In this fourth issue of the Newsletter of the Institut d’Estudis Autonòmics (IEA), you can find information about the past recent and forthcoming events organized by the IEA’s two units, the Research Unit and the Unit for the Development of the Catalan Self-Government, as well as some information about the documentary services the IEA offers to researchers. In addition, in this issue you can also find updated links and documents related to recent developments of self-government and political decentralization in Spain. These links and documents include the most recent developments on the legal and political processes leading to the reform of the Statutes of Autonomy of four Autonomous Communities (Catalonia, the Valencian Autonomous Community, Andalusia and the Canary Islands); in this sense, you can find some legal documents referred to the processes leading to the reforms in each of the four above-mentioned Autonomous Communities (AC) and a document illustrating and analyzing some opinion surveys carried out by the Centro de Investigaciones Sociológicas on these processes (in English). In addition, in this issue of the Newsletter we have included links to the legislation passed by each of the AC between January and April 2006, and to those recent rulings of the Spanish Constitutional Court that have dealt with self-government.

In which concerns federal developments within other countries, we have attached a press dossier (in Spanish) about the constitutional reform of the German federal system; and some links to reports issued by researchers of two research programmes on the British Devolution, the Devolution Monitoring Programme and the Devolution & Constitutional Change.

Finally, you can find a list of recent publications on federalism and decentralization from legal and political science perspectives.

**Events Organized by the Institut d’Estudis Autonòmics (IEA)**

**Recent Past Seminars**

**The New Catalan Statute of Autonomy and the European Union.** The IEA Research Unit organized a seminar on the new Statute of Autonomy of Catalonia and the European Union. More precisely, the objective of the seminar was to analyze the extent to which the new Catalan Statute of Autonomy can have an impact upon the relationship between the Catalan Government and the European Union. It had contributions from professors Manuel Cienfuegos (Pompeu Fabra University), Enoch Albertí (University of Barcelona), Marcos Gómez Puente (University of Cantabria) and judge David Ordóñez. The seminar took place on the 2nd of May 2006.

**Intergovernmental Relations in Multi-level Political Systems.** The seminar, coordinated by Xavier Arbós, dealt with the different debates existing about executive intergovernmental structures in Canada, Germany, Switzerland and Spain. It had contributions from professors Natalie desRosiers (University of Ottawa), Matthias Hartwig (Max Planck Institute/University of Heidelberg), Nicolas Schmitt (University of Freiburg), Xavier Arbós (University of Girona) and Javier Tajadura (University of the Basque Country). The seminar took place on the 20th of January 2006.
The REAF second issue will appear at the beginning of May; the index is available on the journal's website. The contents of the REAF previous issue is already fully available on the REAF webpage.

Researchers interested in sending originals can do so by e-mail to reaf@gencat.net.

Call for Grants 2006: Results

The results of call for grants application for 2006 is available for consultation in the Grants section of the Institut’s website.

IEA Publications

New Publications

*Les balances fiscals: concepte, mètode i aplicacions*  
(Fiscal intergovernmental balances in Spain)  
Núria Bosch, Marta Espasa  
*El Clip*, # 35

*El Projecte de reforma de la Llei orgànica del Tribunal Constitucional*  
(Draft bill of the Spanish Parliament on the Constitutional Court)  
Enric Fossas  
*El Clip*, # 36

Forthcoming Publications

*España 2020: un mestizaje ineludible*  
(Features of the Spanish Labour Market and Workers 2005-2020)  
Josep Oliver  
"Con(Textos)/A” Series, # 3

*Territorio y autonomía. El alcance territorial de las competencias autonómicas*  
(Territory and territorial distribution of powers in Spain)  
Various authors.  
"Institut d’Estudis Autonòmics” Series, # 45

*La renda mínima d’inserció catalana en el sistema de protecció social*  
(The social minimum income in Catalonia)  
Miquel A. Purcalla, Josep Moreno, Ana M. Romero, Ángel Urquizu  
"Institut d’Estudis Autonòmics” Series, # 46

*Revista d’Estudis Autonòmics i Federals (REAF)*  
Institut d’Estudis Autonòmics  
# 2, abril 2006

*La justícia de proximitat*  
(Proximity and justice)  
Jordi Nieva  
*El Clip* (Working Papers), # 37
Press

