



DICASTERIUM
DE LEGUM TEXTIBUS

Prot. N. 18135/2023

Vatican City, 8 november 2023


Your Excellency,

having received your e-mail from October 31 st, I offer some considerations regarding your request.

Concerning the majority required for the election of the diocesan administrator, can. 119 CIC can be considered as a subsidiary rule, because it is supposed to be applied “unless the law or statutes provide otherwise.” Therefore, the determination in n. 238 of the Directory for the pastoral ministry of bishops is not to be considered as a derogation of the said canon, but it is a provision of the law for a special case. Consequently, the canon does not apply, because, as n. 238 states, “in view of the paramount importance of the election” the majority has to be qualified, that is be a two thirds majority of those voting. The norms of can. 119 are however “to be applied in the case of indecisive ballots.” The law is very clear and there is no doubt regarding the intention of the legislator.

The other question concerns can. 502 CIC which establishes in its first paragraph: “From among the members of the presbyteral council and in a number not less than six nor more than twelve, the diocesan bishop freely appoints some priests who are to constitute for five years a college of consultors, to which belongs the functions determined by law. When the five years elapse, however, it continues to exercise its proper functions until a new college is established.” This college is, as can be seen, closely connected with the presbyteral council which normally has also *ex officio* members. For the college of consultors, such *ex officio* members are not foreseen. The Bishop can also appoint individual consultors, but they do not substitute the college.

Hoping that these considerations can be helpful for you, and remaining at your disposal for any other question, I send my best regards


Mons. MARKUS GRAULICH SDB
Under-Secretary