



## PARLAMENT DE CATALUNYA

### **Organic Law 6/2006 of the 19th July, on the Reform of the Statute of Autonomy of Catalonia**

#### PREAMBLE

Catalonia has been shaped over the course of time through the contribution of the energy of many generations, traditions and cultures, which found in Catalonia a land of welcome.

The Catalan people have maintained a constant will to self-government over the course of the centuries, embodied in such institutions as the *Generalitat* – created in 1359 by the Cervera *Corts* – and in its own specific legal system, assembled, together with other legal compilations, in the *Constitucions i altres drets de Catalunya* (Constitutions and other laws of Catalonia). After 1714, various attempts were made to restore the institutions of self-government. Milestones in this historic route include the *Mancomunitat* of 1914, the recovery of the *Generalitat* with the 1932 Statute, the re-establishment of the *Generalitat* in 1977 and the 1979 Statute, coinciding with the return of democracy, the Constitution of 1978 and the State of Autonomies.

The collective liberty of Catalonia found in the institutions of the *Generalitat* a nexus with a history of affirmation of and respect for the fundamental rights and public liberties of the individual and of peoples; a history which the women and men of Catalonia wish to continue so as to enable the construction of a democratic and advanced society, one of wellbeing and progress, in solidarity with Spain as a whole and incorporated into Europe.

The Catalan people continues today to proclaim liberty, justice and equality as higher values of its collective life, and manifests its desire to advance in a way which will ensure a dignified quality of life for all those who live and work in Catalonia.

The public authorities are at the service of the general interest and the rights of the citizens, while respecting the principle of subsidiarity.

In the light of all the foregoing, and true to the spirit of the preamble to the 1979 Statute, this *Estatut* assumes that:



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- Catalonia is a land rich in territories and peoples, a diversity that has defined and enriched it over the centuries and that strengthens it for the time to come.
- Catalonia is a community of free persons for free persons, in which each individual may live and express diverse identities, with a firm commitment to community based on respect for individual dignity.
- The contribution of its citizens has shaped an integrating society, which sees endeavour as a value and which is innovative and enterprising, values which continue to drive its progress.
- Catalonia's self-government is founded on the Constitution, and also on the historical rights of the Catalan people, which, in the framework of the Constitution, give rise to recognition in this *Estatut* of the unique position of the *Generalitat*. Catalonia wishes to develop its political personality within the framework of a State which recognises and respects the diversity of identities of the peoples of Spain.
- The civil and associative tradition of Catalonia has always underlined the importance of Catalan language and culture, of rights and duties, of knowledge, of education, of social cohesion, of sustainable development and equality of rights, and today, especially, of equality between women and men.
- Catalonia, by means of the State, participates in the construction of the political project of the European Union, whose values and objectives it shares.
- Catalonia, with its humanistic tradition, affirms its commitment together with all peoples to constructing a peaceful and just world order.

In reflection of the feelings and the wishes of the citizens of Catalonia, the Parliament of Catalonia has defined Catalonia as a nation by an ample majority. The Spanish Constitution, in its second Article, recognises the national reality of Catalonia as a nationality.

In exercise of the inalienable right of Catalonia to self-government, the members of the Catalan Parliament hereby propose, the Constitutional Committee of the Congress of Deputies agree and the people of Catalonia ratify this Statute.



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### PRELIMINARY TITLE

#### ARTICLE 1. CATALONIA

Catalonia, as a nationality, exercises its self-government constituted as an autonomous community in accordance with the Constitution and with this *Estatut*, which is its basic institutional law.

#### ARTICLE 2. THE *GENERALITAT*

1. The *Generalitat* is the institutional system around which Catalonia's self-government is politically organised.

2. The *Generalitat* consists of Parliament, the Presidency of the *Generalitat*, Government and the other institutions established in Chapter V of Title II.

3. Municipalities, *vegueries*, *comarques* and other local government bodies that may be determined by law also constitute the institutional system of the *Generalitat*, being the bodies according to which the latter is territorially organised, without prejudice to their autonomy.

4. The powers of the *Generalitat* emanate from the people of Catalonia and are exercised according to this *Estatut* and the Constitution.

#### ARTICLE 3. POLITICAL FRAMEWORK

1. The relationship of the *Generalitat* with the State is based on the principle of mutual institutional loyalty, is regulated by the general principle according to which the *Generalitat* is State, by the principle of autonomy, by that of bilateralism and by that of multilateralism.

2. Catalonia has its political and geographical space of reference in the Spanish State and the European Union, and it incorporates the values, principles and obligations implied by being a part thereof.

#### ARTICLE 4. RIGHTS AND GOVERNING PRINCIPLES

1. The public authorities of Catalonia shall promote the full exercise of the freedoms and rights recognised by this *Estatut*, the Constitution, the European Union, the



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Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and those other international treaties and conventions which Spain has signed that recognise and guarantee fundamental rights and freedoms.

2. The public authorities of Catalonia shall promote conditions in which individual and group freedom and equality are real and effective; they shall enable the participation of all people in political, economic, cultural and social life, and shall recognise the right of peoples to preserve and develop their identity.

3. The public authorities of Catalonia shall promote the values of freedom, democracy, equality, pluralism, peace, justice, solidarity, social cohesion, gender equity and sustainable development.

### ARTICLE 5. HISTORICAL RIGHTS

The self-government of Catalonia is also based on the historical rights of the Catalan people, on its secular institutions, and on the Catalan legal tradition, which this *Estatut* incorporates and modernises under Article 2, Temporary Provision Two, and other precepts of the Constitution, from which derive recognition of the *Generalitat's* unique position in relation to civil law, language, culture, the projection of these in the area of education, and the institutional system by means of which the *Generalitat* is organised.

### ARTICLE 6. CATALONIA'S OWN LANGUAGE AND OFFICIAL LANGUAGES

1. Catalonia's own language is Catalan. As such, Catalan is the language of normal and preferential use in Public Administration bodies and in the public media of Catalonia, and is also the language of normal use for teaching and learning in the education system.

2. Catalan is the official language of Catalonia, together with Castilian, the official language of the Spanish State. All persons have the right to use the two official languages and citizens of Catalonia have the right and the duty to know them. The public authorities of Catalonia shall establish the necessary measures to enable the exercise of these rights and the fulfilment of this duty. In keeping with the



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provisions of Article 32, there shall be no discrimination on the basis of use of either of the two languages.

3. The *Generalitat* and the State shall undertake the necessary measures to obtain official status for Catalan within the European Union and its presence and use in international organisations and in international treaties of cultural or linguistic content.

4. The *Generalitat* shall promote communication and cooperation with the other communities and territories that share a linguistic heritage with Catalonia. To this end, the *Generalitat* and the State may, as appropriate, sign agreements, treaties, and other collaboration instruments for the promotion and external dissemination of Catalan.

5. The Occitan language, known as Aranese in Aran, is Aran's own language and is official in Catalonia, as established by this *Estatut* and by the laws of linguistic normalisation.

### ARTICLE 7. THE POLITICAL STATUS OF CATALANS

1. Spanish citizens legally resident in Catalonia benefit from the political status of Catalans or citizens of Catalonia. Their political rights are exercised in accordance with this *Estatut* and the law.

2. Spanish citizens resident abroad whose last legal place of residence was Catalonia also enjoy, as Catalans, the political rights defined by this *Estatut*; their descendants, who maintain this citizenship, shall also enjoy these rights, if they so request, in the manner determined by law.

### ARTICLE 8. THE SYMBOLS OF CATALONIA

1. The flag, the holiday and the anthem are the national symbols of Catalonia, defined as a nationality by Article 1.

2. The flag of Catalonia, which is the traditional flag with four red stripes on a yellow background, shall be present on public buildings and during official acts held in Catalonia.



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3. The holiday of Catalonia is the *Diada* of the Eleventh of September.
4. The anthem of Catalonia is *Els segadors*.
5. Parliament shall regulate the diverse expressions of the symbolic framework of Catalonia and shall define their order of protocol.
6. Legal protection for the symbols of Catalonia shall be the same as that for other symbols of the State.

### ARTICLE 9. TERRITORY

The territory of Catalonia is that which corresponds to the geographical and administrative limits of the *Generalitat* as of when this *Estatut* comes into force.

### ARTICLE 10. THE CAPITAL

The capital of Catalonia is the city of Barcelona, which is the permanent seat of Parliament, of the Presidency of the *Generalitat* and of the Government, without prejudice to possible meetings of Parliament and Government in other locations in Catalonia, in accordance with the Parliament's Rules of Procedure and the law.

### ARTICLE 11. ARAN

1. The people of Aran exercise self-government through this *Estatut*, the *Conselh Generau d'Aran* and any other institutions of its own.
2. The citizens of Catalonia and their political institutions recognise Aran as an Occitan entity, with cultural, historical, geographical and linguistic identity as defended by the Aranese people over the centuries. This *Estatut* recognises, protects and respects this uniqueness and recognises Aran as a unique territorial entity within Catalonia, subject to specific protection under a special legal system.

### ARTICLE 12. TERRITORIES WITH HISTORICAL, LINGUISTIC AND CULTURAL LINKS WITH CATALONIA

The *Generalitat* shall promote communication, cultural exchange and cooperation with any communities and territories, whether or not they belong to the Spanish State, which have historical, linguistic and cultural links with Catalonia. For this purpose, the *Generalitat* and the Spanish State, as appropriate, may sign



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agreements, treaties and other collaboration instruments in any field, which may include the creation of joint entities.

### ARTICLE 13. CATALAN COMMUNITIES OUTSIDE CATALONIA

The *Generalitat*, within the terms established by law, shall foster social, economic and cultural links with Catalan communities outside Catalonia and shall provide them with any necessary assistance. To this end, the *Generalitat*, where appropriate, may establish cooperation agreements with public and private institutions in the territories and countries where these Catalan communities exist and may request the State to sign international treaties in this respect.

### ARTICLE 14. TERRITORIAL APPLICATION OF RULES

1. The rules and resolutions of the *Generalitat* and the civil law of Catalonia are applicable within the territory of Catalonia, without prejudice to any exceptions that may be established in relation to each matter and to any situations that are to be governed by private status or by other extraterritorial rules.
2. Foreign citizens who obtain Spanish nationality are subject to Catalan civil law while legally resident in Catalonia, unless they express a wish to the contrary.

## TITLE I. RIGHTS, OBLIGATIONS AND GOVERNING PRINCIPLES

### CHAPTER I. CIVIL AND SOCIAL RIGHTS AND OBLIGATIONS

#### ARTICLE 15. THE RIGHTS OF THE INDIVIDUAL

1. The citizens of Catalonia have the rights and obligations recognised in the rules referred to in Article 4.1.
2. Each individual has the right to live in dignity, safety and autonomy, free from exploitation, from ill-treatment and from all types of discrimination, and has the right to freely develop his or her personality and personal abilities.
3. The rights of the citizens of Catalonia, as established in this *Estatut*, may be extended to other individuals, under the terms established by law.



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### ARTICLE 16. RIGHTS IN THE FIELD OF THE FAMILY

Each individual has the right, in accordance with the requirements established by law, to receive social benefits and public assistance in fulfilling family responsibilities.

### ARTICLE 17. THE RIGHTS OF MINORS

All minors have the right to receive all the attention necessary for the development of their personality and for their welfare in both family and social contexts.

### ARTICLE 18. THE RIGHTS OF THE ELDERLY

Elderly people have the right to live with dignity, free from exploitation and ill-treatment, and may not be discriminated against for reasons of age.

### ARTICLE 19. THE RIGHTS OF WOMEN

1. All women have the right to freely develop their personality and personal abilities, and to live with dignity, confidence and autonomy, free from exploitation, ill-treatment and all types of discrimination.
2. Women have the right to participate equally with men in all private and public spheres.

### ARTICLE 20. THE RIGHT TO UNDERGO THE PROCESS OF DEATH WITH DIGNITY

1. Each individual has the right to receive appropriate treatment of pain and complete palliative attention and to undergo the process of death with dignity.
2. Each individual has the right to express his or her will in advance in order to record instructions regarding any medical treatment or intervention that he or she may undergo. These instructions must be respected especially by medical staff, in accordance with the terms established by the law, if the individual is not able to express his or her wishes personally.



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### ARTICLE 21. RIGHTS AND OBLIGATIONS IN THE FIELD OF EDUCATION

1. Each individual has the right to a high-quality education and to equality of access. The *Generalitat* shall establish a model of education in the public interest that guarantees these rights.
2. In accordance with the principles established in Article 37.4, parents are guaranteed the right of their children to receive moral and religious education in accord with their convictions in State schools, in which the education is non-religious.
3. Private schools may be supported with public funds in accordance with the provisions of the law, in order to guarantee the rights to equal access and to a high-quality education.
4. Education is free at all compulsory stages and at other levels as may be established by law.
5. Each individual has the right to occupational and continuous training, under the terms established by law.
6. Each individual has the right to receive, under the terms and conditions which may be established by law, public assistance to meet his or her educational needs, and equal access to higher levels of education, in accordance with his or her economic resources, aptitudes and preferences.
7. Individuals with special educational needs have the right to receive the necessary support to gain access to the educational system, in accordance with the provisions of the law.
8. The members of the educational community have the right to participate in school and university affairs under the terms established by law.

### ARTICLE 22. RIGHTS AND OBLIGATIONS IN THE CULTURAL FIELD

1. Each individual has the right of equal access to culture and to the development of their individual and collective creative abilities.
2. Each individual has the duty to respect and preserve cultural heritage.



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### ARTICLE 23. RIGHTS IN THE FIELD OF HEALTH

1. Each individual has the right of equal access, free of charge, to healthcare services provided under public responsibility, under the terms established by law.
2. Public healthcare users have the right to have their preferences respected in terms of choice of doctor and healthcare centre, under the terms and conditions established by law.
3. Each individual, with respect to public and private healthcare services, has the right to be informed of the services which he or she can have access to and of the requirements for using them; to be informed of medical therapies and their risks, prior to treatment; to give his or her consent for all medical interventions; to have access to his or her own medical records; and to confidentiality regarding information relating to his or her health, under the terms established by law.

### ARTICLE 24. RIGHTS IN THE FIELD OF WELFARE SERVICES

1. Each individual has the right to equal access to the welfare service network provided under public responsibility, to be informed about those services, and to give his or her consent to any action that affects him or her personally, under the terms established by law.
2. Those individuals with special needs regarding personal autonomy in the activities of daily life have the right to receive attention which is appropriate to their condition, in accordance with legally established conditions.
3. Those individuals or families who are in a situation of poverty have the right to a minimum guaranteed income that ensures them the minimum necessary to live in dignity, in accordance with legally established conditions.
4. Third social sector organisations have the right to fulfil their functions in the spheres of social participation and collaboration.

### ARTICLE 25. RIGHTS IN THE FIELD OF LABOUR

1. All workers have the right to professional training and promotion and the right of free access to public employment services.



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2. Those individuals excluded from the job market because they have not been able to enter or re-enter it and without a means of subsistence have the right to receive non-contributory provisions and resources to alleviate their situation, under the terms established by law.
3. All workers have the right to perform their work and professional tasks in conditions that guarantee their health, safety and dignity.
4. Workers, or their representatives, have a right to information, consultation and participation in their companies.
5. Trade union and employer union organisations have the right to fulfil their functions in the spheres of social agreement, participation and social collaboration.

### ARTICLE 26. RIGHTS IN THE FIELD OF HOUSING

Those individuals who lack sufficient resources have the right to a decent home, and public authorities shall, therefore, establish by law a system of measures to guarantee this right, within the terms determined by law.

### ARTICLE 27. RIGHTS AND OBLIGATIONS CONCERNING THE ENVIRONMENT

1. Each individual has the right to live in an environment that is balanced, sustainable and respectful of health, in accordance with the standards and levels of protection established by law. Each individual also has equal rights to enjoy the landscape and natural resources, and has the obligation to use these responsibly and to avoid squander and damage of natural resources.
2. Each individual has the right to protection from different forms of pollution, in accordance with the standards and levels determined by law. He or she also has the obligation to collaborate in the conservation of the natural heritage and in actions designed to eliminate any form of pollution, with the objective of maintaining and preserving the natural environment for future generations.
3. Each individual has the right of access to environmental information held by the public authorities. The right to information may only be limited for justifiable reasons of public order, within the terms established by law.



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### ARTICLE 28. THE RIGHTS OF CONSUMER AND USERS

1. Each individual, as a consumer and user of goods and services, has the right to the protection of their health and safety. He or she also has the right to accurate and comprehensible information on the characteristics and prices of goods and services, to a system of guarantees for purchased products and contracted supplies, and to the protection of their economic interests against abusive, negligent or fraudulent conduct.
2. Consumers and users have the right to information and to participation, either directly or through their representatives, regarding the Public Administration bodies of Catalonia, under the terms established by law.

### CHAPTER II. RIGHTS IN THE POLITICAL AND ADMINISTRATIVE FIELD

#### ARTICLE 29. RIGHT OF PARTICIPATION

1. The citizens of Catalonia have an equal right to participate in the public affairs of Catalonia, whether directly or through their representatives, on the assumptions and under the terms established by this *Estatut* and by law.
2. The citizens of Catalonia have the right to elect their representatives to the representative political bodies and to stand for election as candidates, in accordance with the conditions and the requirements established by law.
3. The citizens of Catalonia have the right to promote and present legislative initiatives to Parliament, under the terms established by this *Estatut* and the law.
4. The citizens of Catalonia have the right to participate, directly or through associative bodies, in the parliamentary process of drafting laws, by means of the procedures established by Parliament's Rules of Procedure.
5. Each individual has the right to present petitions and complaints, in the form and with the effects established by law, to the institutions and the Administration of the *Generalitat* and also to the local government entities of Catalonia in matters coming under the respective powers. The conditions for exercise of this right and its effects, and the obligations of the receiving institutions shall be established by law.



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6. The citizens of Catalonia have the right to promote the calling of public consultations by the *Generalitat* and the city councils in matters coming under the respective powers, in the form and under the terms established by law.

### ARTICLE 30. RIGHTS OF ACCESS TO PUBLIC SERVICES AND TO A GOOD ADMINISTRATION

1. Each individual has the right of equal access to public and economic services of general interest. Public Administration bodies shall set the access conditions and quality standards for these services, regardless of the system for their provision.

2. Each individual has the right to be treated impartially and objectively by the public authorities of Catalonia in matters affecting them, and that the action of the public authorities be proportional to the ends justifying it.

3. The law shall regulate the conditions for exercise and ensuring the rights referred to in Sections 1 and 2 above, and shall determine the circumstances in which Catalan Public Administration bodies and any public services dependant on them shall adopt a charter of user rights and service providers obligations.

### ARTICLE 31. RIGHT TO THE PROTECTION OF PERSONAL DATA

Each individual has the right to the protection of personal data contained in the records held by the *Generalitat*, and they have the right to access, examine and have these data corrected. An independent authority, designated by Parliament, shall ensure that these rights are respected under the terms established by law.

## CHAPTER III. LINGUISTIC RIGHTS AND OBLIGATIONS

### ARTICLE 32. RIGHTS AND OBLIGATIONS CONCERNING THE KNOWLEDGE AND USE OF LANGUAGES

Each individual has the right not to be discriminated against for linguistic reasons. Legal acts executed in either of the two official languages have, in linguistic terms, full validity and effect.

### ARTICLE 33. LINGUISTIC RIGHTS IN DEALINGS WITH PUBLIC ADMINISTRATION BODIES AND STATE INSTITUTIONS

1. Citizens have the right to linguistic choice. In their relations with institutions, organisations and Public Administration bodies in Catalonia, each individual has the



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right to use the official language of his or her choice. This right binds public institutions, organisations and administration bodies, including the electoral administration in Catalonia, and, in general, any private bodies depending on them when exercising public functions.

2. When dealing with the Administration of Justice, the Office of the Public Prosecutor, notaries and public registry offices, each individual has the right to use the official language of his or her choice in any judicial, notarial or registration procedures, and to receive all official documentation issued in Catalonia in the language requested, without having to endure defencelessness or undue delay due to the language chosen, and without having to provide any type of translation.

3. To guarantee the right to linguistic choice, judges and magistrates, public prosecutors, notaries, registrars of property and companies, those responsible for the Civil Registry and those in the service of the Administration of Justice, must demonstrate, in order to serve in Catalonia, in the form established by law, that they have an adequate and sufficient knowledge of the official languages which renders them fit to fulfil the functions of their post or workplace.

4. To guarantee the right to linguistic choice, the Administration of the State in Catalonia must demonstrate that the staff in its service has an adequate and sufficient knowledge of the two official languages that renders it fit to fulfil the functions of their post.

5. The citizens of Catalonia have the right to communicate in writing in Catalan with the constitutional entities and with the State-wide jurisdictional bodies, in accordance with the procedures established by the corresponding legislation. These institutions shall attend to and process written communications in Catalan, which shall have in all cases, full legal validity.

### ARTICLE 34. LINGUISTIC RIGHTS OF CONSUMERS AND USERS

Each individual, in his or her capacity as user or consumer of goods, products and services, has the right to be attended orally or in writing in the official language of his or her choice. Bodies, companies and establishments that are open to the public



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in Catalonia are bound by the obligation of linguistic availability within the terms established by law.

### ARTICLE 35. LINGUISTIC RIGHTS IN THE FIELD OF EDUCATION

1. Each individual has the right to receive an education in Catalan, as established in this *Estatut*. Catalan shall be used as the teaching and learning language for university and non-university education.
2. Pupils have the right to receive an education in Catalan at the non-university level. They also have the right and obligation to have a sufficient oral and written knowledge of Catalan and Castilian upon completing compulsory education, whatever their habitual language of use when starting their education. The Catalan and Castilian languages shall be sufficiently represented in the curricula.
3. Pupils have the right not to be separated into centres or different class groups on the basis of their habitual language of use.
4. Those pupils who join the school system in Catalonia at a later age than normal school starting age have the right to receive special linguistic support if their lack of comprehension skills makes it difficult for them to pursue their education normally.
5. The teaching staff and pupils of universities have the right to express themselves, orally and in writing, in the official language of their choice.

### ARTICLE 36. RIGHTS CONCERNING ARANESE

1. In Aran each individual has the right to know and use Aranese and to be attended orally and in writing in Aranese in his or her dealings with the Public Administration bodies and public and private entities accountable to them.
2. The citizens of Aran have the right to use Aranese in their dealings with the *Generalitat*.
3. Other linguistic rights and obligations relating to Aranese shall be determined by law.



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### CHAPTER IV. GUARANTEES OF STATUTORY RIGHTS

#### ARTICLE 37. GENERAL PROVISIONS

1. The rights recognised in Chapters I, II and III of this Title bind all the public authorities of Catalonia and, depending on the nature of each right, individual citizens. Regulations passed by the public authorities in Catalonia shall respect these rights and shall be interpreted and applied in the most appropriate way so as to ensure their full effectiveness.

The rights recognised by Articles 32 and 33 also bind the General Administration of the State in Catalonia.

2. Parliament shall approve the Charter of Rights and Obligations of the Citizens of Catalonia by law. The provisions of this Article concerning the rights recognised in Chapters I, II and III of this Title shall also apply to the rights recognised in the above-mentioned Charter.

3. The essential regulation and the direct development of the rights recognised in Chapters I, II and III of this Title shall be effected through an Act of Parliament.

4. The rights and principles of this Title shall not imply any alteration to the system for distribution of powers nor the creation of new Titles regarding powers nor the modification of those that already exist. None of the provisions of this Title shall be enacted, applied or interpreted in any way that reduces or restricts the fundamental rights recognised in the Constitution and in international treaties and conventions ratified by Spain.

