

LAW ON JURIDICAL TRANSITION

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Explanatory Memorandum

Although the final configuration of the new State falls within the scope of the Constitution to be drawn up by the Constituent Assembly and ratified by the people, once the independence of Catalonia has been proclaimed, the basic constituent elements of the new State must be legally validated in a transitional manner, so that it may start to function immediately and with maximum effectiveness. At the same time, the transition from the existing legal framework to the one to be drawn up by the Republic needs to be regulated to guarantee that there will be no legal vacuums, that the transition is carried out in an ordered and gradual manner and with maximum legal certainty thereby ensuring that the new State shall be subject to the rule of law at all times, from its very inception.

The description provided above is the primary objective and the main purpose of the Law on the Juridical Transition set out in this bill. Nevertheless, there is a second objective of equal importance. This objective aims to regulate the basic constituent elements and the transition of regulations in such a way that the freedom of the future constituent power is not conditioned by decisions taken during this transitional period.

Because of this, the criteria governing and guiding all regulations of the Law are to ensure the maximum possible continuity of existing regulations, introducing only the absolutely essential new elements to enable the new Republic to act as such, with full legal capacity, and to repeal the regulations of the previous legal framework that clearly contravene the general principles upon which the Republic is founded.

Thus, succinctly, this law constitutes Catalonia as a democratic and social Republic of Law, it attributes national sovereignty to the people of Catalonia, and recognises itself as the supreme law of the land until a Constitution is approved, proclaims its respect for European Union and international laws, and defines the territory within which its sovereignty shall be exercised, establishing the requirements for citizenship in accordance with the criteria of continuity, while requiring a minimum period of registered residency in a Catalan municipality to obtain nationality of origin, being particularly careful to avoid statelessness and offering broad possibilities for holding dual nationality.

The Law regulates the succession of regulations and administrations in the sense already mentioned in order to guarantee the maximum continuity of

existing local, autonomous, State, European and international regulations, while at the same time foreseeing efficient regulatory instruments that permit the adaptation, modification and repeal of existing laws when absolutely necessary.

The Law establishes general guidelines to facilitate the swift integration of Spanish government civil servants and other employees currently working in Catalonia, as well as the Catalan citizens who are working for the Spanish government outside Catalonia. It also foresees exceptional procedures for the urgent hiring of new staff for the new Catalan administrative bodies.

The Law establishes the criteria that will permit the subrogation of the Spanish government where no continuity is possible in state contracts, conventions and agreements and the continuity of the Catalan State via the Government of Catalonia.

The Law guarantees the continuity of the rights and duties of citizens and foreigners through referrals to the constitutional, statutory and international regulations in force in Catalonia. It pays particular attention to the right to benefits and social care and, in relation to linguistic rights, it sustains the Catalan norms that were in force prior to the succession of regulations. In general, the guarantee of Title III rights is continuant, with particular emphasis on the legal safeguarding of these rights.

In general, the Law on the Juridical Transition adopts the institutional system foreseen in the Statute of Autonomy, with the necessary adjustments to the succession of regulations and administrations. A relevant example of the commitment to continuity is the referral to the Statute of Autonomy as regards the issue of autonomy, the organisation and the competences of the local government bodies in Catalonia. Regarding adjustments and modifications, it is important to note, for example, that the Democratic Guarantee Council recovers the binding character of judgments concerning legal projects and propositions that affect rights recognised in this Law.

It is even more important to note the creation and regulation of the Electoral Commission which, on the basis of the Commission outlined in the Law on the Self-determination Referendum, and for the first time since the recovery of political autonomy at the end of the last century, establishes a Catalan system to guarantee electoral processes which is different from the one regulated by Spanish legislation. This Commission comprises the Electoral Commission of Catalonia, the Electoral Commission of Aran, the regional electoral commissions and polling stations. The Electoral Commission of Catalonia, configured as an independent, impartial and permanent body, is invested with

the maximum responsibility for electoral and consultative processes and for citizen participation, without prejudice to judicial control. The Electoral Commission of Catalonia is made up of seven members appointed by the Parliament through an absolute majority vote, of which five will be distinguished jurists or political scientists and two will be judges.

With regard to the judicial system, while a Catalan judiciary is to be created for the first time since the recovery of autonomy, continuity is also sought in relation to procedural systems, time frames and norms. In view of this commitment, the judicial system currently in force in Catalonia is adopted with some specific adjustments. The continuity of the system is also maintained in terms of the posts already held by magistrates, judges, public prosecutors and lawyers, who maintain their posts along with the same economic and professional rights. In virtue of the general clause concerning the continuity of current regulations, as a general rule, existing procedural norms will continue to be applied. Despite the predominance of continuity, some adjustments are worth noting with particular attention.

