

Academic Year: (2022 / 2023)

Review date: 19-06-2021

Department assigned to the subject: Department of Public State Law

Coordinating teacher: PEREZ TREMPES, PABLO ENRIQUE ANGEL

Type: Electives ECTS Credits : 3.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Constitution and legal system
 Constitutional Organization of the State

OBJECTIVES

The student will have the opportunity to know in depth the operation of the so-called autonomic State designed by the Constitution, and acquire the skills and abilities necessary for the proper understanding and management of:

1. The general principles of the autonomic model and the common patterns of the institutional organisation of the Autonomous regions, including key regulatory aspects of their financing.
2. Statute and Extra-statute instruments for the distribution of powers between the State and the regions (Autonomous Statutes, Framework Laws, Organic Laws of delegation, Laws of harmonization, and other State laws conferring of delimiting powers to the regions).
3. The various classes and categories of competences (exclusive, shared, concurrent, horizontal) and their respective ownership (state, regional or, where applicable, both).
4. The early relationship between national and regional legislation (supplementarity, prevalence, etc..) and its application to solve normative conflicts, antinomies and, in general, jurisdictional disputes within the framework of the Autonomic State.
5. The principles, techniques and institutional spaces of coordination and collaboration between the State and the Regions (Autonomous Communities), or, where appropriate, among the latter without the former.
6. The preliminary legal and judicial mechanisms for handling and resolving jurisdictional disputes between the State and the regional governments, or among the latter.

DESCRIPTION OF CONTENTS: PROGRAMME

The study of this subject will cover the following issues:

1. State forms: territorial centralization and decentralization as a constitutional alternative. The various forms of political decentralization.
2. Article 2 and Title VIII of the Constitution as a starting point for the construction of the Spanish Autonomic State. The general principles of territorial organization: unity of Spain, autonomy of nationalities and regions, solidarity among them all, basic equality of rights and duties of citizens, economic unity, institutional equality of the Autonomous Communities. The stages of development of the Autonomic State.
3. The articulation of the Autonomic State. Statutory and legal instruments of distribution of powers between the State and the Autonomous Communities, the various categories of competence, principles and techniques for the identification and resolution of conflicts arising from regulations, resolutions or acts of the State and the Autonomous Communities. General aspects of the institutional organization of the Autonomous Communities. The regulatory framework for regional funding.
4. Relations between the State and the Autonomous Communities. The general principle of cooperation within the framework of the Autonomic State and the relations of collaboration and coordination between the State and the Autonomous Communities. The multilateral cooperation bodies: Sectorial Conferences, Conference on Issues Related to the European Union, the Senate and General Commission of the Autonomous Communities, the Conference of Presidents. The bilateral bodies: Bilateral Cooperation Commissions between the State and each Autonomous Communities and other mechanisms of legal or statutory provision. The progressive start of horizontal collaboration techniques among the Autonomous Communities.
5. Techniques for preventing and resolving jurisdictional disputes: preliminary legal procedures and judicial remedies. The Article 155 of the Spanish Constitution.

LEARNING ACTIVITIES AND METHODOLOGY

In addition to theoretical teaching, devoted to the analysis of both constitutional provisions and those of the Statutes of Autonomy, there will be practical cases on the Spanish territorial model or that of other countries with similar territorial models to be solved by the student.

With the aim of providing the necessary knowledge, it will be required the reading of handbooks, monographs, specific academic articles and the constitutional jurisprudence on the territorial organization of the State.

ASSESSMENT SYSTEM

The evaluation encompasses a final examination (which constitutes 60 per cent of the overall grade of the Course) and the participation and performance of the student in practical activities during the course (equivalent to 40 per cent of the overall grade).

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

ADDITIONAL BIBLIOGRAPHY

- Tornos Mas, Joaquín (dir.) Informe Comunidades Autónomas, Instituto de Derecho Público, Annually, since 1989