#### ARTICLE 38. PROTECTION

1. The Council for Statutory Guarantees protects the rights recognised in Chapters I, II and III of this Title and the Charter of Rights and Obligations of the Citizens of Catalonia, in accordance with Article 76.2 *b* and *c*.

2. Any act that undermines the rights recognised in Chapters I, II and III of this Title and in the Charter of Rights and Obligations of the Citizens of Catalonia may



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be appealed before the Supreme Court of Justice of Catalonia, in keeping with the procedure established by law.

### CHAPTER V. GOVERNING PRINCIPLES

#### ARTICLE 39. GENERAL PROVISIONS

1. The public authorities of Catalonia shall direct public policy in accordance with the governing principles established by the Constitution and this *Estatut*. In the exercise of their powers, the public authorities of Catalonia shall promote and adopt any measures necessary to guarantee their full effectiveness.
2. The recognition, respect and protection of these governing principles shall shape positive legislation, judicial practice and the actions of the public authorities.
3. The governing principles are invocable before the jurisdiction, in accordance with the provisions of the law and other regulations that develop them.

#### ARTICLE 40. PROTECTION OF THE INDIVIDUAL AND THE FAMILY

1. The public authorities shall have as their objective the improvement of the quality of life for all individuals.
2. The public authorities shall guarantee the legal, economic, and social protection of the various forms of family regulated by law, as a basic structure, as an element that favours social cohesion, and as the primary structure for coexistence between individuals. They shall, moreover, promote the economic measures and supportive regulations for families aimed at guaranteeing a balance between professional and family life and having children, with special attention to large families.
3. The public authorities shall guarantee the protection of children, in particular, from all forms of exploitation, abandonment, ill-treatment and cruelty, and from poverty and its effects. In all actions implemented by the public authorities or by private institutions, the interests of the child shall be awarded priority.
4. The public authorities shall promote public policies to encourage the emancipation of young people, by facilitating access to work and housing so that



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they may develop their own lives and participate with equal rights and obligations in social and cultural life.

5. The public authorities shall guarantee the legal protection of people with disabilities and shall promote their social, economic and occupational integration. They shall also adopt the necessary measures to replace or complement the support from their immediate family environment.

6. The public authorities shall guarantee the protection of the elderly so that they may lead a decent and independent life and be able to participate in social and cultural life. They shall also strive for full integration of the elderly in society by means of public policies based on the principle of inter-generational solidarity.

7. The public authorities shall promote the equality of the different stable forms of union established between couples, bearing in mind their characteristics, regardless of the sexual orientation of the partners. The law shall regulate these unions and other forms of cohabitation and their consequences.

8. The public authorities shall promote the equality of all individuals, regardless of background, nationality, gender, race, religion, social condition or sexual orientation, and shall also promote the eradication of racism, anti-Semitism, xenophobia, homophobia, and of any other manifestation that may constitute a violation of the equality and dignity of the individual.

### ARTICLE 41. THE GENDER PERSPECTIVE

1. The public authorities shall guarantee adherence to the principle of equal opportunities for women and men in access to work, training, professional promotion, working conditions, including salary, and in all other circumstances, and shall also guarantee that women will not be discriminated against as a consequence of pregnancy or motherhood.

2. The public authorities shall guarantee integration of the gender perspective and of women into all public policies so as to ensure real and effective equality and parity between women and men.



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3. Public policies shall guarantee that all forms of violence against women and actions of a sexist and discriminatory nature shall be dealt with as a whole; they shall encourage the recognition of the role of women in the cultural, historical, social and economic fields, and shall promote the participation of women's groups and associations in drafting and evaluating these policies.

4. The public authorities shall recognise and take into account the economic value of domestic care and attention in establishing economic and social policies.

5. The public authorities, in the sphere of their powers, and in the cases established by law, shall ensure that the free choice of women is the determining factor in all matters that may affect their dignity, integrity and physical and mental welfare, most particularly in matters affecting their own bodies and their reproductive and sexual health.

### ARTICLE 42. SOCIAL COHESION AND WELFARE

1. The public authorities shall promote public policies that foster social cohesion and that guarantee a system of social services, whether public or private with public subsidies, which is appropriate to the economic and social indices of Catalonia.

2. The public authorities shall ensure full social, economic and occupational integration of the individuals and groups most in need of protection, particularly those who are in situations of poverty and at risk of social exclusion.

3. The public authorities shall ensure the dignity, safety, and full protection of all individuals, especially those who are most vulnerable.

4. The public authorities shall guarantee the quality of service and the free nature of public healthcare under the terms established by law.

5. The public authorities shall promote preventive and community policies and shall guarantee the quality and the free nature of any social service designated by law as basic.

6. The public authorities shall take the necessary measures to establish a system for receiving immigrants, and shall promote policies to guarantee recognition and effectiveness of their rights and obligations, equality of opportunity and the services



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and assistance that will facilitate their social and economic accommodation and their participation in public affairs.

7. The public authorities shall ensure social, cultural and religious harmony among individuals in Catalonia, and respect for diversity of belief and ethical and philosophical convictions. They shall foster intercultural relations through the encouragement and creation of forums for mutual awareness, dialogue and mediation. They shall also guarantee recognition of the culture of the Romany people so as to safeguard their historical heritage.

### ARTICLE 43. PROMOTION OF PARTICIPATION

1. The public authorities shall promote social participation in drafting, providing and evaluating public policies, and also the participation of individuals and associations in civic, social, cultural, economic and political matters, with full respect for the principles of pluralism, free enterprise and autonomy.

2. The public authorities shall facilitate citizen and political participation and representation, with special attention to the less populated areas of the territory.

3. The public authorities shall ensure that institutional campaigns organised on the occasion of electoral processes have as their aim the encouragement of citizen participation and that the information on electoral candidates provided by the media to the electorate is accurate, objective and neutral and that it respects political pluralism.

### ARTICLE 44. EDUCATION, RESEARCH AND CULTURE

1. The public authorities shall guarantee the quality of the education system and shall provide a human, scientific and technical education for students that is based on the social values of equality, solidarity, freedom, pluralism and civil responsibility, and all other values that form the basis of democratic coexistence.

2. The public authorities shall ensure sufficient knowledge of a third language by completion of compulsory education.

3. The public authorities shall promote and encourage the involvement and the participation of the family in the education of children, within the framework of the



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education community, and shall facilitate and promote access to extra-curricular educational activities.

4. The public authorities shall foster high-quality scientific investigation and research, artistic creativity, and the conservation and dissemination of the cultural heritage of Catalonia.

5. The public authorities shall take the necessary action to enable all individuals to have access to culture, to cultural goods and services, and to the cultural, archaeological, historical, industrial and artistic heritage of Catalonia.

### ARTICLE 45. THE SOCIO-ECONOMIC FIELD

1. The public authorities shall adopt the necessary measures to promote the economic and social progress of Catalonia and its citizens, based on the principles of solidarity, cohesion, sustainable development and equal opportunities.

2. The public authorities shall promote a fairer distribution of personal and territorial wealth within the framework of a Catalan welfare system.

3. The public authorities shall adopt the measures necessary to guarantee the labour and trade union rights of workers, and shall encourage and promote their participation in companies, and policies of full employment, increased job stability, employee training, occupational risk prevention, occupational health and safety, the creation of decent workplace conditions, non-discrimination for reasons of gender, and the guarantee of necessary rest periods and paid holidays.

4. The *Generalitat* shall promote the creation of a Catalan labour relations space, established in accordance with the specific productive and business reality of Catalonia and of the social agents of Catalonia, in which the trade unions, employer organisations and the Administration of the *Generalitat* shall be represented. Within this framework, the public authorities shall foster the practice of social dialogue, agreement, collective bargaining, out-of-court settlement of labour disputes, and participation in the development and improvement of the productive fabric.

5. The *Generalitat* shall favour the development of business activity and the entrepreneurial spirit, taking into account the social responsibility of the company, free enterprise and the conditions for competitiveness, and shall protect in



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particular the productive economy and the activity of self-employed entrepreneurs, and of small and medium-sized enterprises. The *Generalitat* shall foster the action of cooperatives and labour associations and shall stimulate social economy initiatives.

6. Trade unions and employer organisations shall participate in the definition of public policies which affect them. The *Generalitat* shall promote mediation and arbitration for the resolution of conflicts of interest between different social agents.

7. Professional organisations and public law bodies representing economic and professional interests and third sector associations are to be consulted in the definition of public policies which affect them.

8. The *Generalitat*, taking into consideration the social, cultural and economic promotion functions of savings banks, shall protect their institutional autonomy and shall promote the social contribution of these entities to the economic and social strategies of the different territories of Catalonia.

### ARTICLE 46. THE ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND TERRITORIAL BALANCE

1. The public authorities shall ensure the protection of the environment through the adoption of public policies based on sustainable development and on collective and inter-generational solidarity.

2. Environmental policies shall be particularly addressed to the reduction of different types of pollution, to establishing standards and minimum protection levels, outlining measures for the correction of environmental damage, the sensible use of natural resources, prevention and control of erosion and of activities that alter the atmospheric and climatic pattern, and respect for the principles of environmental protection, conservation of natural resources, responsibility, ecological control, and recycling and reuse of goods and products.

3. The public authorities shall create conditions for the preservation of nature and biodiversity, promote the integration of environmental objectives into sectoral policies, and establish conditions in which all individuals can enjoy the natural heritage and landscape.



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4. The public authorities shall ensure economic and territorial cohesion by applying policies that ensure a special treatment for mountain zones, protection of the landscape and the coastline, the promotion of agriculture, livestock farming and forestry, and a balanced distribution of productive sectors, services of general interest and communication networks throughout the territory.

5. The public authorities shall provide citizens with environmental information and encourage education in values concerning the preservation and improvement of the environment as a common heritage.

### ARTICLE 47. HOUSING

The public authorities shall facilitate access to housing by means of the provision of land and the promotion of public and subsidised housing, with special attention to young people and groups with the greatest needs.

### ARTICLE 48. MOBILITY AND ROAD SAFETY

1. The public authorities shall promote transport and communication policies based on sustainability criteria that encourage the use of public transportation and the improvement of mobility, and which guarantee access for people with reduced mobility.

2. The public authorities shall encourage, as a matter of priority, measures aimed at improving road safety and reducing the number of traffic accidents, placing particular emphasis on prevention, road safety education, and the care of accident victims.

### ARTICLE 49. PROTECTION OF CONSUMERS AND USERS

1. The public authorities shall guarantee the protection of health, safety, and the defence of the rights and legitimate interests of consumers and users.

2. The public authorities shall guarantee the existence of consumer mediation and arbitration instruments, promote awareness and use of these instruments, and provide support to consumers and user associations.



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### ARTICLE 50. PROMOTION AND DISSEMINATION OF CATALAN

1. The public authorities shall protect the Catalan language in all fields and sectors and shall foment its knowledge, use and dissemination. These principles shall also be applied to Aranese.
2. Government, universities and higher education institutions, in their respective powers, shall adopt the relevant measures to guarantee the use of the Catalan language in all teaching, administrative and research activities.
3. Policies for the promotion of the Catalan language shall be spread to the whole of the State, the European Union and the rest of the world.
4. The public authorities shall take steps to ensure that the information contained on labels, packaging and instructions for use of products distributed in Catalonia are also printed in Catalan.
5. The *Generalitat*, the local administration and other public corporations in Catalonia, the institutions and companies answerable to them and the franchisees of their services, shall use Catalan for their internal proceedings and for relations among themselves. They shall also use it in communications and notifications addressed to natural or legal persons resident in Catalonia, without prejudice to citizen rights to receive them in Castilian should they ask for this.
6. The public authorities shall guarantee the use of Catalan sign language and conditions of equality for deaf people who chooses to use this language, which shall be the subject of education, protection and respect.
7. The State, in accordance with the provisions of the Constitution, shall support the application of the principles stated in this Article. Instruments for coordination and, where necessary, combined action for improved efficacy, shall be established.

### ARTICLE 51. COOPERATION FOR PROMOTION OF PEACE AND COOPERATION FOR DEVELOPMENT

1. The *Generalitat* shall promote a culture of peace and actions that foster peace in the world.



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2. The *Generalitat* shall promote cooperation actions and policies for the development of peoples and shall establish emergency humanitarian aid programmes.

### ARTICLE 52. THE MEDIA

1. The public authorities shall promote the conditions which guarantee the right to information and the right to receive accurate information from the media and contents that respect personal dignity and political, social, cultural and religious pluralism. In the case of publicly-owned media, the information provided shall also be neutral.

2. The public authorities shall promote the conditions that guarantee equal access to audiovisual services in Catalonia.

### ARTICLE 53. ACCESS TO INFORMATION AND COMMUNICATION TECHNOLOGIES

1. The public authorities shall facilitate knowledge of the information society and shall encourage equal access to communication and to information technologies in all areas of life, including the workplace; they shall encourage that these technologies are at the service of people and do not negatively affect their rights, and shall guarantee the provision of services by means of the above-mentioned technologies, in accordance with the principles of universality, continuity and modernisation.

2. The *Generalitat* shall promote technological training, research and innovation so that the opportunities for progress offered by the knowledge and information society may contribute to improved social welfare and cohesion.

### ARTICLE 54. HISTORICAL MEMORY

1. The *Generalitat* and the other public authorities shall work for the knowledge and the maintenance of the historical memory of Catalonia as a collective heritage that bears witness to its resistance and struggle for rights and democratic freedoms. To this end, they shall adopt the necessary institutional initiatives for the recognition and rehabilitation of all those citizens who have suffered persecution as a consequence of their defence of democracy and Catalan self-government.



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2. The *Generalitat* shall strive to make its historical memory a permanent symbol of tolerance, of the dignity of democratic values, of the rejection of totalitarianism, and of recognition for all individuals who have suffered persecution as a consequence of personal, ideological or conscientious choices.

### TITLE II. INSTITUTIONS

#### CHAPTER I. PARLIAMENT

##### ARTICLE 55. GENERAL PROVISIONS

1. Parliament represents the people of Catalonia.
2. Parliament exercises legislative power, approves the budget of the *Generalitat* and controls and promotes political and government action. It is the seat for the expression of pluralism and political debate.
3. Parliament is inviolable.

##### ARTICLE 56. COMPOSITION AND ELECTORAL SYSTEM

1. Parliament consists of a minimum of one hundred and a maximum of one hundred and fifty members, elected for a period of four years by universal, free, equal, direct and secret suffrage, in accordance with this *Estatut* and with electoral legislation.
2. The electoral system is one of proportional representation and has to ensure adequate representation of all areas of the territory of Catalonia. Electoral Administration is independent and guarantees transparency and objectivity in the electoral process. The electoral system is regulated by an Act of Parliament approved by a final vote on the full text by a majority of two thirds of the Members of Parliament.
3. In accordance with electoral legislation, citizens of Catalonia, by virtue of their civil and political rights, are electors and eligible for election. The electoral law of Catalonia shall establish criteria for parity between women and men when preparing the electoral lists.



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4. Fifteen days before the end of the legislative term, the President of the *Generalitat* shall call an election, which shall be held within from forty to sixty days after the call.

### ARTICLE 57. LEGAL STATUS OF MEMBERS OF PARLIAMENT

1. Members of Parliament are inviolable with regard to the votes and opinions they may express in exercise of their position. During their term in office, they enjoy legal immunity and may not therefore be arrested unless in flagrant offence.

2. In lawsuits against Members of Parliament, the competent authority is the Supreme Court of Justice of Catalonia. Outside the territory of Catalonia, penal responsibility shall be invocable on the same terms before the Criminal Chamber of the Spanish Supreme Court.

3. Members of Parliament are not subject to imperative mandate.

### ARTICLE 58. PARLIAMENTARY AUTONOMY

1. Parliament has organisational, financial, administrative, and disciplinary autonomy.

2. Parliament drafts and approves its Rules of Procedure, its budget, and establishes the legal status of its staff.

3. Approval or reform of Parliament's Rules of Procedure is a matter for the Plenary Assembly and it requires the vote in favour of an absolute majority of Members of Parliament in a final vote on the full text.

### ARTICLE 59. ORGANISATION AND WORK

1. Parliament has a President and a Presiding Board elected by the Plenary Assembly. Their election and functions are regulated by Parliament's Rules of Procedure.

2. Parliament's Rules of Procedure establish the rights and obligations of the Members of Parliament, the requirements for the formation of parliamentary groups, the role of these groups in the exercise of parliamentary functions, and the powers of the Board of Spokespeople.



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3. Parliament works in the Plenary Assembly and in committees. Parliamentary groups participate in all committees in numbers proportional to their representation.

4. Parliament has a standing committee, presided over by the President of Parliament and consisting of the number of members determined by Parliament's Rules of Procedure, in proportion to parliamentary group representation. The Standing Committee oversees exercise of parliamentary powers when Parliament is not in session, in the periods between sessions when the parliamentary mandate has ended, and when Parliament has been dissolved. At the end of a legislative term or upon dissolution of Parliament, the mandate of the Members of Parliament who form the Standing Committee is extended until a new Parliament is constituted.

5. Public office holders and staff in the employ of Public Administration bodies which operate in Catalonia are obliged to appear before Parliament when required.

6. Parliament may create investigative committees on any matter of public relevance or interest to the *Generalitat*. Those summoned to appear before them, are obliged to do so, in accordance with the procedure and guarantees established by Parliament's Rules of Procedure. Sanctions for non-fulfilment of this obligation shall be regulated by law.

7. Individual and group petitions addressed to Parliament shall be regulated by Parliament's Rules of Procedure. It shall also establish mechanisms for participation by citizens in the exercise of parliamentary functions.

### ARTICLE 60. SYSTEM OF MEETINGS AND SESSIONS

1. Parliament meets annually in two ordinary periods of sessions established by the Rules of Procedure. Parliament may meet in extraordinary sessions outside the ordinary session periods. Extraordinary parliamentary sessions are called by the President of Parliament with the approval of the Standing Committee, on the proposal of three parliamentary groups or of a quarter of the Members of Parliament, or at the request of parliamentary groups or Members of Parliament that represent an absolute majority. Parliament also meets in extraordinary



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sessions at the request of the President of the *Generalitat*. Extraordinary sessions are called to deal with a specific agenda and are adjourned when this has been dealt with.

2. Plenary sessions are public, except in the situations established by Parliament's Rules of Procedure.

3. For Parliament to adopt valid decisions, an absolute majority of Members of Parliament must be present. Decisions are valid if they have been approved by a simple majority of Members present, without prejudice to the special majorities established by this *Estatut*, by law or by Parliament's Rules of Procedure.

### ARTICLE 61. FUNCTIONS

In addition to the functions established in Article 55, it is also a matter for the Parliament:

a) To designate the senators that represent the *Generalitat* in the Senate. This designation shall be made through a specific sitting convened for this purpose and shall be proportional to the number of Members in each parliamentary group.

b) To draft Members' bills for presentation before the Presiding Board of Congress and to nominate the Members of Parliament charged with defending these bills.

c) To request the adoption of Government bills by the State Government.

d) To request the State to transfer or delegate powers and attribute authority, within the framework of Article 150 of the Constitution.

e) To lodge appeals on the basis of unconstitutionality and to appear before the Constitutional Court in other constitutional proceedings, in accordance with the Organic Law of the Constitutional Court.

f) Any other functions attributed to it by this *Estatut* and by law.

### ARTICLE 62. LEGISLATIVE INITIATIVE AND EXERCISE OF THE LEGISLATIVE FUNCTION

1. Legislative initiative is a matter for Members of Parliament, parliamentary groups and the Government. It is also a matter for the citizens, under the terms



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established by the laws of Catalonia, by means of popular legislative initiative, and for the representative bodies of the supra-municipal entities of the territorial organisation of Catalonia that this *Estatut* establishes.

2. The laws that directly regulate the matters mentioned in Articles 2.3, 6, 37.2, 56.2, 67.5, 68.3, 77.3, 79.3, 81.2 and 94.1 are laws concerning basic development of the *Estatut*. Approval, modification and repeal of these laws requires a vote in favour by an absolute majority of the Plenary Assembly in a final vote on the full text, except where the *Estatut* establishes another voting system.

3. The Plenary Assembly may delegate the processing and approval of legislative initiatives to legislative standing committees. This delegation may be revoked at any time. Matters that may not be delegated to the committees include the reform of the *Estatut*, the basic development laws, the budget of the *Generalitat*, and laws of legislative delegation to the Government.

### ARTICLE 63. DELEGATION OF LEGISLATIVE POWER TO THE GOVERNMENT

1. Parliament may delegate the power to enact rules of legal rank to the Government. Government regulations containing delegated legislation are termed *legislative decrees*. Matters that may not be subject to legislative delegation include the reform of the *Estatut*, the basic development laws, with the exception of the delegation of the establishment of a rewritten text, the basic regulation and direct development of the rights recognised in the *Estatut* and in the Charter of Rights and Obligations of the Citizens of Catalonia, and the budget of the *Generalitat*.

2. Legislative delegation may only be to the Government. Delegation shall be deliberate, by law, for a specific matter, and must specify the time period within which it applies. Delegation shall cease when the Government publishes the corresponding legislative decree or when the Government is an acting Government.

3. On authorising the Government to write a new articulated text, the delegation laws shall lay down the bases for the Government to apply in the exercise of legislative delegation. On authorising the Government to rewrite legal texts, the law shall determine both the scope and criteria of the rewriting.



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4. Control of delegated legislation is regulated by Parliament's Rules of Procedure. The delegation laws may also establish a special control system for legislative decrees.

### ARTICLE 64. DECREE LAWS

1. In the case of extraordinary and urgent need, the Government may enact provisional legal provisions in the form of a decree law. Matters that may not be subject to decree laws include the reform of the *Estatut*, subjects which are the object of basic development laws, basic regulation and the direct development of rights recognised in the *Estatut* and in the Charter of Rights and Obligations of the Citizens of Catalonia, and the budget of the *Generalitat*.

2. Decree laws are repealed if, within thirty days of promulgation, a period which may not be extended, they are not specifically validated by Parliament following a debate and a full vote.

3. Parliament may process decree laws as Government bills by means of emergency procedures, within the period established in Section 2 above.

### ARTICLE 65. PROMULGATION AND PUBLICATION OF LAWS

The laws of Catalonia are promulgated, in the name of the King, by the President of the *Generalitat*, who orders their publication in the *Diari Oficial de la Generalitat de Catalunya* (Official Journal of the Generalitat of Catalonia) within fifteen days, and in the *Boletín Oficial del Estado* (Official Spanish State Bulletin). The date of publication in the *Diari Oficial de la Generalitat de Catalunya* is taken as the date of entry into force. The official version in Castilian is the translation produced by the *Generalitat*.

### ARTICLE 66. REASONS FOR TERMINATION OF THE LEGISLATIVE TERM

The legislative term ends due to expiry of the term of office once four years have passed from the date of the elections. The legislative term may also end early if the investiture of the President of the *Generalitat* fails to take place or if early dissolution has been agreed to by the President of the *Generalitat*.



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### CHAPTER II. THE PRESIDENT OF THE *GENERALITAT*

#### ARTICLE 67. ELECTION, NOMINATION, PERSONAL STATUS, CESSATION AND POWERS

1. The President is the highest representative of the *Generalitat* and directs the action of the Government. The President also embodies the ordinary representation of the State in Catalonia.

2. The President of the *Generalitat* is elected by Parliament from among its members. The limitation of terms of office may be regulated by law.

3. If after two months from the first investiture vote no candidate has been elected, Parliament shall be automatically dissolved and the acting President of the *Generalitat* shall call immediate elections which shall take place within from forty to sixty days.