The Documentary and Bibliographic Holdings offers a documentation service of press cuttings available to any researcher. The service is based on the daily cuttings from the press taken by the Institut. The cuttings cover articles that have appeared in the daily and periodical press that refer to self-government and, in general, to the State of the Autonomous Communities. At present the articles are classified in 11 areas: 1) Institutional activity in Catalonia; 2) Reforms to the Statutes of Autonomy; 3) Reforms to self-government; 4) Autonomous financing; 5) External action of the Autonomous Communities; 6) Institutional activity in Spain; 7) Autonomous State; 8) Courts, General Council of Judicial Power and Administration of Justice; 9) Constitutional Court; 10) European Union; and 11) Federal and regional systems.

The Documentary and Bibliographic Holdings classifies the different articles within each subject area according to a series of criteria that range from the type of article (opinion articles, editorials, interviews, etc.) to certain aspects of its content (powers, reactions of the political parties, etc.). Press Documentary Holdings has been compiling articles since 1985, although from then until 2002 it is available only in paper format. As of 2003 the cuttings have been digitised. The press Holdings can be consulted and used in person during the normal consulting hours of Holdings (Monday to Friday from 9.00 am to 2.00 pm; Tuesdays from June to September also from 4.00 to 6.00 pm); in exceptional cases a request can be made by e-mail. For further information contact Maite Batalla, Head of Documentary and Bibliographic Holdings (mtbatalla@gencat.net) and/or Lourdes Sánchez (lsanchez@gencat.net).

Telephone: +34 93 342 98 06 / 07. Fax: + 34 93 342 51 04.

• List of periodical publications from which cuttings are taken

Extracts from journal articles and books

Documentary Holdings also takes extracts from some of the most important journals in the fields of Public Law and Political Science, both Spanish and foreign journals, and books in this field, offering users summaries on their content in the language of publication. The extracts can be consulted on the Institut’s web page.

• List of journals from which Holdings takes extracts

• Extracts from Spanish Journals (September – December 2005)

• Extracts from International Journals (December 2005 - March 2006)

The computer programme that manages the database is currently under renewal; if access is not possible you can contact Documentary Holdings directly at the e-mail addresses and phone numbers given above.

Unit for the Development of the Catalan Self-Government

Reports

During the first quarter of 2006, the Unit for the Development of the Catalan Self-Government has given support to the director of the IEA in the work of assistance and legal advice for the joint presentation to the Constitutional Commission of the Congress of Deputies (lower house of the Spanish Parliament) on the draft bill leading to the reform of the Statute of Catalonia. The Unit has also issued briefings and reports on state-wide legislative initiatives that have repercussions on the powers of the Generalitat, as well as on these initiatives leading to the drafting of the Statute of Catalonia and related regulations. Among the most relevant issues, you can find the following:

• Report on the state-wide draft Bill to promote personal autonomy and attention to people in a situation of dependence
• Report on the creation and the deployment of new forms of territorial administrative organization in Catalonia (the vegueries)

• Briefing relating to the Bill for guarantees and rational use of medicines and health products

• Briefing on the Bill to establish the system of infringements and penalties in regard to equal opportunities, non-discrimination and universal accessibility of people with disabilities

• Briefing relating to the adaptation of the state-wide Bill for the Organic Law on Education to the reform proposed by EAC (update of the report issued on 19 April 2005)

• Briefing on the Technical Building Code and the authority of the Generalitat in regard to housing

• Briefing relating to the Catalan Law 22/2005, of 29 December, on audiovisual communication in Catalonia

• Briefing on the regulation of the language of deaf people in the bill currently passing through the Congress, the position of Catalan sign language and the possible causes for concern of the bodies for its defence.

Current Issues on the Development of Self-Government within Spain: Documents

Institutional reforms

• Draft Bill of the Congreso de los Diputados leading to the reform of the Statute of Catalonia.