The current High Court of Justice of Catalonia will become the new Supreme Court of Catalonia. The current magistrates and chambers will be maintained, with some adjustments. The current Civil-Criminal Chamber will be split into a Civil Chamber and a Criminal Chamber. A High Chamber of Guarantees will be created to assume the functions carried out by the Spanish Constitutional Court prior to the succession, to resolve legal conflicts, litigation challenges and electoral appeals, as well as any other functions that may be assigned to it by law. The High Chamber comprises the president of the Supreme Court, the presidents of the other four chambers and two magistrates designated by Parliament by absolute majority, from a selection of distinguished jurists with a minimum of 15 years of professional experience.

Two institutions are designed to ensure that the new judiciary regulates itself in an independent manner, but also in coordination with the executive branch of government. The Governing Council of the Supreme Court, which governs the exercising of judicial power, comprises the president of the Supreme Court, the presidents of the different chambers, the presidents of the Provincial Courts, and five magistrates or judges appointed by parliament by an absolute majority vote from members of the judicial profession. The Joint Commission, which brings together the Governing Council of the Supreme Court and the Government of Catalonia on an equal footing, is responsible for highly relevant functions such as the appointment of the president of the Supreme Court and the presidents of the different chambers. Nevertheless, the Law does not prejudice or condition decisions such as the creation or not of a

Constitutional Court or of a General Council of the Judiciary, which shall be taken by the constituent power.

The last title of the Law regulates the constituent process, which has three successive phases. The first is the politically binding participative process which consists of a sectorial and territorial deliberative process as well as a Social Constituent Forum, made up of representatives from organised civil society and political parties, in order to debate and formulate a set of questions to be presented to citizens concerning general principles and questions related to the future Constitution, by way of citizen participation processes. The second phase is that of the Constituent Assembly, which will have full power to draw up a draft Constitution. Once the draft Constitution has been approved, the next phase is to submit the draft to ratification through a referendum. Once the draft Constitution has been ratified by referendum, the Constituent Assembly is dissolved and new elections are called.

To conclude, it is necessary to reiterate that the will of Catalonia, , now as a sovereign and independent State, is wholly committed to carrying out the succession in negotiation and agreement with Spanish, European and international institutions. The pursuit of and hope for agreement, which has always been a defining feature of Catalonia's laws and public institutions will also continue during the succession of States.

BILL

TITLE I. General provisions, territory and nationality

Article 1. The Catalan State

Catalonia is constituted as a democratic and social Republic of Law.

Article 2. National Sovereignty

Catalan sovereignty lies with the people of Catalonia, and in Aran with the Aranese people, from which all powers of the State emanate.

Article 3. Supreme Law

This Law shall be the supreme law of the Catalan legal system until the Constitution of the Republic is approved.

Article 4. European Union Law and International Law

1. European Union laws maintain their nature and position in relation to internal laws.
2. Catalonia acts in a way which fully respects international law. The principles and customs of general international law are part of the Catalan legal system. International treaties that have been authorised by parliament are applied in preference to laws.

Article 5. Aran

Aran maintains the political, legal and linguistic statute assigned to it through current legislation the moment this Law comes into force, including its own institutional organisation.

Article 6. Territory

1. In order to exercise full sovereignty, the territory of Catalonia comprises the terrestrial area, including its subsoil, corresponding to the geographical and administrative borders established at the time this Law comes into force, by

the maritime waters, including the seabed and subsoil, by the air space located above the terrestrial area and the maritime waters of Catalonia.

2. Catalonia holds the rights to sovereignty and other rights recognised by international law in relation to its continental shelf and its Exclusive Economic Zone.

Article 7. Nationality of Origin

Holders of Catalan nationality of origin are:

1. Those who at the time this Law comes into force hold Spanish nationality and were duly registered in a Catalan municipality prior to 31 December 2016; and holders of Spanish nationality who were registered in a Catalan municipality subsequent to that date but before this Law comes into force who formally request Catalan nationality once they have been registered for two consecutive years in a Catalan municipality.

2. Those persons not included in the first section who hold Spanish nationality when the Law comes into force, who request it and who comply with the following circumstances:

a) Were born in Catalonia.

b) Reside outside Catalonia, but whose previous place of official residence was a Catalan municipality for at least five years.

c) Children via father or mother of holders of Catalan nationality.

The right of option provided for in this article shall be exercised before the responsible bodies of the Civil Registry within three years after the entry into force of this Law.

3. Persons born, or adopted as minors, after the entry into force of this Law whose father or mother is Catalan.

4. Persons who, after the entry into force of the Law:

a) Were born in Catalonia to foreign parents if the personal legislation applied to them does not confer a nationality or if their parents do not have a nationality.

b) Were born in Catalonia of unknown parentage.