4. The President of the *Generalitat* is appointed by the King.

5. The legal status of the President of the *Generalitat* is regulated by an Act of Parliament. For the purposes of precedence and protocol in Catalonia, the President of the *Generalitat* has the pre-eminent position as befits the representative of the *Generalitat* and the State in Catalonia.

6. As the ordinary representative of the State in Catalonia, the President has authority to:

a) Promulgate, in the name of the King, laws, legal decrees and legislative decrees in Catalonia and give the order to publish them.

b) Give the order to publish appointments to the institutional offices of the State in Catalonia.

c) Request the collaboration of any State authorities that exercise public functions in Catalonia.

d) Others as determined by law.

7. The President of the *Generalitat's* term of office ends with renewal of Parliament following elections, the passing of a motion of censure or the defeat of a vote of confidence, death, resignation, permanent physical or mental disability



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acknowledged by Parliament rendering him or her unfit for office, or a confirmed criminal sentence rendering him or her unfit to hold any public office.

8. The First Minister, if there is one, or the Minister designated by law, replaces and substitutes for the President of the *Generalitat* in the event of absence, illness, or cessation due to disability or death. This replacement and substitution shall not include exercise of presidential functions with regard to proposal of votes of confidence, designation and cessation of Ministers, or early dissolution of Parliament.

9. The President of the *Generalitat* may, in cases where no First Minister has been appointed, temporarily delegate executive functions to another Minister.

### CHAPTER III. THE GOVERNMENT AND THE ADMINISTRATION OF THE *GENERALITAT*

#### SECTION ONE. THE GOVERNMENT

##### ARTICLE 68. FUNCTIONS, COMPOSITION, ORGANISATION AND CESSATION

1. The Government is the superior collegiate body that directs political action and the Administration of the *Generalitat*. It exercises executive functions and regulatory power in accordance with this *Estatut* and the law.

2. The Government consists of the President of the *Generalitat*, the First Minister, if applicable, and the ministers.

3. A law shall regulate the organisation, functions and powers of the Government.

4. Government ends when the office of the President of the *Generalitat* ends.

5. All acts, general regulations and rules emanating from the Government or from the Administration of the *Generalitat* shall be published in the *Diari Oficial de la Generalitat de Catalunya*. This is sufficient for all purposes for the efficacy of acts and for the entry into force of general regulations and rules.

##### ARTICLE 69. THE FIRST MINISTER

The President of the *Generalitat* may, by decree, appoint a First Minister. An account of this appointment shall be given to Parliament. The First Minister is a



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member of the Government. The office of First Minister, in accordance with the law, has functions of its own, in addition to those delegated by the President of the *Generalitat*.

### ARTICLE 70. PERSONAL STATUS OF THE MEMBERS OF THE GOVERNMENT

1. The President and the ministers of the *Generalitat* may not be arrested or detained during their term of office for presumed criminal offences committed in Catalan territory except in cases of flagrant offences.
2. The Supreme Court of Justice of Catalonia has the authority to decide on the indictment, prosecution and trial of the President of the *Generalitat* and its ministers. Outside the territory of Catalonia, penal responsibility is invocable on the same terms before the Criminal Chamber of the Spanish Supreme Court.

### SECTION TWO. THE ADMINISTRATION OF THE *GENERALITAT*

#### ARTICLE 71. GENERAL PROVISIONS AND PRINCIPLES OF ORGANISATION AND FUNCTIONING

1. The Administration of the *Generalitat* is the organisation that exercises the executive functions that this *Estatut* attributes to the *Generalitat*. It is considered the ordinary administrative body in accordance with the provisions of this *Estatut* and the law, and without prejudice to the powers of the local administration.
2. The Administration of the *Generalitat* objectively serves the general interest and is fully subject to the law.
3. The Administration of the *Generalitat* acts in accordance with principles of coordination and comprehensive application, in order to guarantee the integration of public policies.
4. The Administration of the *Generalitat*, in accordance with the principle of transparency, shall make public the necessary information to enable citizens to evaluate its management.
5. The Administration of the *Generalitat* exercises its functions in the territory of Catalonia in accordance with the principles of deconcentration and decentralisation.



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6. The law shall regulate the organisation of the Administration of the *Generalitat* and shall determine in all cases:

a) The types of functional decentralisation and the various forms of public and private personification that the Administration of the *Generalitat* may adopt.

b) The forms of organisation and management of public services.

c) The action of the Administration of the *Generalitat* in the field of private law, and also the participation of the private sector in the execution of public policies and the provision of public services.

7. The legal status of staff in the employ of the Administration of the *Generalitat* shall be regulated by law, and shall include in all cases the incompatibility requirements, the guaranteed provision of training and updating of knowledge, and the necessary praxis for the performance of public functions.

### ARTICLE 72. CONSULTATIVE BODIES OF THE GOVERNMENT

1. The Legal Advisory Commission is the highest consultative body of the Government. Its composition and functions are regulated by an Act of Parliament.

2. The Economic, Social and Work Council of Catalonia is the consultative and advisory body of the Government in socio-economic, labour, and employment matters. Its composition and functions are regulated by an Act of Parliament.

### CHAPTER IV. RELATIONS BETWEEN PARLIAMENT AND GOVERNMENT

#### ARTICLE 73. RIGHTS AND OBLIGATIONS OF MEMBERS OF THE GOVERNMENT TOWARDS PARLIAMENT

1. The President and the ministers of the *Generalitat* have the right to attend and speak at meetings of the Plenary Assembly and of the parliamentary committees.

2. Parliament may request that the Government and its members provide it with the information it considers necessary for the exercise of its functions. It may also request the presence of the Government at Plenary Assembly sessions and parliamentary committee meetings, under the terms established by Parliament's Rules of Procedure.



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### ARTICLE 74. POLITICAL RESPONSIBILITY OF THE GOVERNMENT AND ITS MEMBERS

1. Politically, the President and the ministers of the *Generalitat* answer jointly to Parliament, without prejudice to the direct responsibility of each.
2. The delegation of functions of the President of the *Generalitat* does not exempt him or her from political responsibility before Parliament.

### ARTICLE 75. EARLY DISSOLUTION OF PARLIAMENT

The President of the *Generalitat*, on prior deliberation with the Government and under his or her own exclusive responsibility, may dissolve Parliament. This power may not be exercised during the process of a vote of censure, nor may it be exercised if less than one year has passed since the last such dissolution of Parliament. The decree of dissolution shall establish the calling of new elections, which shall take place within forty to sixty days after the date of publication of the decree in the *Diari Oficial de la Generalitat de Catalunya*.

## CHAPTER V. OTHER INSTITUTIONS OF THE *GENERALITAT*

### SECTION ONE. THE COUNCIL FOR STATUTORY GUARANTEES

#### ARTICLE 76. FUNCTIONS

1. The Council for Statutory Guarantees is the institution of the *Generalitat* that ensures that the regulations of the *Generalitat* comply with this *Estatut* and the Constitution, under the terms established in Section 2 below.
2. The Council for Statutory Guarantees may pass judgement, under the terms established by law, on the following cases:
  - a) Compliance with the Constitution of draft bills and proposals to reform the Statute of Autonomy of Catalonia, prior to their approval by Parliament.
  - b) Compliance with this *Estatut* and the Constitution of Government bills and Members' bills submitted for debate and approval by Parliament, and of legal decrees subject to validation by Parliament.



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- c) Compliance with this *Estatut* and the Constitution of draft legislative decrees approved by the Government.
  - d) Compliance of Government bills and Members' bills and draft legislative decrees approved by the Government with local autonomy under the terms guaranteed by this *Estatut*.
3. Prior to the lodging of appeals on the basis of unconstitutionality by Parliament or Government, the lodging of claims of conflict over jurisdiction by the Government, and the lodging of claims of conflict over the defence of local autonomy before the Constitutional Court, the Council for Statutory Guarantees shall pass judgement on the issue concerned.
4. The judgements of the Council for Statutory Guarantees in relation to Government bills and Members' bills in Parliament that develop or affect the rights recognised in this *Estatut*, are binding in nature.

### ARTICLE 77. COMPOSITION AND FUNCTIONING

1. The Council for Statutory Guarantees is composed of members appointed by the President of the *Generalitat* from among jurists of recognised competence, two thirds of whose members are nominated by Parliament, by a majority of three-fifths of the deputies, and the other third is nominated by Government.
2. The Council for Statutory Guarantees shall elect a president from among its members.
3. An Act of Parliament regulates the composition and functioning of the Council for Statutory Guarantees, the status of its members, and the procedures relating to the exercise of its functions. The authority of the Council for Statutory Guarantees to pass judgement, as established by this *Estatut*, may be extended by law, without these judgements being binding in character.
4. The Council for Statutory Guarantees has organic, functional and budgetary autonomy in accordance with the law.



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### SECTION TWO. THE OMBUDSMAN

#### ARTICLE 78. FUNCTIONS AND RELATIONS WITH OTHER SIMILAR INSTITUTIONS

1. The Ombudsman has the function of protecting and defending the rights and freedoms recognised in the Constitution and in this *Estatut*. To this end, he or she oversees, exclusively, the activity of the Administration of the *Generalitat*, that of any public or private related bodies that are associated with or answerable to it, that of private companies that manage public services or that carry out activities of general or universal interest, or equivalent activities in a publicly-subsidised or indirect way, and that of other persons with a contractual relationship with the Administration of the *Generalitat* and with the public bodies which are answerable to it. He or she also oversees the activity of the local administration in Catalonia and that of the private or public bodies which are associated with or answerable to it.

2. The Ombudsman and the Spanish Ombudsman shall collaborate in the exercise of their functions.

3. The Ombudsman may request a report from the Council for Statutory Guarantees on Government bills and Members' bills presented for debate and approval by Parliament, and legal decrees presented for validation by Parliament, when these regulate rights recognised in this *Estatut*.

4. The Ombudsman may establish collaborative links with the local area ombudsmen and other similar figures created in the public and private spheres.

5. Public Administration bodies in Catalonia and other entities and individuals referred to in Section 1 above are obliged to cooperate with the Ombudsman. The sanctions and mechanisms intended to guarantee fulfilment of this obligation shall be regulated by law.

#### ARTICLE 79. DESIGNATION AND STATUS OF THE OMBUDSMAN

1. The Ombudsman is elected by Parliament by a majority of three-fifths of its members.



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2. The Ombudsman exercises his or her functions with impartiality and independence, is inviolable in regard to any opinions expressed in carrying out his or her duties, is immovable, and may only be removed from office or suspended for the reasons established by law.

3. The personal status of the Ombudsman, incompatibilities, reasons for cessation, organisation, and powers of the institution shall be regulated by law. The Ombudsman has regulatory, organisational, functional and budgetary autonomy in accordance with the law.

### SECTION THREE. THE AUDIT OFFICE

#### ARTICLE 80. FUNCTIONS AND RELATIONS WITH THE ACCOUNTS COURT

1. The Audit Office is the external regulatory body for the finances, economic management and control of efficiency of the *Generalitat*, of the local bodies and of the remainder of the public sector in Catalonia.

2. In organisational terms, the Audit Office is answerable to Parliament, exercises its functions by parliamentary delegation, with full organisational, working and budgetary autonomy, in accordance with the law.

3. The Audit Office and the Accounts Court shall establish cooperative links by means of an agreement. This agreement shall establish the participation mechanisms in jurisdictional proceedings in regard to account liability.

#### ARTICLE 81. COMPOSITION, WORK AND LEGAL STATUS

1. The Audit Office is composed of auditors designated by Parliament by a majority of three-fifths of its members. The chief auditor is elected from among the auditors.

2. Legal status, incompatibilities, reasons for cessation, and the organisation and work of the Audit Office shall be regulated by law.



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### SECTION FOUR. REGULATION OF THE CATALAN BROADCASTING AUTHORITY

#### ARTICLE 82. THE CATALAN BROADCASTING AUTHORITY

The Catalan Broadcasting Authority is the regulatory independent authority in the field of public and private audio-visual communication. The Catalan Broadcasting Authority acts with full independence from the Government of the *Generalitat* in carrying out its functions. The criteria for election of its members and its specific fields of action shall be established by an Act of Parliament.

### CHAPTER VI. LOCAL GOVERNMENT

#### SECTION ONE. LOCAL TERRITORIAL ORGANISATION

#### ARTICLE 83. ORGANIZATION OF LOCAL GOVERNMENT IN CATALONIA

1. The territorial organisation of Catalonia is based on municipalities and *vegueries*.
2. The supra-municipal area is constituted, in all cases, by *comarques*, which shall be regulated by an Act of Parliament.
3. Any other supra-municipal entity created by the *Generalitat* shall be based on the municipalities' desire for collaboration and association.

#### ARTICLE 84. LOCAL POWERS

1. This *Estatut* guarantees municipalities a core set of powers of their own which shall be exercised by them with full autonomy, subject only to controls of constitutionality and legality.
2. The local governments of Catalonia have in all cases their own powers in the following matters, in the terms determined by law:
  - a) Territorial classification and management, town planning and planning restrictions, and the conservation and maintenance of local public property.
  - b) Planning, programming and management of public housing and participation in the planning of subsidised housing on municipal land.



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- c) Organisation and provision of basic services to the community.
- d) Regulation and management of municipal facilities.
- e) Regulation of safety conditions for activities organised in public spaces and venues, and coordination of the various bodies and forces present in the municipality through the Security Board.
- f) Civil protection and fire prevention.
- g) Planning, organisation and management of infant education, participation in the enrolment process in public and subsidised education centres within the municipal area, the upkeep and control of public centres outside school hours, and the school calendar.
- h) Traffic and mobility services and the management of municipal public transportation.
- i) Regulation of the establishment of authorisations and promotions for all types of economic activity, especially those related to retail, crafts and tourism, and those stimulating employment.
- j) Formulation and management of policies for the protection of the environment and sustainable development.
- k) Regulation and management of sports and leisure facilities, and the promotion of activities.
- l) Regulation of the establishment of telecommunications infrastructures and the provision of telecommunications services.
- m) Regulation and provision of care services, public primary care services and promotion of immigrant reception policies.
- n) Regulation, management and supervision of activities and uses that take place on beaches, rivers, lakes and mountains.

3. In matters referred to in Section 2 above, the distribution of administrative responsibilities between different local administrations shall take into account management capacities and is governed by the laws passed by Parliament, by the principle of subsidiarity, in accordance with the European Charter of Local Self-



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Government, by the principle of differentiation, in accordance with the characteristics of the municipality, and by the principle of financial capacity.

4. The *Generalitat* shall determine and establish the mechanisms for the financing of new services deriving from the expansion of local government powers.

### ARTICLE 85. THE COUNCIL OF LOCAL GOVERNMENTS

The Council of Local Governments is the representative body for municipalities and *veguerías* in the institutions of the *Generalitat*. The Council shall be taken into account in parliamentary procedures for legislative initiatives that specifically affect local administrations, and in the processing of plans and regulatory rules of the same nature. An Act of Parliament regulates the composition, organisation and functions of the Council of Local Governments.

### SECTION TWO. THE MUNICIPALITY

#### ARTICLE 86. THE MUNICIPALITY AND MUNICIPAL AUTONOMY

1. The municipality is the basic local entity of territorial organisation in Catalonia and the main channel for participation of the local community in public affairs.

2. Municipal government and administration are the responsibility of the city council, which is composed of a mayor or mayoress and the city councillors. The requirements for the application of an open council system shall be established by law.

3. The municipality is guaranteed, in this *Estatut*, the necessary autonomy for the exercise of its powers and the defence of the interests of the community it represents.

4. The acts and the decisions adopted by the municipalities shall not be subject to control of appropriateness by any other administration.

5. The *Generalitat* has the authority to check that any act or decision adopted by municipalities complies with the legal system and, if appropriate, take the necessary action to bring the issue before the contentious-administrative courts, without prejudice to any actions which the State may take in defence of its powers.



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6. City councillors are elected by the residents of the municipalities through a system of universal, equal, free, direct and secret suffrage.

7. Those concentrations of population within a municipality which form separate nuclei may become decentralised municipal entities. The law shall guarantee their decentralisation and that they have sufficient capacity to carry out the activities and provide the services corresponding to their jurisdiction.

### ARTICLE 87. PRINCIPLES OF ORGANISATION AND FUNCTIONING AND REGULATORY POWER

1. Municipalities have full authority for self-organisation within the framework of the general provisions established by law in matters of municipal organisation and functioning.

2. Municipalities have the right to associate with other municipalities and to cooperate with each other and with other public bodies in exercise of their powers, and also to carry out other tasks in the common interest. To this effect, they may enter into agreements and create and participate in *mancomunitats*, consortia and associations, and may also adopt other forms of joint action. The law may not restrict this right unless it is to guarantee the recognised autonomy of other entities.

3. As an expression of the democratic principle on which they are based, municipalities have regulatory power governing their sphere of powers and in other spheres where their autonomy is applicable.

### ARTICLE 88. THE PRINCIPLE OF DIFFERENTIATION

The laws affecting the legal, organic, functional, jurisdictional and financial system of the municipalities shall take into account their different demographic, geographic, functional and organisational characteristics and also their size and capacity for management.

### ARTICLE 89. SPECIAL SYSTEM FOR THE MUNICIPALITY OF BARCELONA

The municipality of Barcelona has a special system established by an Act of Parliament. The City Council of Barcelona may propose the modification of this special system and, in accordance with laws passed by Parliament and Parliament's



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Rules of Procedure, shall participate in the preparation of Government bills affecting this special system and shall be consulted during the parliamentary proceedings of other legislative initiatives affecting the special system.

### SECTION THREE. THE *VEGUERIA*

#### ARTICLE 90. THE *VEGUERIA*

1. The *vegueria* is the specific territorial area for the exercise of inter-municipal government for local cooperation, and has legal personality. The *vegueria* is also the territorial division adopted by the *Generalitat* for the territorial organisation of its services.
2. The *vegueria*, as local government, is territorial in nature and has autonomy in the management of its interests.

#### ARTICLE 91. THE COUNCIL OF THE *VEGUERIA*

1. The government and the autonomous administration of the *vegueria* are the responsibility of the Council of the *Vegueria*, which is formed by the president and by the councillors of the *vegueria*.
2. The president of the *vegueria* is chosen by the councillors of the *vegueria* from among its members.
3. The councils of the *vegueria* replace the provincial councils.
4. The creation, modification, abolition, and also the implementation of the legal system of the *vegueries* is regulated by an Act of Parliament. Alteration of provincial boundaries, if required, shall be carried out within the terms established by Article 141.1 of the Constitution.

### SECTION FOUR. THE *COMARCA* AND THE OTHER SUPRA-MUNICIPAL LOCAL GOVERNMENT ENTITIES

#### ARTICLE 92. THE *COMARCA*

1. The *comarca* is a local government entity with legal personality. It is formed by municipalities for the purpose of managing local powers and services.



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2. The creation, modification and abolition of the *comarques*, and also the establishment of their legal system, is regulated by an Act of Parliament.

### ARTICLE 93. OTHER SUPRA-MUNICIPAL LOCAL GOVERNMENT ENTITIES

The other supra-municipal local government entities are founded on the basis of the municipalities' wish to collaborate and enter into association and on recognition of the metropolitan areas. The creation, modification and abolition of these entities, and also the establishment of their legal system is regulated by an Act of Parliament.

### CHAPTER VII. ARAN'S OWN INSTITUTIONAL ORGANISATION

#### ARTICLE 94. LEGAL SYSTEM

1. Aran has a special legal system established by an Act of Parliament. The specific nature of the institutional and administrative organisation of Aran is recognised by this system, which guarantees this territory autonomy in organising and managing its public affairs.

2. The institution of government of Aran is the *Conselh Generau*, which consists of the *Síndic*, the *Plen des Conselhèrs e Conselhères Generaus* and the *Comission d'Auditors de Compdes*. The *Síndic* is the highest and ordinary representation of the *Generalitat* in Aran.

3. The institution of government of Aran is elected by universal, equal, free, direct and secret suffrage, in the form established by law.

4. The *Conselh Generau* has powers over the matters determined by the law regulating the special legal system of Aran and all the other laws approved by Parliament, and the authority attributed to it by law, especially that concerning the mountains. Aran, through its representative institution, shall participate in the elaboration of legislative initiatives affecting its special system.

5. An Act of Parliament establishes sufficient financial resources for the *Conselh Generau* to be able to provide the services corresponding to its powers.



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### TITLE III. JUDICIAL POWER IN CATALONIA

#### CHAPTER I. THE SUPREME COURT OF JUSTICE AND THE PUBLIC PROSECUTOR OF CATALONIA

##### ARTICLE 95. THE HIGH COURT OF JUSTICE OF CATALONIA

1. The High Court of Justice of Catalonia is the supreme jurisdictional body of the legal system in Catalonia and it is competent, under the terms established by the corresponding organic law, to hear the appeals and cases of the different jurisdictional areas, and to protect the rights recognised in this *Estatut*. In all cases, the High Court of Justice of Catalonia is competent in the areas of civil, penal, contentious-administrative and social law and other areas of law which may be created in the future.

2. The High Court of Justice of Catalonia is the supreme jurisdictional court for all court proceedings initiated in Catalonia, and for all appeals processed within its territorial sphere, regardless of the right invoked as applicable, in the terms established by the Organic Law of Judicial Power and without prejudice to the powers reserved to the Supreme Court for the unification of doctrine. The Organic Law of Judicial Power shall determine the scope and content of the afore-mentioned appeals.

3. The High Court of Justice of Catalonia has exclusive authority to unify interpretation of the law in Catalonia.

4. The High Court of Justice of Catalonia has the authority to rule in the extraordinary review appeals authorised by law against the final, enforceable rulings of the judicial bodies of Catalonia.

5. The president of the High Court of Justice of Catalonia is the representative of judicial power in Catalonia. He or she is nominated by the King, on the proposal of the General Council of Judicial Power, with the participation of the Council of Justice of Catalonia, in the terms determined by the Organic Law of Judicial Power. The President of the *Generalitat* orders the publication of this appointment in the *Diari Oficial de la Generalitat de Catalunya*.



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6. The presidents of the chambers of the High Court of Justice of Catalonia are appointed on the proposal of the General Council of Judicial Power and with the participation of the Council of Justice of Catalonia, in the terms established by the Organic Law of Judicial Power.

### ARTICLE 96. THE PUBLIC PROSECUTOR OF CATALONIA

1. The Public Prosecutor of Catalonia is the supreme prosecutor of the High Court of Justice of Catalonia, represents the Public Prosecution Service in Catalonia and is appointed under the terms established by his or her organic statute.

2. The President of the *Generalitat* orders the publication of the appointment of the Public Prosecutor of Catalonia in the *Diari Oficial de la Generalitat de Catalunya*.

3. The Public Prosecutor of Catalonia shall send a copy of the annual report of the Office of the Public Prosecutor of the High Court of Catalonia to the Government, to the Council of Justice of Catalonia and to Parliament, and shall present said report before the latter within six months of the date of publication.

4. The functions of the Public Prosecutor of Catalonia are those established by the Organic Statute of the Public Prosecution Service. The *Generalitat* may enter into agreements with the Public Prosecution Service.

### CHAPTER II. THE COUNCIL OF JUSTICE OF CATALONIA

#### ARTICLE 97. THE COUNCIL OF JUSTICE OF CATALONIA

The Council of Justice of Catalonia is the body governing judicial power in Catalonia. It acts as a deconcentrated body of the General Council of Judicial Power, without prejudice to the powers of the latter, in keeping with the provisions of the Organic Law of Judicial Power.



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### ARTICLE 98. POWERS

1. The powers of the Council of Justice of Catalonia are those established in this *Estatut*, in the Organic Law of Judicial Power, in the laws approved by Parliament, and those, where applicable, delegated by the General Council of Judicial Power.

