

DECISION C-216/11 The Constitutional Court declared unconstitutional the economic emergency.

The Plenary Chamber of the Constitutional Court declared unconstitutional the Decree Law 020 of 2011 “which declares a State of Economic, social and Ecological Emergency due to a serious disaster”, because the Court stated that when the factual, valorative and need or sufficiency judgments were applied to the abovementioned decree, it found that the State hadn’t used concrete and specific arguments to demonstrate that the facts mentioned couldn’t be solved at that moment using the emergency powers given by the first state of emergency which was declared in the Decree Law 4580 of 2010. The Court restated that, given the highly exceptional nature that the 1991 Constitution grants to the use of the presidential emergency powers by virtue of states of emergency, every declaration of state of emergency must be rigorous and independently justified.