• Interlocutory decision of the Spanish Constitutional Court declining to admit the appeal on grounds of unconstitutionality instigated by MPs of the Partido Popular against the first draft bill leading to the reform of the Statute of Catalonia passed by the Catalan Parliament (in Spanish)

• State-wide Law on the reform of the Statute of Autonomy of the Valencian Autonomous Community (in Spanish)

• Draft Bill of the Andalusian Parliament leading to Reform of the Statute of Autonomy of Andalusia (in Spanish)

• Ruling of the Advising Body of Andalusia on the reform proposal of the Statute of Autonomy of Andalusia (in Spanish)

• Decision made by the Advising Body of the Canary Islands on the reform proposal of the Statute of Autonomy of the Canary Islands (in Spanish)

• Public Opinion on the Reform Proposals of the Statutes of Autonomy. Surveys by the Centro de Investigaciones Sociológicas (CIS) and analysis (in English)

Legislation passed by the Parliaments of the Autonomous Communities (in Spanish)

■ Asturias


Aragón

Law 1/2006, of 6th of April, on the selling of shares of Sociedad Inmuebles GTF, S.L.


Balearic Islands

Law 1/2006 of the Balearic Islands, on living wills.


Law 5/2006, of 30th of March, on the creation of the Professional College of Therapists.

Canary Islands


Law 2/2006, of 7 February, integrating the Island Council of Lanzarote into the system set up in Law 57/2003, of 16 December, on measures for the modernisation of local government.


Cantabria

Law 1/2006, of 7 March, on Defence of Consumers and Users in Cantabria.


Castella-La Mancha

Law 1/2006, on the public firm “Gestión Ambiental de Castilla-La Mancha, S.A.”

Catalonia

Law 1/2006, of 16 February, on popular legislative initiative.


Law 3/2006, of 17th of March, on the establishment of the Fund of Territorial Action for Higher Education.

Law 4/2006, of 30th of March, on trains.

La Rioja

Law 1/2006, of 28 February, on the Protection of Minors in La Rioja.

Law 2/2006, of 28 February, on Fishing in La Rioja.

Law 3/2006, of 17 March, creating the Knowledge and Technology Agency.

Murcia

Law 1/2006 of Navarre, on the administration and financial accountability of Navarre.


Legislative Decree of Navarre 1/2006, amending Navarrese Law 19/1992 on VAT.

Recent Rulings of the Spanish Constitutional Court

Ruling 291/2005, of 10 November 2005

Appeal for unconstitutionality 1829-2000. Moved by the Government of Andalusia with respect to Article 54 of Law 55/1999, on fiscal and administrative measures and social order, which rewrites Article 104 of Law 27/1999, of 16 July, on cooperatives.

Decision: To reject the present appeal for unconstitutionality.

Ruling 331/2005, of 15 December 2005


Decision: Partially to allow the appeal for unconstitutionality presented by the President against the Law of the Parliament of Andalusia 8/1999, of 27 October, on the natural area of Doñana, and consequently:

1. To declare Art. 16.7 of this Law unconstitutional.

2. To dismiss the appeal for unconstitutionality in all the rest.

(There is a personal vote by Judge Guillermo Jiménez Sánchez).


Decision: 1. Partially to allow the appeals for unconstitutionality numbers. 5014, 5053, 5056 and 5061-2000 presented, respectively, by the Government Councils of the Generalitat of Catalonia, of the Principality of Asturias, of Aragon and of the Junta de Comunidades of Castilla-La Mancha in relation to Royal Decree-Law 7/2000, of 23 June, on urgent measures in the telecommunications sector, and, consequently, to state:

a) That Art. 7.2 of the Royal Decree-Law violates the authority of the autonomous communities in industry by imposing the administrative authorisation as an enabling title so that private individuals can participate in the provision of the ITV (roadworthiness test for vehicles) service.

b) That the regulatory reference contained in the last sentence of Art. 7.2 in relation to the determination of the technical requirements to be met by ITV (roadworthiness test for vehicles) premises is to be understood to be directed at the General Administration of the State, without prejudice to the ability of the Autonomous Community with exclusive competence in industry to make complementary provisions to those of the State, provided that they do not breach the mandates or make it impossible to achieve the aims pursued by the legislation of the Spanish State.

2. To dismiss the appeal in all the rest.

(There is a personal vote by Judge María Emilia Casas Baamonde).

Decision: Partially to allow the appeal for unconstitutionality number 2544/98 presented by sixty-one Senators of the Socialist Parliamentary Group against several precepts of the Law of the Assembly of Madrid 1/1998, of 2 March, on foundations and, consequently:

1. To state that Art. 27.2 of that Law is not unconstitutional, interpreted in the terms expressed in legal basis 7.

2. To state the unconstitutionality and nullity of the subsection “or failing that without judicial approval with a public hearing by the Minister” of Art. 17.2 and that of Art. 24.3.