2. The powers of the Council of Justice of Catalonia with respect to jurisdictional entities located in Catalan territory are, in accordance with the provisions of the Organic Law of Judicial Power as follows:

a) Participation in the appointment of the president of the High Court of Justice of Catalonia, and in the appointment of the presidents of the chambers of the High Court and the presidents of the provincial courts.

b) Proposal to the General Council of Judicial Power and announcement of the appointment and cessation of judges and magistrates temporarily incorporated into the judicial system for the purposes of assistance, support or substitution, and also determination of the nomination of these judges and magistrates to any judicial bodies that require reinforcement measures.

c) Instruction of proceedings and, in general, exercise of disciplinary functions against judges and magistrates, in the terms established by law.

d) Participation in the planning of inspection of courts and tribunals; ordering, where appropriate, their inspection and monitoring, and making proposals in this field; attending to the orders of inspection of courts and tribunals agreed by the Government, and reporting on the outcome and measures adopted.

e) Reporting on any appeals lodged against decisions of the governing bodies of the tribunals and courts of Catalonia.

f) Specification and application, where appropriate, of the regulations of the General Council of Judicial Power in Catalan territory.

g) Provision of information on proposals for revision, delimitation and modification of territorial demarcations of jurisdictional bodies, and on proposals for the creation of divisions and courts.

h) Presentation of an annual report to Parliament on the status and the functioning of the Administration of Justice in Catalonia.



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- i) All the functions attributed to it by the Organic Law of Judicial Power and the laws of Parliament, and those delegated to it by the General Council of Judicial Power.
3. Resolutions of the Council of Justice of Catalonia regarding appointments, authorisations, licences and leave shall be adopted in accordance with the criteria approved by the General Council of Judicial Power.
4. The Council of Justice of Catalonia, through its president, shall notify the General Council of Judicial Power of resolutions adopted and initiatives undertaken, and shall provide any information that may be requested.

### **ARTICLE 99. COMPOSITION, ORGANISATION AND WORK**

1. The Council of Justice of Catalonia is composed of the president of the High Court of Justice of Catalonia, who chairs the Council, and by the members appointed in accordance with the Organic Law of Judicial Power, from among judges, magistrates, prosecutors or jurists of recognised prestige. The Parliament of Catalonia appoints the members of the Council established by the Organic Law of Judicial Power.
2. The Council of Justice of Catalonia approves its own internal regulations governing organisation and functioning, in accordance with applicable regulations.

### **ARTICLE 100. CONTROL OF THE ACTS OF THE COUNCIL OF JUSTICE OF CATALONIA**

1. The acts of the Council of Justice of Catalonia may be challenged by appeal to the General Council of Judicial Power, except those that have been issued in exercise of the powers of the autonomous community.
2. The acts of the Council of Justice of Catalonia that may not be challenged by appeal to the General Council of Judicial Power may be challenged jurisdictionally in the terms established by law.



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### CHAPTER III. POWERS OF THE *GENERALITAT* OVER THE ADMINISTRATION OF JUSTICE

#### ARTICLE 101. PUBLIC ENTRANCE EXAMINATIONS AND COMPETITIONS

1. The *Generalitat* proposes to the State Government, the General Council of Judicial Power, or the Council of Justice of Catalonia, as appropriate, that public entrance examinations and competitions be held to fill vacancies for magistrates, judges and public prosecutors in Catalonia.
2. The Council of Justice of Catalonia announces public competitions to fill vacancies for judges and magistrates in Catalonia in the terms established by the Organic Law of Judicial Power.
3. Candidates may choose to take examinations in public competitions and entrance examinations regulated by this Article which take place in Catalonia, in either of the two official languages.

#### ARTICLE 102. JUDICIAL AND OTHER STAFF IN THE EMPLOY OF THE ADMINISTRATION OF JUSTICE IN CATALONIA

1. Magistrates, judges and public prosecutors who occupy a post in Catalonia shall prove an adequate and sufficient knowledge of Catalan to ensure the linguistic rights of the citizens, in the form and within the scope determined by law.
2. Magistrates, judges and public prosecutors who occupy a post in Catalonia shall prove a sufficient knowledge of Catalan law in the form and within the scope determined by law.
3. In all cases, sufficient knowledge of the Catalan language and law shall be specifically and uniquely evaluated for the award of a post in the corresponding transfer competitions.
4. Staff in the service of the Administration of Justice and the Office of the Public Prosecutor in Catalonia must demonstrate an adequate and sufficient knowledge of both official languages that qualifies them to perform the functions of their position or post.



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### ARTICLE 103. HUMAN RESOURCES

1. The *Generalitat* has regulatory power over the non-judicial staff in the employ of the Administration of Justice, while respecting the juridical status of these personnel as established by the Organic Law of Judicial Power. In the said terms, this power includes regulation of:

- a) Organisation of these personnel into corps and grades.
- b) The selection process.
- c) Internal promotion, initial training, and continuous training.
- d) The provision of posts and promotions.
- e) Administrative situations.
- f) Salaries.
- g) The working day and the working schedule.
- h) The planning of professional activity and functions.
- i) Paid and unpaid leave, holidays, and incompatibilities.
- j) Staff records.
- k) Discipline.

2. In the same terms as established in Section 1, the *Generalitat* has executive and management power concerning non-judicial staff in the employ of the Administration of Justice. This power includes:

- a) Approving public announcement of employment vacancies.
- b) Calling and ruling on all selection processes and making appointments.
- c) Appointment of civil servants who are selected.
- d) Provision of preliminary and continuous training.
- e) Preparation of lists of posts of employment.
- f) Calling for and resolving all the processes for the provision of posts of employment.
- g) Calling and deciding on all internal promotion processes.



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- h) Management of the Staff Registers, in coordination with those of the State.
  - i) Management of this staff in application of its statutory and salary systems.
  - j) Exercise of disciplinary power and imposing any necessary sanctions, including dismissal.
  - k) Exercising all the other necessary functions to guarantee effective and efficient human resource management in the Administration of Justice.
3. Within the framework of the provisions of the Organic Law of Judicial Power, an Act of Parliament may create corps of civil servants in the employ of the Administration of Justice which will be answerable to the public function of the *Generalitat*.
4. The *Generalitat* has exclusive power over all contracted staff in the employ of the Administration of Justice.

### ARTICLE 104. MATERIAL RESOURCES

The material resources of the Administration of Justice in Catalonia correspond to the *Generalitat*. This power includes in all cases:

- a) Construction and refurbishment of judicial buildings and the buildings of the Office of the Public Prosecutor.
- b) Provision of goods and equipment for the judicial and public prosecution premises.
- c) Configuration, implementation and maintenance of computer and communication systems, without prejudice to the powers of coordination and standardisation which correspond to the State to ensure the compatibility of the system.
- d) Management and custody of archives, exhibits and seized property, in all those matters that are not of a jurisdictional nature.
- e) Participation in management of deposit accounts and judicial consignments and their returns, taking into account the volume of judicial activity taking place in the autonomous community and the effective costs of the services.



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f) Management, settlement and collection of judicial charges established by the *Generalitat* within the sphere of its powers over the administration of justice.

### ARTICLE 105. JUDICIAL OFFICE, AND INSTITUTIONS AND SUPPORT SERVICES

In accordance with the Organic Law of Judicial Power, the *Generalitat* has the authority to determine the creation, design, organisation, resources, and management of judicial offices and support services for jurisdictional bodies, including the regulation of institutions, institutes and forensic medicine and toxicology services.

### ARTICLE 106. FREE LEGAL SERVICE. MEDIATION AND CONCILIATION PROCESSES

1. The *Generalitat* has power to organise free legal services and free legal advice services.
2. The *Generalitat* may establish the instruments and procedures for mediation and for conciliation in the resolution of conflicts in matters within its powers.

### ARTICLE 107. JUDICIAL DEMARCATION, ORGANISATION AND CAPITALS

1. Subject to the report of the Council of Justice of Catalonia, the Government of the *Generalitat* shall propose to the State Government the determination and review of judicial demarcation and organisation in Catalonia, at least every five years. This proposal, which is mandatory, shall accompany the Government bill sent by the Government to the *Cortes Generales*.
2. Modifications of judicial organisation that do not involve legislative reform may correspond to the Government of the *Generalitat*. Similarly, the *Generalitat* may create sections and courts, under delegation by the Government of the State, in the terms established by the Organic Law of Judicial Power.
3. The capitals of the judicial demarcations are established by an Act of Parliament.

### ARTICLE 108. JUSTICE OF THE PEACE AND JUSTICE OF PROXIMITY

1. The *Generalitat* has power over justice of the peace under the terms established by the Organic Law of Judicial Power. In the same terms, appointment of judges



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corresponds to the Council of Justice of Catalonia. The *Generalitat* is also responsible for their allowances and for the provision of the necessary resources for them to carry out their duties. The creation of secretarial offices and their provision also corresponds to the *Generalitat*.

2. In the specified towns and in accordance with the provisions of the Organic Law of Judicial Power, the *Generalitat* may demand the establishment of a system of justice of proximity, with the aim of resolving minor conflicts speedily and efficiently.

### ARTICLE 109. SUBROGATION CLAUSE

In addition to the powers expressly attributed to it in this *Estatut*, the *Generalitat* exercises all the functions and powers that the Organic Law of Judicial Power recognises for the State Government in relation to the Administration of Justice in Catalonia.

## TITLE IV. POWERS

### CHAPTER I. TYPES OF POWER

#### ARTICLE 110. EXCLUSIVE POWERS

1. In matters in which the *Generalitat* has exclusive power, legislative power, regulatory power and the executive function correspond fully to the *Generalitat*. The exercise of these powers and functions, by means of which it may establish its own policies, is the exclusive right of the *Generalitat*.

2. In matters regarding the exclusive power of the *Generalitat*, Catalan law is applicable in its territory and shall prevail over any other.

#### ARTICLE 111. SHARED POWERS

In matters in which the *Estatut* attributes powers to the *Generalitat* which are shared with the State, legislative power, regulatory power and the executive function are the responsibility of the *Generalitat*, within the framework of the basic conditions established by the State as principles or lowest common legislative



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denominators in rules of legal rank, with the exception of those circumstances determined by the Constitution and this *Estatut*. The *Generalitat* may establish its own policies in the exercise of these powers. Parliament shall implement and specify said basic provisions by means of a law.

### ARTICLE 112. EXECUTIVE POWERS

In matters in which the *Generalitat* has executive powers, the *Generalitat* has regulatory power, which includes the power to approve provisions for execution of State rules, and also the executive function, which in all cases includes the power to organise its own administration and, in general, all the functions and activities that the system attributes to the Public Administration.

### ARTICLE 113. POWERS OF THE *GENERALITAT* AND EUROPEAN UNION RULES

The *Generalitat* has the authority to enact, apply and implement European Union rules when these affect its powers, under the terms established in Title V.

### ARTICLE 114. PROMOTIONAL ACTIVITY

1. The *Generalitat* has the authority to carry out promotional activities in matters within its power. To this end, the *Generalitat* may grant subsidies from its own funds.
2. In matters where the *Generalitat* has exclusive power, the *Generalitat* has the authority to specify the purpose for which territorialisable subsidies from the State and from European communities are used, and also to regulate the conditions for their assignment and management, including administration and award.
3. In matters where power is shared, the *Generalitat* has the authority to specify, in the form of a regulation, the purpose for which territorialisable subsidies from the State and from European communities are used, and also to complete the regulation of the conditions for their assignment, including administration and award.



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4. In matters where the *Generalitat* has executive power, the *Generalitat* has authority to manage territorialisable subsidies from the State and from European communities, including their administration and award.

5. The *Generalitat* shall participate in determining the non-territorialisability of subsidies from the State and European communities. Similarly, it shall participate, under the terms established by the State, in the management and administration of these subsidies.

### ARTICLE 115. TERRITORIAL SCOPE AND EFFECTS OF POWERS

1. The area of application of the powers of the *Generalitat* is the territory of Catalonia, except in the cases referred to by this *Estatut* and other legal regulations establishing the extraterritorial applicability of the provisions and actions of the *Generalitat*.

2. In matters where the object of its powers extends beyond the territory of Catalonia, the *Generalitat* exercises its powers over the part of this object within its territory, without prejudice to the collaboration instruments established with other territorial bodies, or, in a subsidiary way, to the coordination by the State of the affected autonomous communities.

### CHAPTER II. MATTERS OF POWER

#### ARTICLE 116. AGRICULTURE, LIVESTOCK FARMING AND FORESTRY

1. While respecting the provisions established by the State in exercise of the powers attributed to it by Article 149.1.13 and 16 of the Constitution, the *Generalitat* has exclusive power over agriculture and livestock farming. This power includes in any case:

a) Regulation and development of agriculture, livestock farming and the food industry.



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- b) Regulation and implementation of quality, traceability and requirements for agricultural and livestock farming products, and also the fight against fraud in the sphere of food production and sale.
- c) Regulation of participation of agricultural and stockbreeding organisations and agrarian chambers in public bodies.
- d) Plant and animal health, in those cases where there are no effects on human health, and the protection of animals.
- e) Seeds and seedbeds, in particular in all matters relating to genetically modified organisms.
- f) Regulation of production processes, cultivation, agricultural structures, and their corresponding legal systems.
- g) Integrated development and protection of the rural community.
- h) Research, development, technology transfer, innovation in cultivation, agriculture and food companies, and training in these areas.
- i) Trade fairs and agricultural, forestry and livestock shows.

2. The *Generalitat* has shared power for:

- a) The planning of agriculture and livestock farming and the food sector.
- b) The regulation and system of administrative intervention and uses of forests, forest exploitations and forestry services and drove roads of Catalonia.

### ARTICLE 117. WATER AND HYDRAULIC WORKS

1. The *Generalitat* has exclusive authority in matters concerning water pertaining to intra-community basins, which includes in any case:

- a) Administrative organisation, planning and management of surface and underground water, the uses and exploitations of water and also hydraulic works that are not qualified as being of general interest.
- b) Planning and adoption of measures and specific instruments for the management and protection of water resources and aquatic and water-associated terrestrial ecosystems.



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- c) Extraordinary measures, when required, to guarantee water supply.
- d) Organisation of water administration in Catalonia, including user participation.
- e) Regulation and implementation of activities related to land consolidation and irrigation works.

2. In the terms established by State legislation, the *Generalitat* shall have executive powers concerning public water resources and works of general interest. In the same terms, the *Generalitat* shall participate in planning and programming works of general interest.

3. The *Generalitat* participates in hydrological planning and in the State bodies managing water resources and harnessing resources in intra-community basins. The *Generalitat*, within its territorial area, has executive power over:

- a) Adoption of additional protection and sanitation measures for water resources and aquatic ecosystems.
- b) Execution and exploitation of State-owned works, where established by agreement.
- c) The policing powers concerning public water resources assigned by State legislation.

4. The *Generalitat* shall issue a mandatory report on all proposals for transfer from basins which imply a modification of water resources in its territory.

5. The *Generalitat* participates in hydrological planning for water resources and water exploitation installations located in Catalan territory or those of territories outside the Spanish State that terminate in Catalonia, in accordance with the mechanisms established in Title V and participates in the execution of said planning in the terms established by State legislation.

### ARTICLE 118. ASSOCIATIONS AND FOUNDATIONS

1. While respecting the basic conditions established by the State to guarantee equality in the exercise of law and the reservation to organic law, the *Generalitat* has exclusive power over the legal system of the associations that carry out their functions mainly in Catalonia. This power includes in any case:



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a) Regulation of the forms of association, denomination of associations, aims, constitution requirements, amendment, dissolution and liquidation, of content of the articles of association, governing bodies, rights and obligations of members, and of the obligations of associations and of associations of a special nature.

b) Determination of tax benefits for associations and the system for their application, as established by tax rules, and also declaration of public utility, the contents and requirements for obtaining this.

c) The register of associations.

2. The *Generalitat* has exclusive power over the legal system of foundations that carry out their functions mainly in Catalonia. This power includes in any case:

a) Regulation of the modalities of foundation, of denomination of foundations, of the aims and beneficiaries of the foundation; of funding capacity; of requirements for constitution, amendment, dissolution and liquidation; of the articles of association; of the endowment and foundation system in the process of formation; of the board of trustees and supervisory body, patrimony, and the economic and financial system.

b) Determination of tax benefits for foundations and the system for their application as established by tax rules.

c) The registry of foundations.

3. The *Generalitat* has the authority to set the criteria for, regulate the conditions of, and to implement and control public grants to associations and foundations.

### ARTICLE 119. HUNTING, FISHING, MARITIME ACTIVITIES AND ORGANISATION OF THE FISHING SECTOR

1. The *Generalitat* has exclusive power over hunting and river fishing, which includes in any case:

a) Planning and regulation.

b) The regulation of the system for administrative intervention in hunting and fishing, of supervision, and of hunting and fishing uses.



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2. The *Generalitat* has exclusive power over sea and recreational fishing in continental waters, and also over regulation and management of fish stocks and delimitation of protected areas.

3. The *Generalitat* has exclusive power over maritime activities, including in any case:

a) Regulation and management of shellfish and fish farming and the establishment of requirements for the practice of these activities, and also the regulation and management of resources.

b) The regulation and management of installations intended for these activities.

c) Professional diving.

d) Training and certification in matters of leisure activities.

4. The *Generalitat* has shared power over planning of the fishing sector. This power includes, in any case, the organisation and administrative implementation measures in regard to the professional requirements for fishing activities, the construction, safety and official registry of vessels, fishing associations and fish markets.

### ARTICLE 120. SAVINGS BANKS

1. The *Generalitat* has exclusive power over regulation of the organisation of savings banks whose headquarters are in Catalonia, while respecting State provisions established in exercise of the powers attributed to it by Article 149.1.11 and 13 of the Constitution. This power includes in any case:

a) Determination of governing bodies and the manner in which the different social interests are represented on them.

b) The legal status of governing body members and other posts in savings banks.

c) The legal system governing creation, mergers, liquidation and registration.

d) Exercise of administrative powers in relation to any foundations they might create.

e) Regulation of groups of savings banks with registered headquarters in Catalonia.



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2. In matters concerning savings banks whose headquarters are in Catalonia, the *Generalitat* has shared power over financial activity, in accordance with the principles, rules and minimum standards established by the State basic law, which includes, in any case, regulation of the distribution of surplus and of the social activities of savings banks.

Similarly, the *Generalitat* shall monitor the process of issuing and distributing owner share titles, with the exception of those aspects relating to the system for public offerings, purchase of securities and admission to negotiation, to financial stability and to solvency.

3. In matters concerning saving banks whose headquarters are in Catalonia, the *Generalitat* has shared power over their discipline, inspection and sanctioning. This power includes in any case the establishment of additional infractions and sanctions in the sphere of its powers.

4. The *Generalitat*, in keeping with the provisions of State legislation, collaborates in the inspection and sanctioning of savings banks whose headquarters are in Catalonia implemented by the Ministry of the Treasury and the Bank of Spain.

### ARTICLE 121. TRADE AND TRADE FAIRS

1. The *Generalitat* has exclusive power in matters of trade and trade fairs, including the regulation of non-international trade fair activities and the administrative planning of trading activity, which includes in any case:

a) Determination of the administrative conditions for exercising the activity and the locations and establishments which comply and the administrative regulation of electronic commerce or of commerce by any other medium.

b) Administrative regulation of all forms of sales and supply in relation to commercial activity, and promotional sales and sale at loss.

c) Regulation of trading hours, while respecting the constitutional principle of market unity.



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d) Classification and territorial planning of commercial facilities and regulation of the requirements and the system for installation, extension and change of activity of the said commercial facilities.

e) Establishment and implementation of norms and quality standards related to commercial activity.

f) Adoption of administrative policing measures in relation to market discipline.

2. The *Generalitat* has exclusive power in matters of international trade fairs held in Catalonia. This power includes in any case:

a) Authorisation and declaration of an international trade fair.

b) Promotion, management and coordination.

c) Inspection, evaluation and accountability.

d) Establishment of internal regulations.

e) Appointment of a delegate to the management body for each trade fair.

3. The *Generalitat* collaborates with the State in establishing a calendar of international trade fairs.

### ARTICLE 122. POPULAR CONSULTATION

The *Generalitat* has exclusive power over the establishment of the legal system, the modalities, the procedure, the implementation and the calling, whether by the *Generalitat* or by local bodies, acting within their jurisdiction, of public opinion polls, public hearings, participation forums and any other instruments of popular consultation, with the exception of those provided for by Article 149.1.32 of the Constitution.

### ARTICLE 123. CONSUMER AFFAIRS

The *Generalitat* has exclusive power in matters of consumer affairs. This power includes in any case:



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- a) Defence of consumers' and users' rights, as proclaimed in Article 28, and the establishment and application of administrative procedures for complaints and claims.
- b) Regulation and promotion of consumer and user associations, and of their participation in any procedures and matters which affect them.
- c) Regulation of mediation bodies and procedures in matters of consumer affairs.
- d) Consumer training and education.
- e) The regulation of information regarding consumers and users.

### ARTICLE 124. COOPERATIVES AND THE SOCIAL ECONOMY

1. The *Generalitat* has exclusive power over matters affecting cooperatives.
2. The power which Section 1 refers to includes the organisation and functioning of cooperatives, which includes in any case:
  - a) Their definition, denomination and classification.
  - b) Criteria for the establishment of registered offices.
  - c) Criteria governing operation.
  - d) Requirements for constitution, modification of articles of association, mergers, splits, transformation, dissolution and liquidation.
  - e) Qualification, registration and certification in the corresponding registry.
  - f) The rights and obligations of members.
  - g) The economic system and company documentation.
  - h) Conciliation and mediation.
  - i) Cooperative groups and forms of economic cooperation for cooperatives.
3. The power referred to in Section 1 above includes in any case regulation and promotion of the cooperative movement especially to promote forms of participation in companies, access of workers to the means of production, and social and territorial cohesion. Regulation and promotion of the cooperative movement includes:



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- a) The regulation of cooperative associations.
  - b) Cooperative education and training.
  - c) Establishment of criteria, the regulation of requirements, and the execution and control of public subsidies to cooperatives.
4. The *Generalitat* has exclusive power over the promotion and organisation of the social economy sector.

### ARTICLE 125. PUBLIC LAW CORPORATIONS AND CERTIFIED PROFESSIONS

1. The *Generalitat* has exclusive power over matters affecting professional associations, academies, chambers of agriculture, chambers of commerce, industry and navigation, and other public law corporations representing economic and professional interests, with the exception provided for by Sections 2 and 3. While respecting the provisions of Articles 36 and 139 of the Constitution, this power includes in any case:

- a) Regulation of the internal organisation, functioning, and economic, budgetary and accounting system, and also of the system of association and membership, the rights and obligations of members, and the disciplinary system.
- b) The creation and attribution of functions.
- c) Administrative supervision.
- d) The electoral system and electoral procedures applicable to the election of the corporation members.
- e) Determination of territorial limits and possible grouping within Catalonia.

2. The *Generalitat* has shared power over definition of the corporations referred to in Section 1 above, and over the requirements for their creation and for membership.

3. In the case of a previous agreement between the *Generalitat* and the State, the chambers of commerce, industry and navigation may carry out activities in relation to foreign trade for which they may allocate chamber resources.



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4. While respecting the general rules on academic and professional qualifications and the provisions of Articles 36 and 139 of the Constitution, the *Generalitat* has exclusive power over the exercise of certified professions, which includes in any case:

- a) Determination of the requirements and conditions for practice of certified professions, and also the rights and obligations of certified professionals and of the system of incompatibilities.
- b) Regulation of administrative guarantees against practice without proper qualifications and irregular activities, and also regulation of mandatory professional service provision.
- c) The disciplinary system for the practice of certified professions.