Article 8. Acquisition of Nationality

1. Catalan nationality can be acquired through legal and continuous residency in Catalonia during a period of five years immediately prior to the request. This period may be modified in accordance with international agreements signed by Catalonia.
2. For the purposes of the first point, the period of time during which foreigners have legally resided in Catalonia prior to the entry into force of this Law shall be calculated.
3. Minor children of those who acquire nationality by virtue of this article may obtain Catalan nationality at the request of their parents or guardians.
4. Catalan nationality may be revoked if a person falsifies data in order to acquire nationality status.

Article 9. Dual Nationality

1. The attribution of Catalan nationality does not require the renunciation of Spanish or any other nationality.
2. In the briefest time frame possible, the Catalan Government will seek negotiations with the Spanish government in order to draw up a treaty on nationality.

TITLE II. Succession of Regulations and Administrations

Article 10. Continuity of Existing Law

1. The local, regional, and state laws applicable in Catalonia when this Law comes into force shall continue to be applied in all matters that do not contravene this Law and the Catalan laws approved subsequently.
2. In accordance with this Law, regulations of the European Union, general international law and international treaties shall also continue to be applied.

Article 11. Continuity of Administrative Proceedings

All authorisations, licences, concessions, certifications, evaluations, qualifications, accreditations, permits and other administrative proceedings shall continue to be applied in accordance with the laws applicable prior to the

entry into force of this Law, without prejudice to possible revisions to the applicable legislation by the Administration.

Article 12. Decrees to Adapt, Modify and Repeal Existing Laws

1. The Government may take the necessary measures to adapt, modify and repeal the applicable local, autonomous and state laws when this Law comes into force, in accordance with the provisions of the following sections and the legislative decrees established.

2. These provisions shall be validated by Parliament when the regulations affected are within the rank of law. In such cases, the modification, adaptation or repeal shall follow the form and procedure for approving and validating legislative decrees.

3. These legislative decrees may also serve to regulate the restoration of the validity and effectiveness of the regulations in force prior to the succession of the legal regulations, which were repealed or suspended on jurisdictional grounds by the Constitutional Court and other courts.

Article 13. Legal Regime of Continuity

1. When this Law comes into force, all applicable local, autonomous and state regulations that have not been declared inapplicable shall conserve their standing, with the following clarifications:

Once this Law comes into force, all articles pertaining to existing organic laws, the Statute of Autonomy of Catalonia and the Spanish Constitution shall acquire the status of ordinary laws as long as they have not already been incorporated into this Law, and as long as they do not contravene this Law.

The application of state laws is understood in relation to their content on entry into force of this Law and not in relation to their subsequent modifications.

Once this Law comes into force, regulations repealing existing norms or regulations with the rank of law may maintain the validity of regulatory provisions relating to repealed norms.

2. Regulations prior to the entry into force of this Law shall be interpreted and applied in accordance with this Law and any other Catalan regulations passed subsequently. In exercising this power of interpretation and its corresponding application, administrations shall be bound by the decisions made by the courts. Judges and courts are bound by the decisions made by the high courts.

Article 14. Continuity of European Union Law

1. Upon entry into force of this Law, existing European Union laws valid in Catalonia shall continue to be applied in relation to the obligations of Catalan institutions and to those applied in the Catalan territory by administrations of the central Spanish government in the same conditions established by European Union law.

2. European Union regulations that become valid after the entry into force of this Law shall be automatically integrated into Catalonia's legal system with regard to the obligations applicable within Catalonia, in the same conditions established by European Union law.

Article 15. Continuity of International Treaties

1. The international treaties signed by the Kingdom of Spain that are applicable in Catalonia shall continue to be applied in Catalonia, as long as their application is not incompatible with the objective and purpose of the treaty, and as long as their conditions required to fulfil the treaty do not undergo a radical change. Such treaties shall be integrated in the Catalan legal framework until their withdrawal is agreed, until they are renegotiated in line with the regulations of international law, or until they are replaced by new international treaties.

2. In as brief a time frame as possible, the Government shall repeal the treaties that are incompatible with the previous paragraph. For treaties that were authorised by Parliament, repeals shall be subject to the approval of Parliament.

3. Within one year, the Government shall submit to Parliament a list of the international treaties applied in Catalonia that have been authorised by Parliament. On the basis of this list, Parliament shall authorise the adoption of the procedure to notify the other parties of the treaties of their continuity, renegotiation or repeal. When treaties have not been authorised by Parliament, the Government shall make the decision and shall communicate this to Parliament.

4. Until the moment in which Parliament issues a new provision, the procedure for signing international treaties is that established in the law on treaties and other international agreements, with the necessary adjustments to the new

legal framework established in the implementing legislative decree of this Law on the Juridical Transition.