3. To dismiss the appeal in all the rest.

(There is a personal vote by María Emilia Casas Baamonde).


Decision: To approve the appeals for unconstitutionality numbers. 663/98, 673/98 and 687/98, Presented by the Defender of the People (Ombudsman), more than fifty Senators of the Socialist Parliamentary Group in the Senate and by the President, respectively and, consequently:


Decision: 1. Partially to allow the positive conflict of power number 5229/1998, presented by the Aragon Regional Council against certain precepts of Royal Decree 1760/1998, of 31 July, which determines the composition and operation of the Council of the National Park Network, of the mixed management commissions of these parks and of their governing boards and, consequently, to state:

- That the powers of the Autonomous Community of Aragon are breached by the following precepts of that Royal Decree: Arts. 3; 4, section 1 in the subsection “which are for administrative purposes under the Minister of the environment”, section 2, headings a), subsection “of whom at least one shall be a member of the Mixed Management Commission”, e), f), g), h), i) and k), section 3, section 4, section 5, section 6, section 7; additional provision one; additional provision two; additional provision four, subsection “and of the Autonomous Community”; additional provision five; additional provision six; and additional provision seven, subsection “and their Mixed Management Commissions”.

- To reject the conflict in all the rest.

2. Partially to allow the positive conflict of power number 5504/1998, presented by the Governing Council of the Government of Andalusia against certain provisions of Royal Decree 1760/1998, of 31 July, which determines the composition and the operation of the Council of the National Park Network, of the mixed management commissions of these parks and of their governing boards and, consequently, to state:
- That the powers of the Autonomous Community of Andalusia the are breached by the following precepts of that Royal Decree t: arts. 3; 4, section 1 in the subsection "which are for administrative purposes under the Minister of the environment", section 2, headings a), subsection "of whom at least one shall be a member of the Mixed Management Commission", e), f), g), h), i) and k), section 3, section 4, section 5, section 6, section 7; additional provision one; additional provision two; additional provision four, subsection "and of the Autonomous Community"; additional provision five; additional provision six; and additional provision seven, subsection "and their Mixed Management Commissions"; annex I, section 3; annex II, section 7, headings a), g), h), i), j), k), l), m), n), ñ) and o).

- To reject the conflict in all the rest.


Decision: 1. Partially to disallow the positive conflict of power number 2832/97, presented by the executive council of the Generalitat of Catalonia, with regard to the Resolution of the Under-Secretary of the Minister of Justice of 22 of April 1997, which awards the contracting of the service of the opening and management of deposit and payments into court accounts that the legal bodies have to maintain, disallowing the conflict in the part that affects the Resolution of 24 February of 1997 that announces the tendering.

2. To approve the conflict of power 541/98 presented by the government against Decree 287/1997 of the Council of Government of the Government of Andalusia, which determine the powers of the bodies of the administration of the Government of Andalusia in relation to payments, guarantees, deposits or judicial payments into court; to approve the appeal for unconstitutionality 1172/98, presented by the President against additional provision eight of Law 7/1997, of 23 December, of the financial budget of the Autonomous Community of Andalusia for 1998; and to approve the appeal for unconstitutionality 1267/99, presented by the President against additional provision seven of Law 10/1998, of 28 December, of the financial budget of the Autonomous Community of Andalusia for 1999, and by virtue thereof:

a) To state that the State, in the terms set out in this Ruling, has the power to appoint the credit body in which the said legal accounts are to be held and to be paid the interests that they generate.


c) To declare unconstitutional the additional provision eight of Law 7/1997, of 23 December, of the financial budget of the Autonomous Community of Andalusia for 1998.

d) To declare unconstitutional the additional provision seven of Law 10/1998, of 28 December, of the financial budget of the Autonomous Community of Andalusia for 1999.

(There is a personal vote by Judge Pablo Pérez Tremps, joined by Judge Eugeni Gay Montalvo).