### ARTICLE 126. CREDIT, BANKS, INSURANCE AND MUTUAL BENEFIT SOCIETIES NOT INCLUDED IN THE SOCIAL SECURITY SYSTEM

1. The *Generalitat* has exclusive power over the structure, organisation and functioning of mutual pension societies not included in the social security system.
2. The *Generalitat* has shared power over the structure, organisation and function of credit entities which are not savings banks, of credit cooperatives and pension plan and fund management entities and of physical and legal entities operating in the insurance market other than those referred to in Section 1, in accordance with the principles, rules and minimum standards established by the State basic law.
3. The *Generalitat* has shared power over the activity of the entities referred to in Sections 1 and 2. This power includes the regulated implementation acts attributed to it by State legislation.
4. The *Generalitat* has shared powers over discipline, inspection and sanction of the entities referred to in Section 2 above.

### ARTICLE 127. CULTURE

1. The *Generalitat* has exclusive power over cultural matters. This exclusive power includes in any case:



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a) Artistic and cultural activities carried out in Catalonia, including:

First. Measures related to the production and distribution of books and periodical publications in all forms, and management of copyright and the granting of identification codes.

Second. Regulation and inspection of cinemas, protection measures for the film industry, and control over and award of dubbing licences to distribution companies whose headquarters are in Catalonia.

Third. Rating of films and audiovisual material according to age and cultural values.

Fourth. Promotion, planning, construction and management of cultural facilities located in Catalonia.

Fifth. Establishment of tax incentive measures for those cultural activities over which the *Generalitat* has regulatory authority regarding taxes.

b) Cultural heritage, including in any case:

First. Regulation and execution of measures aimed at guaranteeing the enrichment and dissemination of the cultural heritage of Catalonia, and at facilitating access to it.

Second. Inspection, inventory-keeping and restoration of architectural, archaeological, scientific, technical, historical, artistic, ethnological and general cultural heritage.

Third. Establishment of the legal system for activities in relation to movable and immovable assets that form part of the cultural heritage of Catalonia, determination of the legal system affecting immovable assets, and declaration and management of these assets, with the exception of those in the ownership of the State.

Fourth. Protection of the cultural heritage of Catalonia, which includes conservation, repair, supervision and control of assets, without prejudice to the State authority for the defence of assets comprising this cultural heritage against exportation and plundering.

c) Archives, libraries, museums and other cultural heritage centres not owned by the State, including in any case:



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First. Creation, management, protection and establishment of the legal system concerning the centres that integrate the archive and library system, the museums, and other cultural heritage centres.

Second. Establishment of the legal system of documentary, bibliographical and cultural assets stored in these centres.

Third. The conservation and recovery of assets that form part of the Catalan bibliographic and documentary heritage.

d) The promotion of culture, including:

First. Promotion and dissemination of theatrical, musical, audiovisual, literary, dance, circus and combined-art creations and productions carried out in Catalonia.

Second. Promotion and dissemination of the cultural, artistic and monumental heritage and cultural heritage centres in Catalonia.

Third. The international projection of Catalan culture.

2. The *Generalitat* has executive power over archives, libraries, museums and cultural heritage centres owned by the State and located in Catalonia and whose management the State does not reserve for itself. This power includes in any case the regulation of their functioning, organisation and staffing system.

3. In actions carried out by the State in Catalonia in matters of investment in cultural assets and equipment, previous agreement is required with the *Generalitat*. In the case of activities carried out by the State in relation to the international projection of culture, the Government of the State and the Government of the *Generalitat* shall articulate formulas for mutual collaboration and cooperation, in accordance with the provisions of Title V of this *Estatut*.

### ARTICLE 128. GEOGRAPHICAL AND QUALITY DENOMINATIONS AND INDICATIONS

1. The *Generalitat*, while respecting the provisions of Article 149.1.13 of the Constitution, has exclusive power over denominations of origin and other quality indications, including the legal system covering their creation and functioning, which also includes:



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- a) Determination of possible levels of protection for products, their associated system and requirements, and the rights and obligations arising from them.
  - b) Ownership of the denominations, while respecting industrial property legislation.
  - c) Regulation of forms and requirements for production and sale of corresponding products, and the applicable sanction system.
  - d) The system of administrative organisation of denominations of origin, or indications of quality, regarding both management and control of production and sale.
2. The power referred to in Section 1 above includes recognition of denominations or indications, approval of the regulations, and all the administrative powers of management and control over activities in relation to denominations or indications, especially those deriving from possible administrative supervision of the denomination bodies and from the exercise of sanctioning powers in relation to infractions of the denomination system.
3. Should the territory of a denomination of origin extend beyond Catalan borders, the *Generalitat* exercises its functions of management and control over the activities of the denomination bodies for land and facilities located in Catalonia, under the terms established by law. The *Generalitat* participates in the denomination bodies and in the exercise of their management powers.
4. In its territory, the *Generalitat* exercises the obligations of protection resulting from the recognition by the *Generalitat* itself of a denomination of origin or of a protected geographical indication. The corresponding authorities collaborate in the protection of Catalan geographical and quality denominations outside Catalan territory and before the corresponding European and international protection institutions.

### ARTICLE 129. CIVIL LAW

The *Generalitat* has exclusive power in matters of civil law, with the exception of those matters which Article 149.1.8 of the Constitution attributes to the State in



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any case. This power includes determination of the system of sources of the civil law of Catalonia.

### ARTICLE 130. PROSECUTION LAW

The *Generalitat* has authority to dictate the specific prosecution rules resulting from the particular nature of substantive law in Catalonia.

### ARTICLE 131. EDUCATION

1. The *Generalitat* has exclusive power, in non-university education, over post-compulsory teaching that does not lead to academic or professional certification valid in all the State, and over the educational centres in which this teaching is carried out.

2. The *Generalitat* has exclusive power in non-university education, in relation to compulsory and non-compulsory subjects that lead to an academic or professional qualification valid in all the State and in relation to infant education, including:

- a) Regulation of participative and consultative bodies of the sectors involved in educational planning in its territory.
- b) Determination of the educational content of the first cycle of infant education and the regulation of the centres in which this cycle is taught, and also definition of the staffing arrangements and the qualifications and specialisations of the other staff.
- c) Creation, organisational development and the overall system of public centres.
- d) Inspection, internal evaluation of the education system, educational innovation, research and experimentation, and also ensuring the quality of the education system.
- e) The system for promoting study, scholarships and grants through their own funds.
- f) Continuous training and improvement of teaching staff and other education system staff and approval of human resources directives.



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g) The educational services and the complementary extra-curricular activities related to public educational centres and to private educational centres supported with public funds.

h) Organisational aspects of distance teaching aimed at students above the compulsory school-leaving age.

3. In those matters not regulated by Section 2 and in relation to the education referred to in said Section, the *Generalitat* has shared power, while respecting the fundamental aspects of the right to education and to freedom in teaching in non-university education and in accordance with the provisions of Article 149.1.30 of the Constitution. This power includes in any case:

a) Programming of teaching, its definition and general evaluation of the education system.

b) Organisation of the education sector and of teaching and educational activity.

c) Establishment of suitable syllabuses, including curriculum planning.

d) The system to promote study, and State grants and aids.

e) Access to education, and establishment and regulation of the criteria for admission and teaching of students in educational centres.

f) The system for maintenance with public funds of the teaching provided in the education system and the centres providing it.

g) Requirements and conditions of educational and teaching centres.

h) Organisation of public centres and private centres supported with public funds.

i) Participation of the education community in control and in management of public educational centres and of private centres supported with public funds.

j) Acquisition and loss of educational civil servant status for teachers in the employ of the education authorities, development of their basic rights and obligations and also the policy concerning personnel in the employ of the educational administration.

4. The *Generalitat* has executive power, in non-university education, over the issue and approval of State academic and professional qualifications.



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### ARTICLE 132. EMERGENCIES AND CIVIL PROTECTION

1. The *Generalitat* has exclusive power over civil protection, which includes, in any case, regulation, planning and implementation of measures related to emergencies and civil security and safety matters, and management and coordination of civil protection services, including fire prevention and fire-fighting services, without prejudice to the powers of local government authorities in this matter and respecting State provisions established in exercise of its powers in matters of public safety.
2. For emergencies and civil protection issues which extend beyond Catalonia, the *Generalitat* shall promote mechanisms for cooperation with other autonomous communities and with the State.
3. The *Generalitat* has executive power in matters of maritime rescue operations, in the terms determined by State legislation.
4. The *Generalitat* participates in the execution of matters concerning nuclear safety, in the terms agreed in the agreements signed to this effect and, where appropriate, by law.

### ARTICLE 133. ENERGY AND MINES

1. The *Generalitat* has shared power over energy. This power includes in any case:
  - a) Regulation of activities concerning energy production, storage and transport, the issue of licences to facilities operating wholly within Catalan territory, and inspection and control of all facilities located in Catalonia.
  - b) Regulation of energy distribution within Catalonia, the issue of licences to the corresponding facilities, and inspection and control of all facilities located in Catalonia.
  - c) Implementation of additional quality standards for energy supply services.
  - d) Fostering and management of renewable energy sources and promotion of energy efficiency.



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2. The *Generalitat* participates, by means of the issue of a preliminary report, in the proceedings for granting licences to energy production and transport facilities which extend beyond Catalan territory or if the energy is used outside this territory.
3. The *Generalitat* participates in energy sector regulation and planning at State level that affects the territory of Catalonia.
4. The *Generalitat* has shared power over the mining system. This power includes, in any case, regulation, the system for administrative intervention and control over mines and the mining resources located in the territory of Catalonia and over any mining activities that take place in Catalonia.

### ARTICLE 134. SPORT AND LEISURE

1. The *Generalitat* has exclusive power over sport, which includes in any case:
  - a) Fostering, dissemination, planning, coordination, execution, consultancy, implantation and projection of the practice of physical activity and of sport throughout Catalonia, at all social levels.
  - b) Organisation of mediation bodies in matters concerning sports.
  - c) Regulation of sports training and fostering of technical training and elite sports performance.
  - d) Establishment of the legal system for sporting federations and clubs and Catalan entities that promote and organise the practice of sport and physical activity within Catalonia, and declaration of the public utility of sporting entities.
  - e) Regulation in matters of sporting, competitive and electoral discipline of entities that promote and organise the practice of sport.
  - f) Fostering and promotion of sports associations.
  - g) Registration of entities that promote and organise the practice of physical and sporting activity and that have their headquarters in Catalonia.
  - h) Planning of the network of sports facilities in Catalonia and the promotion of its use.



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- i) Medical and health control and monitoring of individuals who practice physical and sporting activity.
  - j) Regulation in matters of prevention and control of violence at public sporting events, while respecting the powers reserved to the State concerning public safety.
  - k) Ensuring the health of spectators and other individuals involved in the organisation and the carrying out of physical and sporting activity, and safety and health control of sporting facilities.
  - l) Development of scientific research in sport matters.
2. The *Generalitat* participates in entities and bodies, at State, European and international level, whose purpose is the development of sport.
  3. The *Generalitat* has exclusive power over leisure and this includes, in any case, fostering and regulation of activities that take place in the territory of Catalonia and the legal system concerning entities whose purpose is the carrying out of leisure activities.
  4. The *Generalitat* participates in entities and bodies, at the State, European and international level, whose purpose is development of leisure.

### ARTICLE 135. STATISTICS

1. The *Generalitat* has exclusive power over statistics of interest to the *Generalitat*. This power includes in any case:
  - a) Statistical planning.
  - b) Administrative organisation.
  - c) The creation of the *Generalitat's* own official statistical system.
2. The *Generalitat* participates in and cooperates with the preparation of statistics at supra-autonomous community level.



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### ARTICLE 136. PUBLIC EMPLOYMENT AND STAFF IN THE EMPLOY OF THE CATALAN PUBLIC ADMINISTRATION BODIES

While respecting the principle of local autonomy, in matters of public employment the *Generalitat* has:

- a) Exclusive power over the statutory system for staff in the employ of the Catalan Public Administration bodies, and over classification and organisation of public employment with the exception of the provisions of *b* below.
- b) Shared power for development of organising principles of public employment, over the acquisition and loss of civil service status, administrative situation and rights, obligations and incompatibilities of staff in the employ of the Public Administration bodies.
- c) Exclusive power, in the area of contracted staff, for adaptation of the list of employment positions to the needs of administrative organisation and over training of this staff.

### ARTICLE 137. HOUSING

1. The *Generalitat* has exclusive power over housing, which includes in any case:

- a) Planning, classification, management, inspection and control over housing, in accordance with social needs and the need for territorial balance.
- b) Establishment of priorities and objectives in the promotional activity of Catalan Public Administration bodies in matters concerning housing, and the adoption of the necessary measures to achieve them, in relation to both the public and the private sectors.
- c) Provision of public housing.
- d) Administrative regulation of house sales and the establishment of protective and disciplinary measures in this field.
- e) Technical rules, inspection and control of construction quality.
- f) Rules on the suitability of housing for habitation.
- g) Technological innovation and sustainability applicable to housing.



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h) Regulations on house conservation and maintenance, and their application.

2. The *Generalitat* has power over the requirements of buildings in relation to the installation of common infrastructures for telecommunications, broadcasting, basic telephone and other cable services, while respecting State legislation in the area of telecommunications.

### ARTICLE 138. IMMIGRATION

1. In matters concerning immigration, the *Generalitat* has:

a) Exclusive power regarding the initial reception of immigrants, which includes sociosanitary attention and guidance.

b) Development of the integration policy for immigrants in the framework of its powers.

c) Establishment and regulation of the required measures for social and economic integration of immigrants and for their social participation.

d) Establishment by law of a referential framework for the reception and integration of immigrants.

e) Promotion and integration of returning immigrants and their assistance, and facilitation of their return to Catalonia through the pertinent policies and measures.

2. The *Generalitat* has executive power in authorising work to foreigners whose employment is in Catalonia. This power, which shall be coordinated with that of the State regarding the entry and residence of foreigners, includes:

a) Processing and assignation of initial work authorisations for employed and self-employed workers.

b) Processing and resolution of appeals presented with regard to cases arising from paragraph *a)* above and application of the inspection and sanction system.

3. The *Generalitat* participates in State decisions concerning immigration which are especially important for Catalonia and, in particular, shall have preceptive participation in determining the contingent of foreign workers by means of the mechanisms established by Title V.



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### ARTICLE 139. INDUSTRY, CRAFTSMANSHIP, METROLOGICAL CONTROL AND EVALUATION OF METALS

1. The *Generalitat* has exclusive power over industry, with the exception of the provisions of Section 2 below. This power includes, in any case, the classification of industrial sectors and processes in Catalonia, the safety of activities, facilities, equipment, processes and industrial products and the regulation of industrial activities which may have an impact on people's safety or health.
2. The *Generalitat* has shared power over planning of industry, in the framework of general planning of the economy.
3. The *Generalitat* has exclusive power over matters of craftsmanship.
4. The *Generalitat* has executive power over metrological control.
5. The *Generalitat* has executive power over the evaluation of metals.

### ARTICLE 140. TRANSPORT AND COMMUNICATIONS INFRASTRUCTURES

1. The *Generalitat* has exclusive power over any ports, airports, heliports and other transport infrastructures in the territory of Catalonia that are not legally classified as being of general interest. This power includes in any case:
  - a) The legal system, planning and management of all ports and airports, port and airport facilities, minor maritime facilities, loading terminals in port and airport premises, and other transport infrastructures.
  - b) Management of the public domain required to provide the service, and especially the issue of licences and concessions within port or airport premises.
  - c) Financial system for port and airport services, and especially the power to establish tariffs and taxes and the charging and collecting of all kinds of taxes and charges related to the use of the infrastructure and the service it provides.
  - d) Delimitation of the service areas for ports or airports and determination of the uses, equipment and complementary activities within port or airport premises or other transport infrastructures, while respecting the powers of the owner of the public domain.



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2. The *Generalitat* participates in supra-autonomous community bodies that exercise functions concerning transport infrastructures located in Catalonia that are owned by the State.
3. The classification of a port, airport or other transport infrastructure located in Catalonia as of general interest is subject to a preliminary report by the *Generalitat*, which may participate in its management, or take responsibility for its management, in accordance with the provisions of law.
4. The *Generalitat* participates in the planning and programming of ports and airports of general interest, in the terms determined by State regulations.
5. The *Generalitat* has exclusive power over its road network throughout the territory of Catalonia, and may also participate in the management of the State's road network in Catalonia, in accordance with State regulations. This power includes in any case:
  - a) Organisation, planning and integrated management of the road network of Catalonia.
  - b) The legal and financial system of all elements of the road network of which the *Generalitat* is owner.
  - c) Connectivity, whether with each other or with other transport infrastructures or networks, of the elements that make up the road network of Catalonia.
6. The *Generalitat* has exclusive power, in matters concerning the rail network, over the infrastructures of which it is the owner, and participates in the planning and management of infrastructures owned by the State that are located in Catalonia, in accordance with the provision of State regulations.
7. In accordance with State regulations, the *Generalitat* has executive power over electronic communications. This power includes in any case:
  - a) Promotion of the existence of a minimum set of universally accessible services.
  - b) Inspection of the shared telecommunications infrastructures and exercise of the corresponding power to sanction.



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- c) Resolution of conflicts between broadcasting operators that share multiplexes and whose coverage does not extend beyond the territory of Catalonia.
- d) Management of the registry of installers of shared telecommunications infrastructures and the registry of multiplex managers whose sphere of activity does not extend beyond the territory of Catalonia.

### ARTICLE 141. GAMING AND SHOWS

1. The *Generalitat* has exclusive power over gaming, betting and casinos when these activities take place in Catalonia only, including in any case:

- a) Creation and authorisation of gaming and betting and their regulation, and regulation of companies responsible for management, operation and practice of these activities or whose aim is to sell and distribute materials related to gaming in general, including computerised and telematic gambling.
- b) Regulation and control of the premises, facilities and equipment used in the performance of these activities.
- c) Determination, within the framework of its powers, of the fiscal system concerning the gaming activity of companies performing these activities.

2. Authorisation of new forms of gaming and betting at State level, or modification of the already existing forms, requires deliberation by the *Generalitat* - State Bilateral Commission established by Title V and the decisive preliminary report of the *Generalitat*.

3. The *Generalitat* has exclusive power over shows and recreational activities. This power includes, in any case, organisation of the sector, the system of administrative intervention, and control over all kinds of shows in public spaces and premises.

### ARTICLE 142. YOUTH

1. The *Generalitat* has exclusive power over youth affairs, which includes in any case:



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- a) Design, application and evaluation of policies, plans and programmes aimed at young people.
- b) Promotion of youth associations, initiatives to encourage youth participation, international mobility, and youth tourism.
- c) Regulation, management, intervention and administrative policing of activities and facilities aimed at young people.

2. The *Generalitat* is responsible for signing agreements with international entities and for participating in international bodies in cooperation with the State, or autonomously if the regulations of the entity so permit, and, in any case, processing of documents issued by international entities that affect individuals, facilities or entities with residence in Catalonia, while respecting State legislation.

### ARTICLE 143. CATALONIA'S OWN LANGUAGE

1. The *Generalitat* of Catalonia has exclusive power over the matter of Catalonia's own language. This power includes, in any case, determination of the scope, uses and legal effects of its official status, and also the linguistic normalisation of Catalan.

2. The *Generalitat* and also the *Conselh Generau d'Aran* have power over the linguistic normalisation of Occitan, known as Aranese in Aran.

### ARTICLE 144. THE ENVIRONMENT, NATURAL AREAS AND METEOROLOGY

1. The *Generalitat* has shared power over the environment, and power to establish additional protection rules. This shared power includes in any case:

- a) Establishment and regulation of the instruments of environmental planning and the proceedings for processing and approving these instruments.
- b) Establishment and regulation of environmental sustainability, tax and research measures.
- c) Regulation of natural resources, flora and fauna, biodiversity and marine and aquatic environment, except when for the purpose of preserving sea fish stocks.



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- d) Regulation of prevention in the production of containers and packing throughout their lifecycle, from creation to conversion into waste material.
- e) Regulation of prevention and correction of the generation of waste material originating in or destined for Catalonia, and its management, movement and final disposal.
- f) Regulation of prevention, control, correction, recovery and compensation of soil and subsoil pollution.
- g) Regulation and management of dumping in the continental waters of Catalonia and into surface and underground waters that do not pass through another autonomous community. In any case, the *Generalitat* has executive power over the administrative intervention of dumping in surface and underground waters in its territory.
- h) Regulation of the atmospheric environment and the various kinds of pollution thereof, declaration of polluted atmospheric zones, and establishment of other instruments to control pollution, irrespective of the public authority with competence for authorising the work, facility or activity causing the pollution.
- i) Regulation of the system for authorising and monitoring the emission of greenhouse gases.
- j) Promotion of classification of products, activities, facilities, infrastructures, procedures, production processes and environmentally-friendly practices.
- k) Prevention, restoration and repair of environmental damage and also the corresponding system of sanctions.
- l) Measures to protect species and the system of sanctions.

2. While respecting the provisions of Article 149.1.23 of the Constitution, the *Generalitat* has exclusive power over natural areas. This power includes, in any case, the regulation and declaration of protection, delimitation, planning and management instruments for natural spaces and protected habitats located in Catalonia.



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3. In the case of natural areas that extend beyond the territory of Catalonia, the *Generalitat* shall promote collaboration instruments with other autonomous communities in order to create, delimit, regulate and manage these areas.

4. Declaration and delimitation of natural areas with a State protection system requires the mandatory report of the *Generalitat* - State Bilateral Commission. If the area is located wholly within the territory of Catalonia, the *Generalitat* is responsible for its management.

5. The *Generalitat* shall establish its own meteorological service, shall supply meteorological and climatic information, including the forecasting, monitoring and follow-up of meteorological risk situations, and research in these fields and the production of climatic cartography.

6. The *Generalitat* exercises its powers by means of the Corps of Rural Agents responsible for surveillance, control, protection, overall prevention and cooperation in relation to environmental management. The members of this Corps have the status of agents of the authority and exercise special administrative and judicial policing functions, in the terms established by law.

### ARTICLE 145. STOCK EXCHANGES AND CONTRACTING CENTRES

The *Generalitat* has shared power over stock exchanges and contracting centres located in Catalonia. This power includes in any case:

- a) Creation, denomination, authorisation and supervision of stock exchanges and organised negotiation systems.
- b) Regulation and administrative execution measures for the organisation, operation, discipline and sanctioning system of the bodies governing stock exchanges.
- c) Control over the issue, admission, suspension, exclusion, and establishment of additional requirements for the admission of securities to be negotiated exclusively in these markets, and inspection and control.
- d) Accreditation of persons and entities for membership of these markets.



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e) Establishment of deposits to be provided by members of the stock exchange as a guarantee in operations pending settlement.

### ARTICLE 146. THE MEDIA AND AUDIOVISUAL CONTENT SERVICES

1. In the area of radio and television services and also any other audiovisual communication service, the *Generalitat* has:

a) Exclusive power over the organisation of the provision of the public broadcasting services of the *Generalitat* and public broadcasting services at local level, while respecting the principle of local autonomy.

b) Shared power over the regulation and control of broadcasting services that use any of the available formats and technologies aimed at the audience in Catalonia, and the supply of broadcasting services if distributed in the territory of Catalonia.