Article 16. Succession of Administrations

The Administration of the Government of Catalonia, which includes all the administrations of Catalonia, succeeds the administration of the Spanish government in the territory of Catalonia, as well as in relation to citizens of Catalonia who reside outside this territory.

Article 17. Framework for Integrating Personnel

1. Personnel working in Catalan government offices maintain the same conditions, salaries and positions of employment, without prejudice to the adjustments required in view of the functions to be developed.

2. Personnel of the Spanish State assigned to the Catalan General Administration, local governments of Catalonia, Catalan universities, or those who work in the judicial system in Catalonia shall be integrated into the corresponding public administration of Catalonia in accordance with their administrative function, with the same conditions and salaries, unless they waive their right to such integration in the terms established by the legislative decree pertaining to this Law, and without prejudice to the adjustments needed in view of the functions to be developed.

3. Spanish government Administration personnel, including its institutional administration, who are assigned to work in Catalonia's territory, can opt to be included in the Government of Catalonia's administrative services, with the same conditions and posts and with the same salaries and employment conditions, without prejudice to the adjustments needed in view of the functions to be developed.

4. The provisions developed in this Law may foresee the possibility that Spanish government personnel who work outside Catalonia and are holders of Catalan nationality may request that they be integrated in the Administration of the Government of Catalonia.

5. Catalan nationality is a prerequisite for employment in places which involve the exercising of public power and the safeguarding of general interests.

Article 18. Procedures for Hiring New Personnel

1. The General Administration of Catalonia can hire those they consider vital to guaranteeing the normal functioning of public services for civil service posts through urgent, exceptional and transitional procedures, which should respect the principles of equality, merit, ability, publicity, transparency and free competition.
2. The procedure foreseen in the previous section is only applicable in the event that the ordinary and extraordinary procedures for hiring personnel, already regulated by public service regulations, fail to provide adequate candidates for civil service posts in an immediate manner.
3. The emergency procedure is regulated through a legislative decree establishing the maximum time frame in which it may be applied and the conditions which it should meet.

Article 19. Subrogation in Contracts, Conventions and Agreements

1. The Catalan State will subrogate the position of the Spanish State:
 - in contracts entered into by the State, which are subject to contractual legislation within the public sector and in relation to public works, for the supply of services that affect Catalonia, and that are totally or partially pending execution.
 - in property contracts entered into by the State that are linked to the supply of public services in Catalonia, assuming the contractual rights and obligations corresponding to the Spanish State. This subrogation does not alter the agreements nor the economic and legal terms established in the contracts.
 - in the collaboration conventions and agreements which the State has signed in the territory of Catalonia.
2. The Catalan State continues in the position of the Government of Catalonia:
 - in contracts entered into by the Government, which are subject to contractual legislation within the public sector and in relation to public works, and which are totally or partially pending execution.
 - in property contracts entered into by the Government.
 - in the collaboration conventions and agreements which it has signed.
3. The subrogation does not alter the economic, legal and technical terms of the supplies included in the contracts and conventions, without prejudice to any adjustments needed in view of alterations to the territorial scope or to the

competences and interests of Catalonia. Two years after the entry into force of the provision regulating the procedure for contractual subrogation, in exceptional cases, and for reasons justified on the grounds of safeguarding general interests, the Administration of Catalonia may review the conditions of contracts or declare them null, after holding meetings with the contracting companies and agreeing to compensate them if this is deemed appropriate.

4. In the event that subrogation does not occur in contracts which are particularly important for the normal functioning of the State, or for the functioning of basic daily life activities, the competent authorities of the Administration of the Government of Catalonia may resort to emergency contracting, in accordance with the provisions established in the regulations enacting this Law.

Article 20. Succession in Real Rights

The Catalan State succeeds the Spanish State and retains its position as the Government of Catalonia in relation to its ownership of any real rights concerning all kinds of goods in Catalonia.

Article 21. Agreements with the Spanish Government On Personnel and Contracts

1. The Catalan Government shall seek an agreement with the Spanish Government to establish a framework of collaboration for integrating Spanish government personnel who work in Catalonia into the Administration of the Government of Catalonia.

2. The Catalan Government shall seek an agreement with the Spanish State to establish a collaboration framework for succession in contracts that are of interest to both parties.

TITLE III. Rights and Duties

Article 22. Rights

1. Until the approval of the Catalan Constitution, the rights recognised by the Spanish Constitution and in Catalonia's Statute of Autonomy shall be guaranteed as fundamental rights.

2. The rights recognised in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and its additional protocols, and the Charter on Fundamental Rights of the European Union shall be guaranteed.

