpretation" (STC 108/1986, of 29 July, FJ 13). Therefore, the potential interpretations of the disputed precept should be examined, given that if any interpretation would uphold the primacy of the Constitution "it would be unsuitable to issue an interpretative pronouncement according to the requirements of the principle of legal preservation" (STC 76/1996, of 30 April, FJ 5, and STC 233/1999, of 16 December, FJ 18). The principle of preservation is also applicable to any laws, like the Resolution challenged in these constitutional proceedings, which do not enjoy the status of a Law but are issued by a parliamentary body and have been delivered further to parliamentary tasks; the *iuris tantum* presumption (unless otherwise evidenced) of constitutional legitimacy not only protects regulations but also any acts issued by legitimate powers, as is the case here (STC 66/1985, of 23 May, FJ 3).

The Court agrees that, as claimed by the Attorneys of the Parliament of Catalonia, the challenged Resolution should be systematically interpreted. The Resolution contains more principles apart from sovereignty, which the State Attorney includes in its unconstitutionality claim. All the principles included in the Declaration are jointly assigned the task of inspiring the process that is commenced to exercise the "right to decide". However, further to the other principles contained in the Resolution it appears that the Declaration does not exclude the possibility of following the constitutional channels foreseen to transform a political wish, expressed in the Resolution, into a legal reality. The challenged Resolution states that "the Parliament of Catalonia agrees to initiate the process to exercise the right to decide so that the citizens of Catalonia may decide their collective political future". This process is governed by a

total of nine principles, to include the principles of "dialogue" and "legality", which will respectively involve: "a dialogue and negotiations with the Spanish State" and "all existing legal frameworks shall be used to implement the reinforcement of democracy and to exercise the right to decide".

The Court considers that:

a) Point one of the Declaration, proclaiming the status as a political and legal sovereign subject in favour of the people of Catalonia should be declared unconstitutional and void. In fact, its literal wording exceeds any claims for historical and democratic grounds, stated in the preamble. The content globally includes the political and legal aspects of sovereignty. It is drafted in present terms, in contrast with the other principles of the Resolution, which are drafted in the future tense or in deontic form. Consequently, the principle, as it is drafted, is not subject to the modulation that may arise from subsequent principles.

In short, the recognition it proclaims in favour of the people of Catalonia as "a political and legal sovereign subject" is contrary to Articles 1(2) and 2 of the Spanish Constitution and Articles 1 and 2(4) of the Statute of Autonomy of Catalonia and, in relation thereto, is contrary to Articles 9(1) and 168 of the Spanish Constitution, upheld by the State Attorney, to the extent that they respectively enshrine the principles of primacy of the Constitution and require that any reform of the preliminary title of the Constitution follow a certain procedure and requirements, amongst others. This appreciation means that a pronouncement of unconstitutionality is necessary in our ruling, without prejudice to our comments below as regards the constitutionality of the remainder of the Resolution of the Parliament of Catalonia.

b) With respect to the references made to a "right to decide", these must be constitutionally interpreted, given that they are not proclaimed as independent or directly linked to principle one about the sovereignty declaration of the people of Catalonia; they are included in the initial part of the Declaration (directly related to the commencement of a "process") and in the various Declaration principles (two, three, seven and nine, paragraph two).These principles, as seen below, conform to the Constitution and enable an interpretation that "the right to decide held by citizens of

Catalonia" is not proclaimed as a manifestation of a right of self-determination not recognized in the Constitution, or as an unrecognized attribution of sovereignty, but as a political aspiration that may only be achieved through a process that conforms to constitutional legality and follows the principles of "democratic legitimacy", "pluralism" and "legality", expressly proclaimed in the Declaration in close connection to the "right to decide".

Consequently, the references made to "the right to decide of the citizens of Catalonia" may be constitutionally interpreted, and this will be stated in the ruling.

4. This interpretation is backed up by the other clauses of the Declaration (two to nine) which, as said, are closely connected to the references to a "right to decide", being examined. Of interest are the principles of (a) "Democratic legitimacy" in relation to those of "Transparency", "Social cohesion", "Europeanism", "Leading role of the Catalan Parliament" and "Participation"; (b) "Dialogue"; and (c) "Legality".

a) Point two of the Declaration proclaims the principle of "Democratic legitimacy". One of the fundamental principles enshrined in the Spanish Constitution is the principle of democracy, which has been characterized by the Constitution Court as a supreme value of Spanish law, reflected in Article 1(1) of the Spanish Constitution (STC 204/2011, of 15 December, FJ 8). The clearest and most constitutionally relevant manifestations of this principle include those that uphold the greatest equivalence between governing parties and citizens, those that require that represented parties choose their own representatives, those stating that intent should be articulated through a procedure based on a majority and, consequently, a certain majority is necessary to integrate contradictory ideas, and those requiring that the minority be able to make proposals and give opinions on those of the majority, given that an essential component of the democratic principle is the construction of decisions, as democracy is relevant as a procedure, not only as a result. All these manifestations of the democratic principle are reflected in the Constitution, and must be exercised further to the same.