2. The *Generalitat* has shared power in matters of the media.

3. The *Generalitat* shall promote the linguistic and cultural pluralism of Catalonia in the media.

### ARTICLE 147. NOTARIAL AFFAIRS AND PUBLIC REGISTRIES

1. The *Generalitat* has executive power over notarial affairs and public property, mercantile and movable assets registries. This power includes in any case:

a) Appointment of notaries and property, mercantile and movable assets registrars, by means of the calling, administration and resolution of open and restricted competitive examinations and competitions, which shall be called and implemented leading to formal appointment. Candidates for the post of notary or registrar shall be admitted on the basis of equality of rights, and shall provide proof of knowledge of the Catalan language and law in the form and to the extent established by the *Estatut* and by law.

b) Participation in development of access programmes to the corps of notaries and property, mercantile and movable assets registrars of Spain, for the purpose of accreditation of their knowledge of Catalan law.



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c) Establishment of notarial and registration districts, including determination of mortgage districts and notarial territorial power districts.

d) The appointment of district protocol notary archivists and the maintenance of mortgage account registers.

2. The *Generalitat* has exclusive power in matters concerning the system of appeals regarding the qualification of titles or specific clauses of Catalan law which must be inscribed in a property, mercantile or movable assets registrar of Catalonia.

3. In the framework of the general regulation, the *Generalitat* has executive power over the Civil Registry, including the appointment of officials in charge, temporary staff and substitutes, the exercise of disciplinary functions in relation to them, and provision of the human and material resources required to carry out their functions. The officials in charge shall provide proof of knowledge of the Catalan language and Catalan law in the form and to the extent established by the *Estatut* and by law.

### ARTICLE 148. PUBLIC WORKS

1. The *Generalitat* has exclusive power over public works that are carried out in the territory of Catalonia and that have not been classified as being of general interest or that do not affect another autonomous community. This power includes in any case the planning, construction and funding of such works.

2. Classification as being of general interest shall be subject to a preliminary report by the *Generalitat*. The *Generalitat* participates in planning and programming public works qualified as being of general interest, in accordance with State legislation and the provisions of Title V of this *Estatut*.

3. The *Generalitat* is responsible for the management of public services within its power to which all public works located in Catalonia and not categorised as of general interest are assigned or by which they are deemed affected. In the case of works classified as being of general interest or that affect another autonomous community, collaboration agreements may be signed to manage the corresponding services.



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### ARTICLE 149. TERRITORIAL, LANDSCAPE, COASTLINE AND URBAN DEVELOPMENT PLANNING

1. The *Generalitat* has exclusive power over territorial and landscape planning. This power includes in any case:

a) Establishment of guidelines for planning and management of the territory, and the landscape and of the actions that affect these areas.

b) Establishment and regulation of the forms of territorial planning and of the procedures for their processing and approval.

c) Establishment and regulation of the instruments to safeguard natural areas and biological corridors, in keeping with the provisions of Article 144.2.

d) Planning for future location of infrastructures and equipment within the sphere of the power of the *Generalitat*.

e) Determination of specific measures for the promotion of territorial, demographic, socio-economic and environmental balance.

2. Determination of locations for infrastructures and equipment under State ownership in Catalonia shall be subject to a report by the *Generalitat* - State Bilateral Commission.

3. The *Generalitat* has exclusive power over the management of the coastline, while respecting the general system for the public domain. This power includes in any case:

a) Establishment and regulation of territorial plans for classification and use of the coastline and beaches and also the regulation of proceedings for processing and approving these instruments and plans.

b) Management of the licences to occupy and use the maritime-terrestrial public domain, and especially issue of authorisations and concessions and, in any case, concessions for fixed structures in the sea, while respecting the exceptions that may be established for environmental reasons in continental and transition coastal waters.



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c) Regulation and management of the economic and financial system governing the maritime-terrestrial public domain, in the terms established by the general legislation.

d) Execution of works and actions on the Catalan coastline which are not of general interest.

4. The *Generalitat* is responsible for the execution and management of works of general interest on the Catalan coastline, in accordance with the provisions of Article 148.

5. The *Generalitat* has exclusive power over urban development. This power includes in any case:

a) Regulation of the system for development of urban land, which includes, in any case, determination of the criteria for the different kinds of land and land use.

b) Regulation of the legal land ownership system while respecting the basic conditions established by the State to guarantee equality in the exercise of the right to property.

c) Establishment and regulation of urban planning and management instruments, and the procedures for their processing and approval.

d) Land and housing policy, regulation of publicly-owned land and housing heritage, and the system for administrative intervention in building, urban development and land and subsoil use.

e) Ensuring legality in urban development, which includes, in any case, urban inspection, orders for suspension of works and licences, measures to undo illegal physical alterations, and discipline in urban development.

6. The *Generalitat* has shared power over the right of escheat in urban expropriations within the framework of State legislation.

### ARTICLE 150. ORGANISATION OF THE ADMINISTRATION OF THE *GENERALITAT*

In relation to the organisation of its Administration, the *Generalitat* has exclusive power over:



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- a) The structure and regulation of public bodies and managers, their functioning and territorial coordination.
- b) The different organisational and instrumental modalities for administrative action.

### ARTICLE 151. TERRITORIAL ORGANISATION

While respecting the institutional guarantee established by Articles 140 and 141 of the Constitution, the *Generalitat* has exclusive power over territorial organisation, which includes in any case:

- a) Determination, creation, modification and abolition of the government entities that make up the territorial organisation of Catalonia.
- b) Creation, abolition and alteration of boundaries both of municipalities and local government entities of lesser territorial scope; denomination, determining the capital and symbols for municipalities and other local government entities; place-names, and determination of special systems.
- c) Establishment by law of procedures for relations between local government entities and the population, respecting local autonomy.

### ARTICLE 152. PLANNING, ORGANISATION AND PROMOTION OF ECONOMIC ACTIVITY

1. The *Generalitat* has power to promote economic activity in Catalonia.
2. The *Generalitat* has shared power over the organisation of economic activity in Catalonia.
3. The *Generalitat* may establish economic activity planning within the framework of the guidelines set by general State planning.
4. The *Generalitat* is responsible for the development and management of general economic activity planning. This power includes in any case:
  - a) Implementation of State plans.
  - b) Participation in State planning through the mechanisms established by Title V.



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c) Management of the plans, including funds and resources of State origin aimed at fostering economic activity, in the terms established by means of an agreement.

### ARTICLE 153. GENDER POLICIES

The *Generalitat* has exclusive power over gender policies. While respecting the provisions of the State in exercise of the power attributed to it by Article 149.1.1 of the Constitution, this power includes in any case:

a) Planning, design, execution, evaluation and control over rules, plans and general guidelines regarding policies for women, and establishment of positive action for elimination of gender-based discrimination to be implemented uniformly in the whole territory of Catalonia.

b) Promotion of associations of women that carry out activities related to equality and non-discrimination, and of participation initiatives.

c) Regulation of measures and instruments to raise awareness of gender-based violence and to detect and prevent it and regulation of services and its own resources aimed at overall protection of women who have experienced or who experience this kind of violence.

### ARTICLE 154. PROMOTION AND DEFENCE OF COMPETITION

1. The *Generalitat* has exclusive power over the promotion of market competition in economic activities carried out mainly in Catalonia.

2. The *Generalitat* has executive power over defence of competition in the exercise of economic activities that alter or may alter free market competition within an area not extending beyond the territory of Catalonia. This power includes in any case:

a) Execution in measures related to the economic processes which affect competition.

b) Inspection and implementation of the sanctioning procedure.

c) Defence of competition in the exercise of commercial activity.

3. The *Generalitat* has exclusive power over the establishment and regulation of the Catalan Court for the Defence of Competition, as an independent body with



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jurisdiction over the whole territory of Catalonia which is the sole responsible body for dealing with economic activities carried out mainly in Catalonia, which alter or may alter competition, in the terms established by Sections 1 and 2.

### ARTICLE 155. INTELLECTUAL AND INDUSTRIAL PROPERTY

1. The *Generalitat de Catalunya* has executive power over intellectual property. This power includes in any case:

a) Establishment and regulation, in coordination with that of the State, of a registry of intellectual property rights generated in Catalonia or owned by individuals usually resident in Catalonia; registration, modification or cancellation of these rights, and exercise of the administrative activity required to guarantee their protection in the whole territory of Catalonia. The *Generalitat* shall inform the State of the entries made in its register with a view to their inclusion in the State register, shall collaborate with the State registry and facilitate the exchange of information.

b) Authorisation and revocation of entities for the collective management of intellectual property rights acting mainly in Catalonia and also performance of complementary inspection and control tasks regarding the activity of these entities.

2. The *Generalitat* has executive power over industrial property. This power includes in any case:

a) Establishment and regulation, in coordination with that of the State, of a register of industrial property rights for natural or legal persons.

b) The legal and procedural defence of the place-names of Catalonia used in industry.

### ARTICLE 156. PROTECTION OF PERSONAL DATA

While respecting the guarantees regarding fundamental rights in this area, the *Generalitat* has executive power over the protection of personal data. This power includes in any case:

a) Registration and control of files or processing of personal data created or managed by the public institutions of Catalonia, the Administration of the *Generalitat*, local public authorities of Catalonia, autonomous entities, and public or



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private law entities answerable to autonomous or local public authorities or providing services or carrying out activities on their own account by means of any form of direct or indirect management, and also the universities that make up the Catalan university system.

b) Registration, and control of files or the processing of personal data created or managed by natural or legal persons for the exercise of public functions in connection with matters that fall under the authority of the *Generalitat* or of the local government entities of Catalonia, provided the processing takes place in Catalonia.

c) Registration and control of files and the processing of data created or managed by the public law bodies which exercise their functions exclusively within the territory of Catalonia.

d) Establishment of an independent authority, appointed by Parliament, to supervise the safeguarding of the right to protection of personal data within the powers of the *Generalitat*.

### ARTICLE 157. ADVERTISING

Without prejudice to the mercantile legislation of the State, the *Generalitat* has exclusive power over the regulation of advertising.

### ARTICLE 158. RESEARCH, DEVELOPMENT AND TECHNOLOGICAL INNOVATION

1. In matters concerning scientific and technical research, the *Generalitat* has exclusive power in matters concerning its own research centres and structures, and the projects it finances. This power includes in any case:

a) Establishment of research areas of its own, and monitoring, control and evaluation of projects.

b) Organisation, functioning system, control, monitoring and accreditation of centres and structures in Catalonia.

c) Regulation and management of grants and financial assistance organised and funded by the *Generalitat*.



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- d) Regulation and professional training of research and research support personnel.
  - e) Dissemination of science and the transfer of results.
2. The *Generalitat* has shared power over the coordination of the research centres and structures of Catalonia.
3. Collaboration criteria between the State and the *Generalitat* in research policy, development and innovation shall be established within the framework of the provisions of Title V. Likewise, systems shall be established for the participation of the *Generalitat* in determining policies affecting these matters at European Union level, and in other international bodies and institutions.

### ARTICLE 159. LEGAL SYSTEM, LEGAL PROCEDURE, PUBLIC CONTRACTS, EXPROPRIATION AND RESPONSIBILITY IN THE CATALAN PUBLIC ADMINISTRATION BODIES

1. The *Generalitat* has exclusive power in matters concerning the legal system and legal procedure governing Catalan Public Administration bodies which are not affected by Article 149.1.18 of the Constitution. This power includes:
- a) The means required to exercise administrative functions, including the system governing public and patrimonial property.
  - b) Control, inspection and sanctioning authority in all material areas that the *Generalitat* has power over.
  - c) The rules of administrative procedure arising from the particularities of the substantive law of Catalonia or from specialised areas of the organisation of the *Generalitat*.
2. The *Generalitat* has shared power in all matters relating to the legal system and legal procedure of Catalan Public Administration bodies not included in Section 1 above.
3. In relation to the contracts of Public Administration bodies in Catalonia, the *Generalitat* has:
- a) Exclusive power over organisation and jurisdiction in matters involving contracting by Catalan Public Administration bodies and over rules for execution,



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modification and termination of the Administration's contracts in those matters which are not affected by Article 149.1.18 of the Constitution.

b) Shared power in all matters not attributed exclusively to the jurisdiction of the *Generalitat* according to *a* above.

4. In matters concerning compulsory expropriation, the *Generalitat* has executive power, in any case, to:

a) Determine cases, causes and conditions in which Catalan Administration bodies may exercise expropriatory authority.

b) Establish the criteria for valuing the expropriated assets according to the nature and social function of these assets, in accordance with State legislation.

c) Create and regulate an entity of its own for the purpose of determining a fair price, and to establish the procedure.

5. In matters of patrimonial responsibility, the *Generalitat* has shared power to establish the causes that may give rise to liability, in relation to claims brought against the *Generalitat*, in accordance with the general system of responsibility of all Public Administration bodies.

6. The powers of the *Generalitat* specified in Sections 1, 3, 4 and 5 above shall be exercised with respect for the principle of local autonomy.

### ARTICLE 160. LOCAL GOVERNMENT SYSTEM

1. The *Generalitat* has exclusive power over the local government system, which, while respecting the principle of local autonomy, includes:

a) Relations between the institutions of the *Generalitat* and local government entities, and also the methods for organisation and liaison in regard to cooperation and collaboration between local government entities, and between these and the Administration of the *Generalitat*, and including the various forms: associations, *mancomunitats*, conventional associations and consortia.

b) Determination of the powers and jurisdiction of municipalities and other local government entities, in the areas specified in Article 84.



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- c) The system of publicly-owned, communal and patrimonial property and the modalities of public service provision.
  - d) Determination of the governing bodies for local government entities created by the *Generalitat* and the functioning and decision-making system of these bodies.
  - e) The system governing complementary bodies in the organisation of local government entities.
2. The *Generalitat* has shared power in all matters not established by Section 1 above.
3. The *Generalitat* has exclusive power in matters concerning the electoral system for the local entities it creates, with the exception of those which are Constitutionally guaranteed.

### ARTICLE 161. RELATIONS WITH RELIGIOUS ENTITIES

1. The *Generalitat* has exclusive power over religious entities that carry out their activities in Catalonia. This power includes in any case regulation and establishment of collaboration and cooperation mechanisms for the carrying out of their activities within the jurisdiction of the *Generalitat*.
2. The *Generalitat* has executive authority over religious freedom. This power includes in any case:
- a) Participation in the management of the State Registry of Religious Entities in relation to churches, confessions and religious communities that carry out their activities in Catalonia, in the terms determined by law.
  - b) Establishment of agreements and cooperation conventions with the churches, confessions and religious communities registered in the State Registry of Religious Entities within the jurisdiction of the *Generalitat*.
  - c) Promotion, development and execution, within the jurisdiction of the *Generalitat*, of agreements and conventions signed between the State and the churches, confessions and religious communities registered in the State Registry of Religious Entities.



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3. The *Generalitat* collaborates in bodies at State level to which functions have been attributed concerning religious entities.

### ARTICLE 162. HEALTHCARE, PUBLIC HEALTH, PHARMACEUTICAL REGULATION AND PHARMACEUTICAL PRODUCTS

1. The *Generalitat* has exclusive power in matters of healthcare and public health over the organisation, internal functioning, evaluation, inspection and control of healthcare centres, services and establishments.

2. The *Generalitat* shall classify pharmaceuticals, in the framework of Article 149.1.16 of the Constitution.

3. The *Generalitat* has shared power in any case in the following areas:

a) Classification, planning, determination, regulation and execution of public, social and mental health provisions and services, at all levels and for all citizens.

b) Classification, planning, determination, regulation and execution of measures and actions aimed at preserving, protecting and promoting public health in all areas, including health at work, animal health with effects on human health, food health, environmental health and epidemiological vigilance.

c) Planning of publicly provided healthcare resources and coordination of private healthcare activities with the public healthcare system.

d) Specialised healthcare training, which includes accreditation and evaluation of centres; planning to provide posts; participation in preparation of selection procedures and management of training programmes for specialities and other specific training, and the issue of diplomas for areas of specific training.

e) The statutory system and the training of the staff providing service in the public healthcare system services.

4. The *Generalitat* participates in planning and State coordination in matters of healthcare and public health, in accordance with the provisions of Title V.

5. The *Generalitat* has executive power over State legislation on pharmaceutical products.



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### ARTICLE 163. PRIVATE SECURITY

The *Generalitat* executes the State legislation in the following matters:

- a) Authorisation of private security companies with head office in Catalonia whose area of activity does not extend beyond the territory of Catalonia.
- b) Inspection and sanction of private security activities carried out in Catalonia.
- c) Authorisation of private security staff training centres.
- d) Coordination of private security and investigation services with the Police of the *Generalitat* and the local police of Catalonia.

### ARTICLE 164. PUBLIC SECURITY

1. In matters of public security, the *Generalitat*, in accordance with State legislation, is responsible for:

- a) Planning and regulation of the public security system for Catalonia and organisation of the local police.
- b) Creation and organisation of the *Generalitat* Police Force - *Mossos d'Esquadra*.
- c) Traffic control and vigilance.

2. The *Generalitat* has supreme command over the *Generalitat* Police Force – *Mossos d'Esquadra* and coordinates the activities of the local police.

3. In the framework of State legislation on security, the *Generalitat* has the executive powers attributed to it by the State and in any case:

- a) Governing functions over the exercise of the rights of assembly and demonstration.
- b) Compliance with the provisions for the conservation of nature, the environment and water resources.

4. The *Generalitat* participates, through a Security Board with equal representation of the *Generalitat* and the State and chaired by the President of the *Generalitat*, in the coordination of security policies and of the activity of the State and Catalan police forces, and also in the exchange of information at international level, and in



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cooperating with and assisting the police authorities of other countries. In agreement with the State, the *Generalitat* shall be represented in the working groups working in collaboration with the police of other countries in which the State participates.

5. The scope of action of the *Generalitat* Police Force - *Mossos d'Esquadra* is the whole of the Catalan territory, and it exercises all the functions of a police force in the following fields:

- a) Public safety and public order.
- b) Administrative policing, including that deriving from State regulations.
- c) Judicial policing and criminal investigation, including the various forms of organised crime and terrorism, in the terms established by law.

### ARTICLE 165. SOCIAL SECURITY

1. While respecting the principles of the unity of economic patrimony and the financial solidarity of social security, the *Generalitat* has shared power over social security matters. This power includes:

- a) Implementation and execution of State legislation, with the exception of the rules which configure the economic system.
- b) Management of the social security economic system.
- c) Organisation and administration of the assets and services that make up the healthcare and social services of the social security system in Catalonia.
- d) Organisation and exercise of administrative jurisdiction over the institutions, companies and foundations that collaborate with the social security system in the matters referred to in *c*, and also coordination of workplace risk prevention activities carried out in Catalonia by the health funds for workplace accidents and occupational illness.
- e) Recognition and management of non-contributory pensions.
- f) The coordination of the health system actions linked to the social security service.



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2. The *Generalitat* may organise and administer, to these effects and within its territory, all the services related to the matters specified above, and exercises the supervision of the institutions, entities and foundations in the area of health and social security, with the exception of high-level inspection, which is reserved to the State.

### ARTICLE 166. SOCIAL SERVICES, VOLUNTEERS, MINORS AND PROMOTION OF FAMILIES

1. The *Generalitat* has exclusive power over the social services. This power includes in any case:

a) Regulation and organisation of the social services activities, social service technical benefits and payments designed as welfare allowances or to supplement other public benefit support systems.

b) Regulation and organisation of the entities, services and public and private establishments which provide social services in Catalonia.

c) Regulation and approval of specific plans and programmes addressed to individuals and groups in a situation of poverty or social need.

d) Supervision and control of private supplementary social protection systems.

2. The *Generalitat* has exclusive power over volunteers. This power includes, in any case, definition of the activity and regulation and promotion of actions to support solidarity and voluntary action carried out individually or through public or private institutions.

3. With regard to minors the *Generalitat* has:

a) Exclusive power over the protection of minors, which includes, in any case, regulation of the protection system, and the public institutions for protection and guardianship of defenceless and at-risk minors and juvenile offenders, while respecting criminal legislation in this latter case.

b) The *Generalitat* participates, in the preparation and reform of the penal and procedural legislation that affects powers concerning minors.

4. The *Generalitat* has exclusive power over promotion of families and children. This includes, in any case, social protection measures and their implementation.



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### ARTICLE 167. THE SYMBOLS OF CATALONIA

The *Generalitat* has exclusive power over the regulation, organisation, configuration, and preservation of the symbols of Catalonia, in accordance with the provisions of this *Estatut*.

### ARTICLE 168. THE PRISON SYSTEM

1. The *Generalitat* has the executive power for State legislation regarding prison affairs. This includes in any case:

- a) The capacity to enact provisions adapting prison regulations to the social reality of Catalonia.
- b) All management of prison activity in Catalonia, especially directing, organisation, overall system, operation, planning and inspection of prison institutions of any kind located in Catalonia.
- c) Planning, building and refurbishment of the prison buildings located in Catalonia.
- d) Administration and management of unmovable assets and facilities assigned to the Catalan prison administration, and of all material resources assigned to it.
- e) Planning and organisation of paid work for the prison population, and implementation of alternative measures to prison and of reintegration measures.

2. The *Generalitat* may issue reports in the procedure for granting pardons.

### ARTICLE 169. TRANSPORT

1. The *Generalitat* has exclusive power over land transport of passengers and goods by road, railway and cable entirely within Catalan territory, irrespective of ownership of the infrastructure. This power includes in any case:

- a) Regulation, planning, management, coordination and inspection of services and activities.
- b) Regulation of administrative supervision for the exercise of transport activities.
- c) Regulation of urban transport and of occasional transport services for passengers in tourist vehicles.



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- d) Specific regulation of tourist transport, school transport or the transport of minors, health transport, funeral transport, transport of hazardous or perishable goods, and other transport requiring specific systems, while respecting State powers in the area of public safety.
  - e) Regulation of a system of mediation in matters of transport.
  - f) The power to set charges for land transport.
2. The integration of transport routes or services that lie entirely within the territory of Catalonia into higher level lines or services requires the preliminary report of the *Generalitat*.
3. The *Generalitat* participates in the establishment of rail services that ensure links with other autonomous communities or with international traffic, in accordance with the provisions of Title V.
4. The *Generalitat* has exclusive power over the transport, logistics and distribution centres located in Catalonia, including:
- a) Information and freight distribution centres.
  - b) Road transport stations.
5. The *Generalitat* has exclusive power over operators in activities related to the organisation of transport, logistics and distribution taking place in Catalonia.
6. While respecting the powers of the State in the areas of the merchant marine and ports, the *Generalitat* has exclusive power in maritime and river transport which lies entirely with the territory of Catalonia, including:
- a) Regulation, planning and management of maritime and river passenger transport.
  - b) Administrative supervision for the provision of services and exercise of activities related to maritime and river transport.
  - c) Requirements for exercise of the activity.



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### ARTICLE 170. WORK AND LABOUR RELATIONS

1. The *Generalitat* has executive power in matters of work and labour relations. This power includes in any case:

- a) Labour relations and working conditions.
- b) Active employment policies, which include the training of jobseekers and active workers, and also management of the appropriate subsidies. The *Generalitat* participates in training plans or activities that extend beyond the territory of Catalonia.
- c) Professional qualifications in Catalonia.
- d) Employment brokerage, which includes regulation, authorisation and control of employment agencies with head offices in Catalonia.
- e) Collective negotiation and registration of collective bargaining agreements.
- f) Procedures for regulating employment and for administrative action in collective transfers between work centres located in Catalonia.
- g) Prevention of work risks, and health and safety in the workplace.
- h) Power to apply sanctions for infringement of the social order, within its jurisdiction.
- i) Determining minimum services for strikes that take place in Catalonia.
- j) Ensuring the legality of and, if necessary, the subsequent registration of collective bargaining agreements for companies that exercise their activity exclusively in Catalonia.
- k) Labour conciliation, mediation and arbitration instruments.
- l) Preparation of the holiday calendar for the whole territory of Catalonia.