Article 23. Right to Benefits and Social Protection

1. The right to receive government welfare benefits, including Social Security healthcare and other alternative systems is recognised when this Law comes into force,. The periods during which contributions have been paid into the Social Security system in the territory of Catalonia, as well as in other States in accordance with European Union rights and the applicable international conventions, shall also be recognised for the purpose of calculating contributions and shortfalls.

2. The right to social protection in situations of poverty is recognised, especially with regard to children, including energy poverty, risk of social exclusion due to a lack of decent housing, malnutrition and otherwise inadequate living conditions.

Article 24. Linguistic Rights

All persons have a right not to be discriminated against for linguistic reasons and to exercise their right to choose in relation to the Catalan, Occitan and Spanish languages, in accordance with the provisions of Law 1/1998 on language policy and the rights protected by it, as well as Catalan sign language and any other existing linguistic rights being applied when this Law comes into force.

Article 25. Duties

1. All persons are obliged to contribute to the funding of public expenses according to their economic ability.

2. All persons are obliged to respect and preserve cultural heritage.

3. All persons are obliged to collaborate in the conservation of natural patrimony, and in actions that help preserve it for future generations.

4. Specific laws may be established in relation to the obligations of citizens in cases of public emergency due to natural disasters, health crises, the paralysis

of essential community services, a shortage of essential products, large-scale accidents or other similar situations.

Article 26. Rights and Duties of Foreigners

1. Foreigners in Catalonia have the same rights and duties as those with Catalan nationality in the terms established by the Law. Non-possession of Catalan nationality in no way blocks access to rights nor the exercise of same, nor the justiciability of such rights.

2. The right to suffrage is reserved for holders of Catalan nationality, although this could be extended to some foreigners through international laws or treaties.

Article 27. Protection of Rights

1. The rights established in this Title bind all public authorities in Catalonia in a direct and immediate manner. They also bind individuals in accordance with the nature of each right.

2. The lack of a regulation or legal enactment in no way justifies the violation, failure to recognise, or non-justiciability of any of these rights. Rights are interdependent and developed in the most extensive way through regulations, jurisprudence and public policies.

3. These rights are regulated by law, in the terms established in this Law. Until the approval of its own legislation, the state and autonomous laws already in use in Catalonia in relation to the implementation of these rights shall be applicable in Catalonia when this Law comes into force.

4. The rights of article 22 are subject to judicial protection through legally established procedures of a preferential and summary basis.

5. Rights subject to the right to appeal on entry into force of this Law shall retain this guarantee in the High Chamber of Guarantees.

Article 28. States of Emergency

If the exceptional circumstances foreseen in existing regulations occur when this Law comes into force, analogous institutions to the Catalan Government may declare the states of emergency foreseen in the corresponding regulations under the same terms and conditions.

TITLE IV. Institutional System

Chapter 1. The Parliament

Article 29. General Provisions

1. The Parliament represents the people of Catalonia.
2. The Parliament exercises legislative power, approves budgets, and monitors and promotes political and governmental action.
3. The composition of the Parliament, the electoral system, the statute of deputies, parliamentary autonomy and the organisation and workings of the Parliament shall be governed by the stipulations of articles 56, 57, 58, 59 and 60 of Catalonia's Statute of Autonomy.

Article 30. Legislative Function and Initiative

1. The Parliament exercises its legislative function through the enactment and approval of laws.
2. Legislative initiative appertains to the Members of Parliament, parliamentary groups and the Government. Under the terms established by the laws of Catalonia, it also appertains to the citizens, through popular legislative initiatives, and to the representative bodies of supra-municipal regional entities.
3. Laws require a vote in favour by a simple majority of the Parliament of Catalonia for their approval, amendment and repeal, unless this Law establishes another type of majority.
4. Plenary Sessions of Parliament may delegate the enactment and approval of legislative initiatives to legislative standing committees. It may revoke this delegation at any time. The reform of this Law, the regulation of the constituent process, the Constitution of Catalonia, the budget, the electoral law and the laws governing legislative delegation by the Government may not be subject to delegation to the standing committees.

Article 31. Delegated Legislation

1. Parliament may delegate the power to issue regulations with the force of law to the Government. The government regulations that contain delegated

legislation are called legislative decrees. The reform of this Law, the regulation of the constituent process, the Constitution of Catalonia, the budget and the electoral law may not be subject to delegated legislation.

2. Legislative delegation may only be conferred on the Government. The delegation must be specific, by means of a law, concerning a specific issue, and with a specific time limit for its use. This delegation ends when the Government publishes the relevant legislative decree, or when the Government has interim status.

3. When authorising the Government to formulate new articles of law, the laws for delegation must establish the conditions with which the Government must comply when exercising its legislative delegation. When authorising the Government to review legal texts, the laws must determine the scope and criteria of the review.