b) Point four of the Declaration proclaims the principle of "Dialogue". The Constitution does not expressly cover, nor can it cover, all the issues that may arise in the constitutional order, particularly those derived from the wish of part of the State to

alter its legal status. Issues of this kind cannot be resolved by the Court, whose task is to ensure that the Constitution is strictly complied with. Thus, the public powers, to particularly include the territorial powers included in the Autonomous State, are the ones entrusted with resolving any matters arising in this field, through dialogue and cooperation. A broad interpretation of dialogue, furthermore, does not exclude any legal system or institution that is able to contribute to political decisions, or any procedure that upholds the constitutional order. The Court, at the request of parties who are entitled to address it, is solely entrusted with guaranteeing that any procedures followed further to this dialogue conform to constitutional requirements.

c) Point seven of the Declaration proclaims the principle of "Legality". This principle is also relevant. It manifests the prevalence of law, understood as subordination to the Constitution and to the rest of the legal order. The unconditional primacy of the Constitution means that any decision adopted by a public power be always subject to the Constitution; the public powers have no freedom outside the Constitution or immunity. In this way, the democratic principle is also protected, given that the guaranteed integrity of the Constitution is also viewed as the need to respect the wish of the people, as a constituent power and the source of all legal/political legitimacy.

The primacy of the Constitution, however, does not mean that there is a positive duty to adhere thereto. In Spanish constitutional law, there is no room for a "militant democracy", i.e. "a model that demands not only respect but also a positive adhesion to the law and, first of all, to the Constitution" (STC 48/2003, FJ 7; this doctrine was reiterated, amongst others, in STC 5/12004, of 16 January, FJ 17; STC 235/2007, FJ 4; STC 12/2008, FJ 6; and STC 31/2009, of 29 January, FJ 13). The Court has acknowledged that any ideas will be allowed by Spanish constitutional law if they intend to be upheld, given that "there is no regulatory basis removed from constitutional reform procedures" (amongst others, STC 31/2009, FJ 13).

Any approach that intends to change the very grounds of the Spanish constitutional order is acceptable in law, as long as it is not prepared or upheld through an activity that infringes democratic principles, fundamental rights or all other constitutional mandates, and its effective achievement follows the procedures foreseen

for constitutional reform, given that these procedures are inexcusable (STC 103/2008, FJ 4).

Commencement of a process of this kind is not predetermined as to the outcome. However, the duty of constitutional loyalty, which as the Court has indicated is reflected in a "duty of reciprocal assistance", "reciprocal support and mutual loyalty", "constituting in turn the broadest duty of loyalty to the Constitution" (STC 247/2007, of 12 December, FJ 4), by the public powers, means that if the Legislative Assembly of an Autonomous Community, which is entitled under the Constitution to apply for constitutional reform (Articles 87(2) and 166 of the Spanish Constitution), were to make a proposal to this effect, the Spanish Parliament would have to consider it.

For the foregoing reasons, we hereby conclude that the references made to the "right to decide" in the challenged Resolution, following a constitutional interpretation based on the principles examined above, do not contradict the Constitution and, overall, subject to the exceptions described herein, express a political aspiration that may be upheld in the constitutional order.

RULING

For all of the above, the Constitutional Court, BY THE AUTHORITY CONFERRED BY THE CONSTITUTION OF THE SPANISH NATION,

Has decided

To partly uphold the challenge of autonomous provisions (Title V of the Organic Law on the Constitutional Court), by the State Attorney, on behalf of the Government, in relation to Resolution 5/X, issued by the Parliament of Catalonia, approving the "Declaration of Sovereignty and right to decide of the People of Catalonia" and, consequently, to state:

1. The unconstitutionality and nullity are hereby declared of principle one, entitled “Sovereignty”, in the Declaration approved by Resolution 5/X of the Parliament of Catalonia.

2. It is hereby declared that the references contained in the initial part, to “the right to decide of the citizens of Catalonia”, as well as in principles two, three, seven and nine, paragraph two, of the Declaration approved by Resolution 5/X of the Parliament of Catalonia, are not unconstitutional if interpreted in the terms described in Grounds 3 and 4 above.

3. All the other petitions of the challenge are hereby rejected.

May this Judgment be published in the “Official State Gazette” (*Boletín Oficial del Estado*).

This Judgment was handed down in Madrid, on March, 25th 2014.