2. The *Generalitat* has executive power over public inspection in all matters regulated by this Article. To this end, the civil servants of the corps performing this function are structurally and functionally accountable to the *Generalitat*. Formulas guaranteeing effective exercise of the inspection function in the social sphere shall be established by means of the cooperation mechanisms determined by Title V.



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### ARTICLE 171. TOURISM

The *Generalitat* has exclusive power in matters of tourism. This power includes in any case:

- a) Organisation and planning of the tourism sector.
- b) Promotion of tourism, which includes the signing of agreements with foreign organisations and the creation of offices abroad.
- c) Regulation and classification of tourism companies and establishments, and management of the network of *Generalitat*-owned tourism establishments.

With a view to facilitating coordination between these establishments and those of the State network of *Paradores Nacionales* located in Catalonia, the *Generalitat* participates, in the terms established by State legislation, in the governing bodies of the *Paradores de Turismo de España*.

- d) Regulation of the specific rights and obligations of users and providers of tourist services and of alternative means for conflict resolution.
- e) Teaching and training in tourism that do not lead to the award of an official qualification.
- f) Establishment of criteria, regulation of conditions and implementation and control over public funds for assistance and promotion of tourism.

### ARTICLE 172. UNIVERSITIES

1. In matters of university education, the *Generalitat* has exclusive power, without prejudice to university autonomy, over:

- a) Planning and coordination of the Catalan university system, in the framework of the general coordination.
- b) The decision to create public universities and authorise private universities.
- c) The approval of statutes of the public universities and of rules for organisation and functioning of the private universities.
- d) Coordination of the procedures for access to the universities.



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e) The legal framework governing the university own qualifications, in accordance with the principle of university autonomy.

f) Its own funding for universities and, where appropriate, management of State funds for university education.

g) Regulation and management of its own grants and subsidies system for university education and, where appropriate, regulation and management of State funds in this area.

h) The system of remuneration of teaching and research staff employed by the universities and the establishment of additional remuneration for teaching staff in permanent public employment.

2. In matters of university education, the *Generalitat* has shared power, without prejudice to university autonomy, over all matters not referred to in Section 1 above, which include in any case:

a) Regulation of the requirements for the creation and recognition of universities and university centres, and attachment of these centres to universities.

b) The legal system for organisation and functioning of the public universities, including the governing and representative bodies.

c) Appointment and withdrawal of the capacity of public or private teaching centres to issue official university qualifications, and creation, modification and abolition of university centres in public universities, and also recognition of these centres in private universities and the introduction and abolition of teaching subjects.

d) Regulation of the system of access to the universities.

e) Regulation of the system governing contracted and permanent teaching and research personnel.

f) Evaluating and ensuring the excellence and quality of university education, and also that of teaching and research personnel.

3. Executive power over issue of official university qualifications.



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### ARTICLE 173. VIDEO AND SOUND SURVEILLANCE AND RECORDINGS

The *Generalitat* has responsibility for use of video and sound surveillance, recordings or other similar means, implemented by the police of Catalonia or by private companies or establishments in the public sphere. The *Generalitat* shall exercise this power while respecting the fundamental rights.

### TITLE V. INSTITUTIONAL RELATIONS OF THE *GENERALITAT*

#### CHAPTER I. RELATIONS OF THE *GENERALITAT* WITH THE STATE AND WITH OTHER AUTONOMOUS COMMUNITIES

### ARTICLE 174. GENERAL PROVISIONS

1. The *Generalitat* and the State provide mutual assistance to each other and collaborate when necessary so as to effectively exercise their respective powers and defend their respective interests.

2. The *Generalitat* may establish collaborative links with other autonomous communities for the establishment of common policies, for the effective exercise of its powers and for the handling of matters of common interest, especially when these are supra-territorial in scope. The *Generalitat* shall provide the necessary assistance to other autonomous communities for the effective exercise of their powers.

3. The *Generalitat* participates in any decision-making institutions, bodies and procedures of the State that affect its powers, in accordance with the provisions of this *Estatut* and the law.



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### SECTION ONE. COLLABORATION WITH THE STATE AND WITH OTHER AUTONOMOUS COMMUNITIES

#### ARTICLE 175. INSTRUMENTS FOR COLLABORATION BETWEEN THE *GENERALITAT* AND THE STATE

1. Within their respective areas of powers, the *Generalitat* and the State may sign collaboration conventions and make use of other collaboration instruments as considered appropriate for the accomplishment of objectives of common interest.
2. The *Generalitat* also collaborates with the State through the multilateral bodies and procedures in areas and matters of common interest.

#### ARTICLE 176. EFFECTS OF COLLABORATION BETWEEN THE *GENERALITAT* AND THE STATE

1. The participation of the *Generalitat* in bilateral and multilateral bodies and mechanisms of collaboration with the State and with other autonomous communities does not in any way alter the ownership of its powers.
2. The *Generalitat* is not bound by decisions taken within the framework of multilateral voluntary collaboration mechanisms with the State and with other autonomous communities with regard to which it has not manifested its agreement.
3. The *Generalitat* may state its reservations to agreements made within the framework of the multilateral voluntary collaboration mechanisms when these agreements have been made without its approval.

#### ARTICLE 177. SYSTEM FOR CONVENTIONS BETWEEN THE *GENERALITAT* AND THE STATE

1. The legal system governing conventions signed by the *Generalitat*, with regard to the *Generalitat*, shall be established by an Act of Parliament.
2. Conventions signed between the Government of the *Generalitat* and the State Government shall be published in the *Diari Oficial de la Generalitat de Catalunya* within one month of signing. The date of publication of the convention in the *Boletín Oficial del Estado* determines its applicability in relation to third parties.



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### ARTICLE 178. CONVENTIONS AND AGREEMENTS WITH OTHER AUTONOMOUS COMMUNITIES

1. The *Generalitat* may sign collaboration conventions and cooperation agreements with other autonomous communities.
2. The conventions and agreements with other autonomous communities may agree, among other matters, the creation of joint bodies and the establishment of joint projects, plans and programmes.
3. Entry into conventions and agreements requires prior approval of Parliament only in cases that affect its legislative powers. In other cases, the Government shall inform Parliament of the signing of conventions and agreements within one month of the date of signature.
4. Collaboration conventions signed by the *Generalitat* with other autonomous communities shall be notified to the *Cortes Generales* and shall come into effect sixty days after notification, unless the *Cortes Generales* decide that these are to be classified as cooperation agreements requiring the prior authorisation referred to in Article 145.2 of the Constitution.
5. Conventions and agreements signed by the *Generalitat* with other autonomous communities shall be published, within forty-five days and one month, respectively, counting from the day on which they were signed, in the *Diari Oficial de la Generalitat de Catalunya*.

### SECTION TWO. PARTICIPATION IN STATE DECISION-MAKING INSTITUTIONS AND PROCEDURES

#### ARTICLE 179. APPEARANCE OF SENATORS BEFORE PARLIAMENT

Senators elected in Catalonia and those who represent the *Generalitat* in the Senate may appear before Parliament at their own request to report on their activity in the Senate, within the terms set out in Parliament's Rules of Procedure.



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### ARTICLE 180. DESIGNATION OF MEMBERS OF THE CONSTITUTIONAL COURT AND OF THE GENERAL COUNCIL OF JUDICIAL POWER

The *Generalitat* participates in the processes for the designation of magistrates of the Constitutional Court and members of the General Council of Judicial Power in the terms established by law, or where appropriate, by parliamentary regulations.

### ARTICLE 181. PARTICIPATION IN THE GENERAL REGULATION OF ECONOMIC ACTIVITY

The *Generalitat* participates in any decision-making processes of the State that affect the general organisation of economic activity, within the framework of the provisions of Article 131.2 of the Constitution.

### ARTICLE 182. DESIGNATION OF REPRESENTATIVES IN ECONOMIC AND SOCIAL BODIES

1. The *Generalitat* designates or participates in processes for designation of members of the management bodies of the Bank of Spain, the National Stock Market Commission and the Telecommunications Market Commission, any entities that may replace these and other State entities that have regulatory functions in matters of economic and social relevance affecting the powers of the *Generalitat*, under the terms established by applicable legislation.

2. The *Generalitat* designates or participates in processes for designation of members of economic and energy entities, financial institutions and publicly-owned State companies with jurisdiction in the territory of Catalonia and which are not the object of transfer, under the terms established by applicable legislation.

3. The *Generalitat* designates or participates in processes for designation of members of the Accounts Court, the Economic and Social Council, the Taxation Agency, the National Energy Commission, the Spanish Data Protection Agency, the Radio and Television Council, any entities that may replace these, and entities created in these fields, under the terms established by applicable legislation.

4. If the nature of the entity so requires, and if its main office is not in Catalonia, the *Generalitat* may ask the State to create territorial delegations of the bodies referred to in Section 1.



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### SECTION THREE. THE *GENERALITAT* - STATE BILATERAL COMMISSION

#### ARTICLE 183. FUNCTIONS AND COMPOSITION OF THE *GENERALITAT* - STATE BILATERAL COMMISSION

1. In accordance with the principles established by Articles 3.1 and 174, the *Generalitat* - State Bilateral Commission is the general and permanent framework for relations between the Government of the *Generalitat* and the Government of the State for the following purposes:

- a) Participation and collaboration of the *Generalitat* in the exercise of State powers affecting the autonomy of Catalonia.
- b) Exchange of information and establishment, when appropriate, of mechanisms for collaboration in their respective public policies and in matters of common interest.

2. The functions of the *Generalitat* - State Bilateral Commission are to deliberate, make proposals and, if appropriate, reach agreements in the cases established in this *Estatut* and, in general, in relation to the following areas:

- a) Government bills that uniquely affect the distribution of powers between the State and the *Generalitat*.
- b) Planning of the general economic policy of the Government of the State in all matters that uniquely affect the interests and powers of the *Generalitat*, and application and development of this policy.
- c) Promotion of appropriate measures to improve collaboration between the State and the *Generalitat* and to ensure more effective exercise of their respective powers in areas of common interest.
- d) Conflicts over powers that arise between the two parties, and proposal, when appropriate, of measures to resolve them.
- e) Evaluation of the functioning of the collaboration mechanisms established between the State and the *Generalitat* and proposal of measures to improve collaboration.



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f) Proposal of a list of economic bodies, financial institutions and publicly-owned State companies in which the *Generalitat* may designate representatives, and the modalities and means of this representation.

g) Monitoring of European policy in order to ensure the effectiveness of the participation of the *Generalitat* in European Union affairs.

h) Monitoring of external State activities that affect the *Generalitat's* own powers.

i) Questions of common interest established by law or raised by the parties.

3. The *Generalitat* - State Bilateral Commission is made up of an equal number of representatives of the State and of the *Generalitat*. It is chaired alternately by each of the two parties for periods of one year. The Commission has a permanent secretariat and may create sub-committees and committees as deemed necessary. The Bilateral Commission prepares an annual report, which is submitted to the State Government, the Government of the *Generalitat* and to Parliament.

4. The *Generalitat* - State Bilateral Commission meets in plenary session at least twice a year and whenever either of the parties requests a meeting.

5. Internal regulation and functioning of the *Generalitat* - State Bilateral Commission is by agreement between both parties.

### CHAPTER II. RELATIONS OF THE *GENERALITAT* WITH THE EUROPEAN UNION

#### ARTICLE 184. GENERAL PROVISION

The *Generalitat* participates, under the terms established by this *Estatut* and the legislation of the State, in affairs related to the European Union that affect the powers or interests of Catalonia.

#### ARTICLE 185. PARTICIPATION IN THE TREATIES OF THE EUROPEAN UNION

1. The *Generalitat* shall be informed by the State Government of initiatives for review of European Union treaties and of subsequent signing and ratification processes. The Government of the *Generalitat* and Parliament shall address, to the



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State Government and to the *Cortes Generales*, the observations that it deems pertinent to this effect.

2. The State Government may include representatives of the *Generalitat* in Spanish delegations taking part in processes for review and negotiation of original treaties and those for adoption of new treaties, in matters affecting the exclusive powers of the *Generalitat*.

### ARTICLE 186. PARTICIPATION IN THE FORMATION OF THE STATE POSITION

1. The *Generalitat* participates in the formation of State positions before the European Union, especially before the Council of Ministers, in matters concerning the powers or interests of Catalonia, under the terms established by this *Estatut* and the legislation on these matters.

2. The *Generalitat* shall participate bilaterally in forming the State positions in those European affairs which affect it exclusively. In other cases, participation shall be in the framework of multilateral procedures to be established.

3. The position expressed by the *Generalitat* is decisive for the formation of the State position if it affects its exclusive powers and if the European proposal or initiative could lead to especially important financial or administrative consequences for Catalonia. In other cases, this position shall be heard by the State.

4. The State shall provide the *Generalitat* with complete and up-to-date information about the initiatives and proposals presented to the European Union. The Government of the *Generalitat* and the Parliament of Catalonia shall address to the State Government and the *Cortes Generales*, as the case may be, the observations and proposals deemed pertinent to these initiatives and proposals.

### ARTICLE 187. PARTICIPATION IN EUROPEAN INSTITUTIONS AND BODIES

1. The *Generalitat* participates in Spanish delegations to the European Union that deal with affairs within the legislative power of the *Generalitat*, and especially to the Council of Ministers and the consultative and drafting bodies of the Council and the Commission.



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2. In areas falling within the exclusive powers of the *Generalitat*, the participation established in Section 1, permits the *Generalitat*, by means of preliminary agreement, to represent and chair these bodies, in accordance with the applicable regulations.

3. The *Generalitat*, in accordance with the State, participates in designation of representatives in the framework of the permanent State representation in the European Union.

4. Parliament may establish relations with the European Parliament in areas of common interest.

### ARTICLE 188. PARTICIPATION IN OVERSEEING THE PRINCIPLES OF SUBSIDIARITY AND OF PROPORTIONALITY

Parliament participates in the processes to oversee the principles of subsidiarity and proportionality established by European Union Law in relation to European legislative proposals if these proposals affect powers of the *Generalitat*.

### ARTICLE 189. DEVELOPMENT AND APPLICATION OF EUROPEAN UNION LAW

1. The *Generalitat* applies and implements the law of the European Union within its jurisdiction. The existence of a European regulation does not modify the internal distribution of powers established by the Constitution and this *Estatut*.

2. If implementation of European Union law requires the adoption of internal measures that extend beyond Catalan territory which the competent autonomous communities are unable to adopt by means of collaboration or coordination mechanisms, the State shall consult the *Generalitat* on these circumstances prior to adopting the measures. The *Generalitat* shall participate in the bodies that adopt these measures or, should this participation be not possible, shall issue a preliminary report.

3. In the event that the European Union establishes legislation replacing the basic State regulations, the *Generalitat* may adopt the development legislation based on the European rules.



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### ARTICLE 190. MANAGEMENT OF EUROPEAN FUNDS

The *Generalitat* is responsible for the management of European funds in matters within its jurisdiction, in the terms established by Articles 114 and 210.

### ARTICLE 191. ACTIONS BEFORE THE COURT OF JUSTICE

1. The *Generalitat* has access to the Court of Justice of the European Union within the terms established by European regulations.
2. The Government of the *Generalitat* may demand that the State Government bring actions before the Court of Justice of the European Union in defence of the legitimate interests and powers of the *Generalitat*. The *Generalitat* shall collaborate in the legal defence.
3. The refusal of the State Government to bring the requested actions must be justified, and must be immediately communicated to the *Generalitat*.

### ARTICLE 192. DELEGATION OF THE *GENERALITAT* TO THE EUROPEAN UNION

1. The *Generalitat* may establish a delegation to better defend its interests before the institutions of the European Union.

## CHAPTER III. FOREIGN ACTION OF THE *GENERALITAT*

### ARTICLE 193. GENERAL PROVISIONS

1. The *Generalitat* shall foster the external projection of Catalonia and promote its interests in this area, while respecting the powers of the State in foreign affairs.
2. The *Generalitat* has the capacity to carry out actions with external projection that derive directly from its powers, either directly or through the bodies of the General Administration of the State.

### ARTICLE 194. OFFICES ABROAD

In order to promote the interests of Catalonia, the *Generalitat* may establish offices abroad.



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### ARTICLE 195. COLLABORATION AGREEMENTS

In order to promote the interests of Catalonia, the *Generalitat* may sign collaboration agreements in areas falling within its powers. For this purpose, the external representative bodies of the State shall provide the necessary support to the initiatives of the *Generalitat*.

### ARTICLE 196. INTERNATIONAL TREATIES AND CONVENTIONS

1. The Government of the State shall inform the *Generalitat* in advance of the signing of treaties which have a direct and singular effect on the powers of Catalonia. The *Generalitat* and Parliament may address the observations that they consider relevant to these matters to the Government.
2. In the case of treaties which have a direct and singular effect on Catalonia, the *Generalitat* may request that the Government include representatives of the *Generalitat* in the negotiating delegation.
3. The *Generalitat* may request that the Government sign international treaties in areas within its jurisdiction.
4. The *Generalitat* shall adopt the necessary measures to carry out any obligations arising from international treaties and conventions ratified by Spain or binding on the State within the area of its powers.

### ARTICLE 197. CROSS-BORDER, INTER-REGIONAL AND DEVELOPMENT COOPERATION

1. The *Generalitat* shall promote cooperation and establish appropriate relations with the European regions with which it shares economic, social, environmental and cultural interests.
2. The *Generalitat* shall promote cooperation with other territories, under the terms established in Section 1 above.
3. The *Generalitat* shall promote development cooperation programmes.



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### ARTICLE 198. PARTICIPATION IN INTERNATIONAL BODIES

The *Generalitat* shall participate in the competent international bodies in matters of important interest for Catalonia, especially UNESCO and other cultural bodies, in the form established by the corresponding regulations.

### ARTICLE 199. COORDINATION OF FOREIGN ACTIONS

The *Generalitat*, in areas falling within its powers, shall foster and coordinate the foreign actions of local government entities and of other bodies and public entities in Catalonia, without prejudice to their autonomy.

### ARTICLE 200. THE INTERNATIONAL PROJECTION OF CATALAN ORGANISATIONS

The *Generalitat* shall promote the international projection of social, cultural and sporting organisations in Catalonia and, when appropriate, their affiliation to similar entities at international level, in keeping with their objectives.

## TITLE VI. FUNDING OF THE *GENERALITAT*

### CHAPTER I. THE FINANCES OF THE *GENERALITAT*

#### ARTICLE 201. PRINCIPLES

1. Taxation and financial relations between the State and the *Generalitat* are regulated by the Constitution, by this *Estatut* and by the organic law referred to in Section 3 of Article 157 of the Constitution.
2. The funding of the *Generalitat* is governed by the principles of financial autonomy, coordination, solidarity and transparency in fiscal and financial relations between the Public Administration bodies, and also by the principles of sufficiency of resources, fiscal responsibility, equity and institutional loyalty between the aforementioned Public Administration bodies.
3. The development of the contents of this Title is the responsibility of the State - *Generalitat* Joint Economic and Fiscal Affairs Commission.



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4. In accordance with Article 138.2 of the Constitution, the financing of the *Generalitat* shall not entail discriminatory effects for Catalonia with respect to other autonomous communities. This principle shall fully respect the criteria of solidarity set out in Article 206 of this *Estatut*.

### ARTICLE 202. THE RESOURCES OF THE *GENERALITAT*

1. The *Generalitat* has autonomous finances and sufficient financial resources for the proper exercise of self-government.

2. The *Generalitat* enjoys full autonomy of expenditure so that it can use and apply its resources freely, in accordance with the political and social guidelines set by its self-government institutions.

3. The financial resources of the *Generalitat* consist of:

- a) Taxation income, rates, special charges and other taxes raised in Catalonia.
- b) The income of all ceded State taxes, in accordance with the provisions of Article 201 of this *Estatut*.
- c) Surcharges on State taxes.
- d) Revenues arising from the Inter-Territorial Compensation Fund and from other allocations established by the Constitution, as appropriate.
- e) Other transfers and allocations charged to the general budget of the State.
- f) Revenues from payments for public services.
- g) Incomes earned on the assets of the *Generalitat*.
- h) Private law revenues.
- i) Income yielded by debt issues and credit operations.
- j) Revenues arising from fines and sanctions applied in areas falling within its powers.
- k) Resources originating from the European Union and from community programmes.



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l) Any other resource that may be established by virtue of the provisions of this *Estatut* and the Constitution.

### ARTICLE 203. FINANCIAL POWERS

1. The *Generalitat* has the capacity to determine the volume and composition of revenues falling within its financial powers, and also to freely apply its resources to expenditure items as it deems fit.

2. The *Generalitat* participates in the income arising from State taxes ceded to Catalonia. To this end, these taxes are as follows:

a) Totally ceded taxes, that is, taxes the entire income and regulatory power of which corresponds to the *Generalitat*.

b) Partially ceded taxes, that is, taxes part of the income of which and, where appropriate, regulatory power of which corresponds to the *Generalitat*.

3. Within the framework of the powers of the State and of the European Union, exercise of the regulatory power referred to in Section 2 includes participation in establishment of the tax rate, exemptions, reductions and rebates on the tax base and deductions in the quota.

4. The *Generalitat* is responsible for the management, collection, settlement and inspection of totally ceded State taxes and the same functions in the measure attributed, in accordance with the provisions of Article 204, regarding partially ceded taxes.

5. The *Generalitat* has the power to establish, by means of an Act of Parliament, its own taxes, over which it has regulatory power.

6. The regulatory power of the *Generalitat* to act in the taxation sphere is based on the principles of equity and efficiency. In its taxation policies, the *Generalitat* promotes social cohesion and welfare, economic progress and environmental sustainability.



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### ARTICLE 204. THE TAXATION AGENCY OF CATALONIA

1. The Taxation Agency of Catalonia is responsible for management, collection, settlement and inspection of all *Generalitat* of Catalonia taxes and also, when delegated by the State, of State taxes which are totally ceded to the *Generalitat*.

2. The Taxation Administration of the State is responsible for management, collection, settlement and inspection of other State taxes collected in Catalonia, without prejudice to any delegation to the *Generalitat* in this respect or to any collaboration that may be established especially when required by the nature of the tax.

For implementation of the content of the previous paragraph, a consortium, or an equivalent entity, shall be constituted, within two years, with parity of participation by the Taxation Administration Agency of the State and the Taxation Agency of Catalonia. The Consortium may be transformed into the Taxation Administration in Catalonia.

3. The two taxation administrations shall establish the necessary mechanisms to permit presentation and reception in the respective offices of tax forms and other taxation-related documentation which may have a bearing on the other administration, with a view to facilitating compliance with tax obligations on the part of taxpayers.

The *Generalitat* participates, in the form to be established, in the State taxation entities or bodies with responsibility for management, collection, settlement and inspection of partially ceded State taxes.

4. The Taxation Agency of Catalonia shall be created by means of an Act of Parliament and shall have full power and attributes for organisation and exercise of the functions referred to in Section 1.

5. Management functions in relation to local taxes may be delegated to the Taxation Agency of Catalonia by the municipalities.



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### ARTICLE 205. ECONOMIC-ADMINISTRATIVE BODIES

The *Generalitat* shall assume, by means of its own economic-administrative bodies, the administrative review of claims that may be made by taxpayers against the acts of taxation management of the Taxation Agency of Catalonia.

The above shall be without prejudice to the powers of the General Administration of the State in relation to unification of criteria.