4. Parliamentary oversight of delegated legislation is subject to the following rules:

If provided for by the delegation agreement, the Parliament exercises oversight of the delegated legislation produced by the Government in accordance with the procedure provided for in the Regulations of the Parliament of Catalonia.

When in accordance with the law on delegation, the purpose of the delegated legislation is to regulate the essential content and the direct implementation of the laws recognised by this Law, the Government must submit the draft legislative decree to the Parliament for the latter to express its agreement within a period of one month, or to raise objections in accordance with the procedure provided for in the Regulations of the Parliament of Catalonia. The legislative decree may be enacted and published in the official journal after it has been approved by the Parliament, or after the Government has incorporated the objections raised by the Parliament.

Article 32. Decree Laws

1. In the event of an extraordinary and urgent need, the Government may issue provisional legislative provisions in the form of a decree law.

2. The reform of this Law, the regulation of the constituent process, the Constitution of Catalonia, the budget and the electoral law may not be subject to decree laws.

3. Decree Laws will be repealed if they are not ratified by Parliament within 30 days of their enactment.

4. Parliament may enact fast-track procedure decree law bills within the deadline set out in section 3.

5. Decree Laws are not subject to oversight by the Democratic Guarantee Council.

Article 33. Enactment and Publication of Laws and Regulations with the Force of Law

Laws and regulations with the force of law in Catalonia are enacted by the President of the Government of Catalonia, who shall order their publication in the Official Government Gazette of the Government of Catalonia within 15 days of their approval.

Chapter 2. The Presidency

Article 34. Institutional Position

1. The President of the Government of Catalonia is the head of state, and is represents same at the highest level.

2. The President of the Government of Catalonia directs the actions of government.

Article 35. Election

The President of the Government of Catalonia is elected by the Parliament from among its members. In all matters not provided for in this Law, the election of the President shall be governed by the provisions of Catalonia's Statute of Autonomy, Law 13/2008, concerning the presidency of the Government of Catalonia and the Government, and the Regulations of the Parliament of Catalonia.

Article 36. Immunity, Removal and Replacement

1. During his or her term of office, the President of the Government of Catalonia enjoys immunity, and cannot be arrested or detained except in the case of flagrant crime. The Supreme Court of Catalonia is responsible for deciding to indict and prosecute the President of the Government of Catalonia,

and commit him or her for trial. The personal status concerning the President of the Government of Catalonia is regulated by law.

2. The President of the Government of Catalonia shall leave office as a result of parliamentary elections,, due to the approval of a motion of censure, or the loss of a vote of confidence, as a result of death, resignation or permanent physical or mental disability recognised by Parliament, which disqualifies him or her from holding the office, or as a result of an irrevocable criminal conviction that entails a disqualification from public office.

3. The replacement or substitution of the President of the Government of Catalonia is governed by the provisions of Catalonia's Statute of Autonomy and the Law on the Presidency of the Government of Catalonia

Article 37. Functions

The President of the Government of Catalonia has the following functions:

To enact the laws and regulations with the force of law, and to order their publication in the Official Government Gazette of the Government of Catalonia.

To dissolve Parliament and call elections in accordance with the provisions of article 75 of Catalonia's Statute of Autonomy.

To appoint officials to government positions in accordance with the provisions of this Law and other laws, and to order the publication of those appointments in the Official Government Gazette of the Government of Catalonia.

To appoint and remove the members of the Government.

To establish the general guidelines for the Government's actions and to coordinate the responsibilities of government members.

To issue decrees agreed upon and to order their publication in the Official Government Gazette of the Government of Catalonia.

To accredit diplomatic representatives and to express the consent of the State to enter into international commitments by means of treaties, in accordance with the provisions of this Law and the regulations that implement it.

To grant honorary distinctions.

Others as determined by law.

Chapter 3. The Government and the Administration

Article 38. The Government

1. The Government is the highest collegiate body of the State, which guides political action and the administration. It exercises the executive function and regulatory power in accordance with this Law.
2. The Government consists of the President of the Government of Catalonia, the Vice-President, and the Ministers.
3. The Law on the Presidency of the Government of Catalonia and the Government regulates the organisation, workings and competencies of the Government, and is applicable in all areas that do not contradict this Law.
4. The Government ceases to be in office when the President of the Government of Catalonia leaves office.
5. The general provisions and regulations issued by the Government or the General Administration of Catalonia must be published in the Official Government Gazette of the Government of Catalonia.

Article 39. The Vice-President

The President of the Government of Catalonia may by decree appoint or remove a Vice-President, and must inform the Parliament thereof. The tasks of the Vice-President and the tasks that may be delegated to the President of the Government of Catalonia shall be governed by the provisions of the Law on the Presidency of the Government of Catalonia and the Government.