Decision: To partially allow the conflict positive conflict of power presented by the Executive Council of the Generalitat of Catalonia against Art. 18.3 of the General Regulation for procedures for the imposition of penalties for infringement of social order and for cases of Social Security payments, approved by Royal Decree 928/1998, of 14 May and, by virtue thereof to state that the said Article 18.3 infringes the authority of the Generalitat of Catalonia in the terms set out in the last paragraph of legal base 7.
Germany

The Bill to reform the German Constitution in relation to various aspects of the federal system, of 7 March 2006, might be translated into Catalan in number 2 of Revista d’Estudis Autonòmics i Federals, which will appear shortly.

Press dossier on the current process of constitutional reform in Germany (in Spanish)

United Kingdom

The most recent developments in the Devolution process in the United Kingdom can be followed by the quarterly reports of the Constitutional Unit of the Department of Political Science of University College of London (UCL) in the framework of the research project Devolution Monitoring Programme.

Also, the researchers of the research project "Devolution & Constitutional Change" have drawn up the final report of their research.

More information about other publications and documents linked to this project can be found on the programme’s web site.


This bill has two basic purposes: (1) the restructuring of the National Assembly for Wales both of its organisation and of its powers and (2) the introduction of certain changes in the electoral system of the National Assembly for Wales (NAW). With regard to the first objective, the Act establishes the separation of the parliamentary and executive functions of the NAW which have up to now taken place simultaneously. Moreover, the Act grants the NAW a certain legislative ability. The electoral system for the NAW combined a majority single-member seat system with a proportional system with party lists presented for Wales as a whole. In this regard, the Act prohibits a candidate from standing for election simultaneously in a party list and as a candidate in a certain constituency.


This bill deals with various subjects among which are on one hand, the powers granted to the Secretary of State for Northern Ireland to bring forward the next elections to the Assembly, set in principle for May 2007, and, on the other, a possible transfer of powers to the Assembly and to the Government of Northern Ireland.

Selection of recent Publications on Federalism and Self-Government

El federalismo alemán en la encrucijada

El Estado-Nación en dos encrucijadas históricas
José F. Bernardo de Ares i Santiago Muñoz Machado (dir.). Madrid: Iustel, 2005

Constitución, estado de las autonomías y justicia constitucional. (Libro Homenaje al Profesor Gumersindo Trujillo)
DD. AA. Valencia: Tirant lo Blanch, 2005

Designing Federalism: A Theory of Self-Sustainable Federal Institutions
Mikhail Filippov, Peter C. Ordeshook, Olga Shvetsova. Cambridge: Cambridge University Press, 2004

Stato regionale versus stato federale
Giuseppe di Genio. Milan: Giuffrè, 2005
El reparto de competencias entre la Unión Europea y sus Estados miembros
Luis Mª Hinojosa Martínez. Valencia: Tirant lo Blanch, 2005

The English Question
Robert Hazell (ed.). Manchester: Manchester University Press, 2006

Devolution and Electoral Politics

Comparative Federalism
Thomas Hueglin, Alan Fenna. Ontario: Broadview Press, 2005

Theories of Federalism: A Reader

Federalismo e regionalismo: esperienze italiana, svizzera e dell’unione europea a confronto
Alessandra Lang (et al.). Milan: Giuffrè, 2005

La impugnación de las disposiciones y resoluciones autonómicas ante el Tribunal Constitucional. Estudio del artículo 161.2 de la Constitución
Enrique Lucas Murillo de la Cueva. Bilbao: IVAP, 2005

Distribution of Powers and Responsibilities in Federal Countries

Derecho de la Unión Europea y Comunidades Autónomas
José Antonio Montilla Martos. Madrid: CEPC, 2005

Las comunidades autónomas ante la jurisdicción comunitaria
Carlos Ortega Santiago. Madrid: Iustel, 2005

Nación, nacionalidades y pueblos en el derecho español
Alberto Pérez Calvo. Madrid: Biblioteca Nueva, 2005

La Reforma de los Estatutos de Autonomía
Ignacio Sáez Hidalgo (dir.). Valladolid: Junta de Castilla y León, 2006

American Intergovernmental Relations: A Fragmented Federal Polity

Federalism and Regionalism in Western Europe: A Comparative and Thematic Analysis

El Estado autonómico in fieri: la reforma de los estatutos de autonomía
Manuel Terol Becerra. Sevilla: IAAP, 2005