To this end, the *Generalitat* and the General Administration of the State may also agree the necessary cooperation mechanisms as necessary for appropriate exercise of the functions of economic-administrative revision.

### ARTICLE 206. PARTICIPATION IN INCOME FROM STATE TAXES AND LEVELLING AND SOLIDARITY MECHANISMS

1. The level of financial resources available to the *Generalitat* for funding of its services and powers shall be based on criteria of expenditure needs and shall take its taxation capacity, among other criteria, into account. To this end, the resources of the *Generalitat* are, among others, those deriving from its taxation revenues, increased or reduced in accordance with its participation in the levelling and solidarity mechanisms.

2. The *Generalitat* participates in the income deriving from ceded State taxes. The percentage of participation is established taking its services and powers into account.

3. The financial resources available to the *Generalitat* may be adjusted to enable the State financing system to have sufficient resources to ensure levelling and solidarity with other autonomous communities, so that the education, health, and other essential social services of the welfare state provided by the different autonomous governments can achieve similar levels throughout the State, provided that they also make a similar fiscal effort. Similarly, where appropriate, the *Generalitat* receives resources from the levelling and solidarity mechanisms. The afore-mentioned levels shall be established by the State.



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4. The levelling and solidarity mechanisms shall be determined in accordance with the principle of transparency, and the results shall be evaluated every five years.
5. The State shall guarantee that application of the levelling mechanisms shall in no case alter the position of Catalonia in the pre-levelling ranking of per capita earnings.
6. In determining the expenditure needs referred to in Section 1, the population, adjusted for differential costs and demographic variables, and in particular by means of a correction factor based on the percentage of immigrants in the population, shall be taken into account, as a basic variable. Likewise, population density, the size of urban nuclei and the socially excluded population shall also be taken into account.

### ARTICLE 207. FISCAL TREATMENT

The *Generalitat* enjoys the fiscal treatment established by law for the State regarding State taxes.

### ARTICLE 208. UPDATING OF FUNDING

1. The State and the *Generalitat* shall update the funding system every five years, taking into account the evolution of the available public resources as a whole and that of the expenditure needs of the different administration bodies.

This updating shall be carried out without prejudice to monitoring and possible updating of the basic variables employed for determination of the resources provided by the funding system.

2. The updating referred to in Section 1 shall be approved by the State - *Generalitat* Joint Economic and Fiscal Affairs Commission.

### ARTICLE 209. INSTITUTIONAL LOYALTY

1. In accordance with the principle of institutional loyalty, the financial impact, whether positive or negative, of the general provisions approved by the State on the *Generalitat*, and of those approved by the *Generalitat* on the State, shall be



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assessed, over a period of time in terms of variations of expenditure needs or fiscal capacity, with a view to establishing the necessary adjustment mechanisms.

2. Both administrations shall mutually facilitate access to the necessary statistical and management information for best exercise of their respective powers, in a framework of cooperation and transparency.

### ARTICLE 210. THE STATE - *GENERALITAT* JOINT ECONOMIC AND FISCAL AFFAIRS COMMISSION

1. The State - *Generalitat* Joint Economic and Fiscal Affairs Commission is the bilateral body for relations between the Administration of the State and the *Generalitat* in the field of autonomous community funding. It is responsible for specification, application, updating and monitoring of the funding system, and also for channelling the entirety of fiscal and financial relations between the *Generalitat* and the State. It consists of an equal number of representatives of the State and of the *Generalitat*. Presidency of this Joint Commission rotates between the two parties for terms of one year.

Internal regulation and functioning of the Commission is by agreement between the two delegations. The State - *Generalitat* Joint Economic and Fiscal Affairs Commission performs its functions without prejudice to agreements signed by the Government of Catalonia in this matter within multilateral institutions and bodies.

2. The State - *Generalitat* Joint Economic and Fiscal Affairs Commission is responsible for:

a) Agreeing the scope and conditions for cession of taxes owned by the State and, especially, the percentages of participation in the partially ceded State taxes referred to in Article 206, and also their revision every five years.

b) Agreeing the contribution to solidarity and levelling mechanisms referred to in Article 206.

c) Establishing the mechanisms for collaboration between the Taxation Administration of Catalonia and the Taxation Administration of the State referred to in Article 204, and also the criteria for fiscal coordination and harmonisation in accordance with the characteristics or the nature of the taxes ceded.



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- d) Negotiating Catalonia's percentage of participation in the territorial distribution of European structural funds.
  - e) Applying the updating mechanisms established by Article 208.
  - f) Agreeing the valuation of services transferred by the State to the *Generalitat*.
  - g) Establishing the necessary collaboration mechanisms between the *Generalitat* and the Administration of the State for appropriate exercise of the functions of economic-administrative revision referred to in Article 205.
  - h) Agreeing the collaboration mechanisms between the *Generalitat* and the General Administration of the State for exercise of the land registry functions referred to in Article 221.
3. In accordance with the provisions of Article 209, the State - *Generalitat* Joint Economic and Fiscal Affairs Commission shall propose the co-operation measures necessary to ensure balance in the funding system established according to this Title when this may be altered by State or European Union legislative decisions.
4. The Catalan component of the State - *Generalitat* Joint Economic and Fiscal Affairs Commission is accountable to Parliament concerning compliance with the requirements of this Chapter.

### CHAPTER II. THE BUDGET OF THE *GENERALITAT*

#### ARTICLE 211. POWERS OF THE *GENERALITAT*

The *Generalitat* has exclusive power over planning and regulating its finances.

#### ARTICLE 212. THE BUDGET OF THE *GENERALITAT*

The *Generalitat* budget is annual, unique and includes all expenses and revenues of the *Generalitat*, and also those of the bodies, institutions and companies that are accountable to it. The Government is responsible for drawing up and executing the budget and Parliament is responsible for examining, amending, approving and controlling the budget. The Budget Act cannot create taxes, but can modify them if a substantive tax law so establishes.



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### ARTICLE 213. RESORT TO DEBT

1. The *Generalitat* may have recourse to loans and may issue public debt to finance expenditure, within the limits set by the *Generalitat* itself and respecting the general principles and State regulations.

2. The securities issued shall, for all purposes and effects, be considered as public funds and shall enjoy the same benefits and conditions as those issued by the State.

### ARTICLE 214. BUDGET STABILITY

The *Generalitat* is responsible for setting limits and conditions for achievement of the aim of budget stability, within the principles and regulations of the State and the European Union.

### ARTICLE 215. THE ASSETS OF THE *GENERALITAT*

1. The assets of the *Generalitat* consist of the goods and rights that it owns and those that it acquires by any legal title.

2. An Act of Parliament shall regulate the administration, protection and preservation of the assets of the *Generalitat*.

### ARTICLE 216. PUBLICLY-OWNED COMPANIES

The *Generalitat* may form publicly-owned companies to fulfil the functions that are within its powers, as established in the Acts of Parliament.

## CHAPTER III. LOCAL GOVERNMENT FINANCES

### ARTICLE 217. GOVERNING PRINCIPLES

Local finances are governed by the principles of sufficiency of resources, equity, autonomy and fiscal responsibility. The *Generalitat* oversees compliance with these principles.



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### ARTICLE 218. AUTONOMY AND FINANCIAL POWERS

1. Local governments have autonomy over their budget and the use and application of their resources, including their share of the budgets of other Public Administration bodies, which they may dispose of freely in the exercise of their powers.

2. The *Generalitat* has power in matters of local financing, within the framework established by the Constitution and the State regulations. This power may include the legislative capacity to establish and regulate local government taxes and includes the power to establish the criteria for distribution of shares of the budget of the *Generalitat*.

3. The local governments can regulate their own finances within the framework of the law. This includes the authority to set the quota or rate of local taxes, and also rebates and exemptions, within the limits established by law.

4. The local governments have the power, within the framework established by regulations governing the local taxation system, to manage and collect their taxes and implement inspections, without prejudice to their being able to delegate this function to the *Generalitat* and participate in the Taxation Agency of Catalonia.

5. The *Generalitat* is responsible for financial supervision of local governments, while respecting their autonomy as recognised by the Constitution.

### ARTICLE 219. SUFFICIENCY OF RESOURCES

1. The *Generalitat* shall establish a local co-operation fund for local governments. The fund, which is unconditional, shall be funded from the general taxation revenues of the *Generalitat* and shall be regulated by an Act of Parliament.

Additionally, the *Generalitat* may establish specific financial cooperation programmes for specific matters.

2. Local government revenues which consist of shares in taxes and in unconditional State subsidies are received through the *Generalitat*, which shall distribute them in accordance with the law governing local finances in Catalonia for the passing of which a majority of three-fifth parts is required, and respecting the criteria of State



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legislation in this area. In the case of unconditional subventions, these criteria must enable Parliament to influence the distribution of resources with the aim of taking due account of the uniqueness of the institutional system of Catalonia referred to in Article 5 of this *Estatut*.

3. Local governments are guaranteed sufficient resources to be able to provide the services ownership or management of which is transferred or delegated to them. Any new attribution of powers shall be accompanied by allocation of the additional resources necessary for proper funding of these powers, in such a way that total and effective cost of the transferred services are taken into account. Compliance with this principle is a necessary condition for the transfer or delegation of a responsibility to take effect. To this end, various forms of funding may be established, including participation in the financial resources of the *Generalitat* or, as appropriate, of the State.

4. Distribution of resources originating from unconditional subsidies or from general participation in taxes shall be carried in accordance with the fiscal capacity and expenditure needs of local governments, while guaranteeing sufficiency in all cases.

5. Under no circumstances shall distribution of resources among local governments involve a reduction in the resources obtained by each, in terms of the criteria used in the financial accounting period before the requirements of this *Estatut* take effect.

### ARTICLE 220. LOCAL FINANCE LAW

1. Parliament shall pass its own Local Finance Act to enact the principles and the provisions established by this Chapter.

2. Jurisdiction over local finances attributed by this Chapter to the *Generalitat* shall be exercised with due respect for local autonomy and with due consideration for the views of the Council of Local Governments, as established by Article 85.

### ARTICLE 221. THE LAND REGISTRY

The General Administration of the State and the *Generalitat* shall establish the necessary means of collaboration to ensure the participation of the *Generalitat* in



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the decisions and in the exchange of information required for the exercise of their powers.

Similarly, consorcial forms of management of the land registry shall be established between the State, the *Generalitat* and the municipalities, in keeping with the provisions of the State regulations and in a way that guarantees full availability of the databases to all administrations and the unity of the information.

### TITLE VII. REFORM OF THE *ESTATUT*

#### ARTICLE 222. REFORM OF THE TITLES THAT DO NOT AFFECT RELATIONS WITH THE STATE

1. The reform of Titles I and II of the *Estatut* shall conform to the following procedures:

a) The initiative for reform lies with the Parliament of Catalonia, on the proposal of one-fifth of its Members, and with the Government of the *Generalitat*. The city councils of Catalonia may propose exercise of the initiative to reform the *Estatut* to Parliament at the request of a minimum of 20% of the plenary city councils, representing at least 20% of the population.

Reform may also be proposed by 300,000 accredited signatures of citizens of Catalonia entitled to vote.

Parliament shall regulate these two procedures to propose initiation of reform.

b) The approval of reform requires the favourable vote of two-thirds of the members of Parliament, submission to and consultation with the *Cortes Generales*, ratification by the *Cortes Generales* by means of an organic law, and approval in a referendum by the Catalan electorate.

c) If within thirty days of receipt of the request for consultation established in paragraph *b* above, the *Cortes Generales* declares itself affected by the reform, the reform shall follow the procedure established in Article 223.

d) Once the reform has been ratified by the *Cortes Generales*, the *Generalitat* shall submit it to a referendum.



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2. If the proposed reform is not approved by Parliament or by the electorate, it cannot be re-submitted for debate and voting by Parliament until one year has elapsed.

### ARTICLE 223. REFORM OF THE OTHER TITLES

1. The reform of the Titles of the *Estatut* not included in Article 222 shall conform to the following procedure:

a) The initiative for reform lies with Parliament, the Government of the *Generalitat* and the *Cortes Generales*. The city councils and individuals entitled to vote in elections to the Parliament may propose that Parliament exercise the initiative for reform under the terms established by Article 222.1.a.

b) Approval of the reform requires the favourable vote of two-thirds of the members of Parliament, approval by the *Cortes Generales* by means of an organic law and, finally, approval in a referendum by the electorate.

c) Once the proposed reform of the *Estatut* has been approved, Parliament shall refer it to the Congress of Deputies.

d) The proposed reform may be submitted to a vote of ratification by the Congress and Senate in accordance with the procedure established in the respective parliamentary Rules of Procedure. Parliament shall appoint a delegation to present the proposed reform of the *Estatut* to the Congress and the Senate. If the *Cortes Generales* ratify the proposed reform of the *Estatut*, the corresponding organic law is considered to have been passed.

e) If the procedure set out in paragraph *d* is not applied, a parity joint commission shall be constituted, consisting of members of the competent commission of the Congress of Deputies and a delegation from Parliament proportionally representative of parliamentary groups, to formulate a joint proposal by common agreement in a period of two months, and applying the procedure established by the Rules of Procedure of the Congress of Deputies.

f) Presentation of the proposed reform of the *Estatut* to the Senate shall follow a similar procedure to that established in paragraph *e* above, in accordance with the



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terms of the Rules of Procedure of the Senate. In this case, the delegation from Parliament, adapted as appropriate, shall constitute, together with members of the competent commission of the Senate, a paritary joint commission to formulate a joint proposal by common agreement.

g) If the paritary joint commission is unable to formulate a joint proposal, the proposed reform of the *Estatut* shall be processed in accordance with the ordinary procedure established by the respective parliamentary Rules of Procedure.

h) Parliament may, by an absolute majority of its members, withdraw a proposal for reform that it has already approved at any time during presentation to the *Cortes Generales* and before this is definitively approved. Withdrawal of the proposed reform shall in no case involve application of the provisions of Section 2 below.

i) Approval of the reform by the *Cortes Generales* by means of an organic law shall include the authorisation of the State for the *Generalitat* to call the referendum referred to in paragraph *b* above, within a period no longer than six months.

2. If the proposed reform is not approved by the Parliament, by the *Cortes Generales* or by the electorate, it may not be submitted again for debate and voting by the Parliament until one year has elapsed.

### FIRST ADDITIONAL PROVISION. APPOINTMENT OF SENATORS

1. The Parliament appoints Senators to represent the *Generalitat* in the Senate, under the terms established by a law approved by the absolute majority of the Plenary Assembly of Parliament in a final vote on the whole text. The appointment shall take place in a specially convened session and in proportion to the number of deputies of each parliamentary group.

2. Parliament shall, by means of a law approved by an absolute majority in a final vote on the whole text, bring the rules relating to the election of Senators into line with the constitutional reform of the Senate, in those aspects in which this is required.



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### SECOND ADDITIONAL PROVISION. AGREEMENTS WITH THE GOVERNMENT OF THE STATE

If the *Estatut* establishes that the position of the Government of the *Generalitat* is decisive for establishment of an agreement with the State Government and the latter rejects this position, the State Government shall justify its reasons before the *Generalitat* – State Bilateral Commission.

### THIRD ADDITIONAL PROVISION. INVESTMENT IN INFRASTRUCTURES

1. With the exception of the Inter-Territorial Compensation Fund, State investment in infrastructure in Catalonia, shall be equal to the relative participation of Catalonia's gross domestic product in the gross domestic product of the State for a period of seven years. These investments may also be employed in eliminating tolls or for construction of alternative expressway roads.
2. To this end, a committee representing the State, autonomous and local administrations shall be established.

### FOURTH ADDITIONAL PROVISION. FUNDING CAPACITY

1. The State - *Generalitat* Joint Economic and Fiscal Affairs Commission shall prepare the necessary reports for evaluation of compliance with the provisions of Article 201.4.
2. The mechanisms to be eventually established to comply with the provisions of Article 201.4 may be applied gradually until the objective is reached.

### FIFTH ADDITIONAL PROVISION. REVIEW OF THE SPECIAL SYSTEM OF ARAN

Within a period of four years after entry into force of this *Estatut*, there shall be a review and modification of the special system governing Aran to bring it into line, as necessary, with the provisions of this *Estatut*.

### SIXTH ADDITIONAL PROVISION. ORDINARY ADMINISTRATION

The *Generalitat* will become the ordinary Administration of the State in Catalonia as the executive functions performed by the Administration of the State through its



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territorial bodies in Catalonia are transferred to it, by means of the appropriate instruments.

### SEVENTH ADDITIONAL PROVISION. LIST OF CEDED TAXES

For the effects of the provisions of Article 203.2, on the entry into force of this *Estatut*, the following shall be deemed to be:

#### a) Totally ceded State taxes

- Tax on successions and donations.
- Tax on Patrimony.
- Tax on patrimonial transmissions and documented juridical acts.
- Taxes on games of chance.
- Tax on retail sale of certain hydrocarbons.
- Tax on certain means of transport.
- Tax on electricity.

#### b) Partially ceded State taxes:

- Tax on personal income.
- Value Added Tax.
- Tax on hydrocarbons.
- Tax on tobacco products.
- Tax on alcohol and derived beverages.
- Tax on beer.
- Tax on wine and fermented beverages.
- Tax on intermediate products.

The content of this provision may be modified by means of an agreement between the Government of the *Generalitat* and the Government of the State, the latter



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presenting it as a Government bill. To this effect, modification of this provision is not considered to be a modification of the *Estatut*.

The scope and conditions of cession shall be established by the Joint Commission referred to in Article 210 which, in all cases, shall link this cession to the income in Catalonia. The Government shall process the Commission's accord as a Government bill.

### EIGHTH ADDITIONAL PROVISION. CESSION OF THE TAX ON PERSONAL INCOME

The first Government bill on cession of taxes to be passed after the entry into force of this *Estatut* shall, in application of the previous provision, provide for cession of 50% of revenues from tax on personal income.

The ceded revenue from personal income tax corresponding to taxable persons whose normal residence is in Catalonia is considered to be produced in the territory of the autonomous community of Catalonia.

Similarly, an increase in the legislative powers of the community over the aforementioned tax shall be proposed.

### NINTH ADDITIONAL PROVISION. CESSION OF THE TAX ON HYDROCARBONS, THE TAX ON TOBACCO PRODUCTS, THE TAX ON ALCOHOL AND DERIVED BEVERAGES, THE TAX ON BEER, THE TAX ON WINE AND FERMENTED BEVERAGES AND THE TAX ON INTERMEDIATE PRODUCTS

The first Government Bill on cession of taxes to be passed after the entry into force of this *Estatut* shall, in application of the seventh additional provision, provide for cession of 58% of the revenue from the following taxes:

Tax on hydrocarbons, Tax on tobacco products, Tax on alcohol and derived beverages, Tax on beer, Tax on wine and fermented beverages, Tax on intermediate products. The attribution to the autonomous community of Catalonia shall be determined by the corresponding indices in each case.

### TENTH ADDITIONAL PROVISION. CESSION OF VALUE ADDED TAX

The first Government Bill on cession of taxes to be passed after the entry into force of this *Estatut* shall, in application of the seventh additional provision, provide for



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cession of 50% of the revenue from Value Added Tax. The attribution to the autonomous community of Catalonia shall be determined by consumption in its territory.

### ELEVENTH ADDITIONAL PROVISION. REGULATORY POWER

In the framework of the powers and the regulations of the European Union, the General Administration of the State shall cede regulatory powers over Value Added Tax in retail transactions the recipients of which are not classified as entrepreneurs or professionals and in retail taxes on products subject to special manufacturing taxes.

### TWELFTH ADDITIONAL PROVISION. HARMONIC INTERPRETATION

The provisions of the organic law referred to in Article 157.3 of the Constitution and the provisions of this Estatut shall be interpreted harmonically.

### THIRTEENTH ADDITIONAL PROVISION. CATALONIA'S OWN COLLECTIONS AND COLLECTIONS SHARED WITH OTHER TERRITORIES

Catalonia's own collections in the Archives of the Kingdom of Aragon and in the Royal Archives of Barcelona shall be integrated into the Catalan archive system. For effective management of the other collections held in common with other territories of the Kingdom of Aragon, the *Generalitat* shall collaborate with the Board of Archives of the Kingdom of Aragon, with the other autonomous communities with which it shares collections, and with the State, by means of mechanisms to be established by mutual agreement.

### FOURTEENTH ADDITIONAL PROVISION. GAMING AND BETTING

The provisions of Article 141.2 are not applicable to modification of the modalities of gaming and betting attributed, for social ends, to State-level organisations of a social and non-profit nature, in accordance with the provisions of the regulations applicable to said organisations.

### FIFTEENTH ADDITIONAL PROVISION. TRANSPARENCY



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In compliance with the principle of transparency, the State shall publish the provincial settlement of the various public expenditure programmes in Catalonia.

### FIRST TRANSITORY PROVISION. ADAPTATION OF THE LAWS AND RULES OF LEGAL RANK

1. Acts of Parliament and Government rules of legal rank that are valid when this *Estatut* enters into force and which might be incompatible with the rights recognised by Title I remain in effect for a maximum period of two years, during which time they shall be adapted to the regulation established by this *Estatut*.

2. Parliamentary groups, members of Parliament, the Government and the Ombudsman may, in the period established by Section 1 above, request a ruling from the Statutory Rights Council, under the terms established by law, in regard to compatibility with the *Estatut* of Acts of Parliament or of rules of legal rank made by the Government before the *Estatut* entered into force. The ruling is not binding and recommendations may be made to Parliament or to the Government to amend or repeal rules that are considered incompatible.

### SECOND TRANSITORY PROVISION. VALIDITY OF PREVIOUS TRANSITORY PROVISIONS

Transitory Provisions Three, Four and Six of Organic Law 4/1979 of the 18<sup>th</sup> December, on the Statute of Autonomy of Catalonia, maintain, where appropriate, their validity as transitory regulations.

### REPEAL PROVISION

Organic Law 4/1979, of the 18<sup>th</sup> December, on the Statute of Autonomy of Catalonia is hereby repealed.

### FIRST FINAL PROVISION. APPLICATION OF THE PRECEPTS OF TITLE VI

1. The State - *Generalitat* Joint Economic and Fiscal Affairs Commission shall, within two years of entry into force of this *Estatut*, specify the application of the precepts of Title VI.



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2. The precepts of Title VI may be applied gradually in the light of their financial viability. In any case, application shall be fully effective within five years of the entry into force of this *Estatut*.

### SECOND FINAL PROVISION. THE TAXATION AGENCY OF CATALONIA

The Taxation Agency of Catalonia, referred to in Article 204, shall be established by an Act of Parliament, within one year of entry into force of this *Estatut*.

Until such time as the Taxation Agency of Catalonia is constituted, the functions corresponding to it in application of this *Estatut* shall be exercised by the bodies exercising them until then.

### THIRD FINAL PROVISION. PERIOD FOR ESTABLISHING THE STATE - *GENERALITAT* JOINT ECONOMIC AND FISCAL AFFAIRS COMMISSION

The State - *Generalitat* Joint Economic and Fiscal Affairs Commission, provided for in Article 210, shall be created within six months of the entry into force of this *Estatut*. Until such time as it is established, the State - *Generalitat* Joint Valuations Commission shall assume its powers. The establishment of the State - *Generalitat* Joint Economic and Fiscal Affairs Commission implies the immediate extinction of the State - *Generalitat* Joint Valuations Commission.

### FOURTH FINAL PROVISION. LIST OF ECONOMIC AND FINANCIAL ENTITIES

The State - *Generalitat* Joint Economic and Fiscal Affairs Commission shall, within six months of the entry into force of this *Estatut*, determine the list of those entities referred to in Article 182.