Article 40. Immunity and Status of the Members of the Government

The Members of the Government enjoy immunity during their term, and as such they may not be arrested or detained except in cases of flagrant crime. The Supreme Court of Catalonia is responsible for deciding to indict and prosecute Members of the Government, and commit them for trial. The personal status of the Members of the Government is regulated by law.

Article 41. Political Accountability

1. The President of the Government of Catalonia and the Members of the Government are jointly accountable politically to Parliament, without prejudice to the direct accountability of each one of them.
2. The procedures for considering the Government's political accountability are the motion of censure and the vote of confidence.
3. The delegation of the responsibilities of the President of the Government of Catalonia does not exempt him or her from political accountability before Parliament.
4. The rights and obligations of the Members of the Government towards Parliament shall be governed by the provisions of Article 73 of Catalonia's Statute of Autonomy.

Article 42. The Administration

1. The General Administration is the organisation which under the guidance of the Government, performs the executive functions in accordance with this Law and the other regulations.
2. The public administrations objectively serve the public interest, and are completely subject to the legal system and to oversight by the courts.
3. Articles 71 and 72 of Catalonia's Statute of Autonomy shall continue to apply under the terms established in this Law, and in everything that is not contradictory to it.

Chapter 5. The Electoral Commission of Catalonia and the Electoral Census

Article 43. The Electoral Commission

1. The Electoral Commission consists of the Electoral Commission of Catalonia, the regional electoral commissions and the polling station committees.
2. The Electoral Commission of Aran will be constituted for elections to the Aran General Council. It is hierarchically accountable to the Electoral Commission of Catalonia, and within its territory it will jointly carry out the tasks and competencies established for the Regional Electoral Commissions.

Article 44. The Electoral Commission of Catalonia

1. The Electoral Commission of Catalonia is an independent, impartial and permanent body attached to Parliament. It has organic, functional and budgetary autonomy.
2. The Electoral Commission of Catalonia has competencies throughout the entire territory of Catalonia, and is the body responsible for ensuring the transparency and objectivity of electoral processes, referendums, public consultations and civic participation processes, the effective exercise of electoral rights and public participation, and compliance with the principle of equality in access to public office.
3. The Electoral Commission of Catalonia has its institutional offices in the Parliament of Catalonia, although it may meet at other locations.
4. All public authorities must, within the scope of their respective powers, collaborate with the Electoral Commission of Catalonia in the proper execution of its duties. It may seek the advice of representatives of the administrations and bodies involved in the electoral process and in general, of specialists and experts, and may summon them to attend its meetings, where they will have no voting rights.

Article 45. Tasks of the Electoral Commission of Catalonia.

1. In relation to electoral processes, public consultations and civic participation processes, the Electoral Commission of Catalonia has the following competencies:

To appoint the members of the regional electoral commissions and designate the presidents thereof.

To supervise the creation, rectification, conservation and checking of the electoral register for each electoral process, public consultation and civic participation process, of which the preparation is the responsibility of the Electoral Register Office of Catalonia.

To reach agreement on everything related to the reproduction and dissemination of provisional and final lists of voters and participants.

To supervise the definition and updating of the electoral cartography of Catalonia, of which the preparation is the responsibility of the Electoral Register Office of Catalonia.

To approve the design and supervise the manufacture and transfer of official voting forms, voting envelopes, election returns, instruction manuals for polling station committees, electoral ballot boxes, and other official electoral documentation.

To supervise the procedure for early voting, for both voters residing in Catalonia and residents abroad.

To supervise the electronic voting system for electoral and civic participation processes.

To coordinate the Regional and Aran Electoral Commissions, and provide guidance on the interpretative criteria for their decisions.

To resolve queries, complaints, claims and appeals in the areas of its competence.

To exercise disciplinary jurisdiction over all individuals officially involved in the electoral processes, public consultations and civic participation processes, to remedy actions that contravene the regulations and where appropriate, punish administrative infractions that do not constitute a crime.

To establish the criteria for the accreditation of national and international electoral observers.

The other tasks attributed to it by law.

2. In relation to electoral candidates, the Electoral Commission of Catalonia has the following competencies:

To exclude or certify the withdrawal of candidates applying grounds of ineligibility.

To proclaim electoral candidacies.

To create a public record of the candidates' electoral manifestos

To accredit the electoral observers of the candidacies.

The other tasks attributed to it by law.

3. With regard to election campaigns, public consultations and civic participation processes, the Electoral Commission of Catalonia has the following competencies:

To organise and manage the overall mailing of electoral information about the candidacies.

To create a public register of electoral surveys and polls.

To supervise and approve the design of institutional campaigns about electoral processes, public consultations and civic participation processes, and to oversee their dissemination in the media.

To define the range of free electoral advertising spaces available in publicly-owned media or those that are mostly publicly-funded, and to supervise their assignment to electoral candidacies.

To supervise the conditions of impartiality and pluralism in the public and private media during electoral and public participation campaigns, with the cooperation of the Audio-visual Council of Catalonia.

To determine the result of the oversight of the Audit Office on the financing of electoral and public participation campaigns, including campaign budgets and mandatory statements of accounts.

The other tasks attributed to it by law.

4. In relation to electoral processes, public consultations and processes and civic participation, the Electoral Commission of Catalonia has the following competencies:

To carry out the general ballot count.

To certify the official results and order their publication in the Official Government Gazette of the Government of Catalonia.

To proclaim the elected candidates and issue the relevant credentials.

To account to Parliament electoral procedures and results.

The other tasks attributed to it by law.

5. In relation to the improvement of democratic quality, the Electoral Commission of Catalonia has the following competencies:

To evaluate the workings of the electoral system, public consultations and civic participation processes and propose improvements.

To foster research and the dissemination of studies on electoral processes, public consultations and civic participation processes.

To provide training on issues related to elections, public consultations and civic participation processes for the staff of the public administrations of Catalonia and the political parties, coalitions and groups of voters requesting it.

To provide logistical and organisational assistance in electoral and public participation processes to political parties, trade unions, chambers of

commerce and agriculture, professional colleges, universities and similar organisations requesting it.

To actively foster the promotion of a democratic and electoral culture at the national and international level.

To join and participate actively in international organisations and associations in the sphere of electoral issues and public participation.

The other tasks attributed to it by law.

Article 46. Composition of the Electoral Commission of Catalonia

1. The Electoral Commission of Catalonia consists of seven members, elected by an absolute majority of Parliament. Five must be jurists or political scientists in electoral processes and public participation, and two must be judges. The majority of the expert members must be jurists.

2. The Electoral Commission of Catalonia may require the participation of the director of the Electoral Register Office of Catalonia or his or her representative at its meetings, but without voting rights.

3. The secretary of the Electoral Commission of Catalonia will be the General Secretary of the Parliament of Catalonia or the attorney he or she delegates, who participates in its deliberations without having voting rights, and coordinates the personal and material means that Parliament makes available to the Electoral Commission of Catalonia to carry out its tasks.

Article 47. The Electoral Commission

1. The Members of the Electoral Commission of Catalonia choose their president from among the members, as the Electoral Commissioner.

2. The office is incompatible with any other activity in the public or private sector.

Article 48. Term of Office of the Members of the Electoral Commission of Catalonia

1. The Members of the Electoral Commission of Catalonia are irremovable.

2. The term of office of the Members of the Electoral Office of Catalonia is seven years, which cannot be extended.

3. A third of the Members of the Electoral Commission of Catalonia are replaced every two years. In the constituent meeting of the Electoral Commission of Catalonia, lots will be drawn to designate the three members who will be replaced at the end of the fourth year of the term, and the three members who will be replaced at the end of the sixth year. The member who holds the post of Electoral Commissioner will be replaced at the end of the seventh year of the term. At that time, the members will elect a new Electoral Commissioner.

4. The Members of the Electoral Commission of Catalonia who cease to be members due to their term ending will continue to carry out their duties on an interim basis until the new members have taken office.

Article 49. The Regional Electoral Commissions

1. The Regional Electoral Commissions are temporary bodies consisting of five members. Four must be jurists or political scientists in electoral processes and public participation; one must be a judge. The majority of the expert members must be jurists under all circumstances. The Electoral Commission of Catalonia will designate the members from a list of voluntary candidates who accredit their knowledge and experience in electoral matters.

2. The Electoral Commission of Catalonia will appoint the individual who will act as president of the Regional Electoral Commissions as the Regional Electoral Commissioner from among its members.

3. The secretary of each Regional Electoral Commission will be the secretary of the Regional Council concerned, and will attend its meetings without having voting rights. The offices of each Regional Electoral Commission will be the offices of the Regional Council concerned, although it may meet at other locations in the region concerned.

Article 50. Composition of the Electoral Commission of Aran

1. The Electoral Commission of Aran is a temporary body consisting of five members. Four must be jurists or political scientists in electoral processes and public participation, and one must be a judge. The majority of the expert members must be jurists under all circumstances. The Electoral Commission of Catalonia will designate the members from a list of voluntary candidates who accredit their knowledge and experience in electoral matters.

2. The Electoral Commission of Catalonia, having heard the proposal by the Commissioner of Aran, will appoint from among its members the individual who will act as president of the Electoral Commission of Aran, as the Electoral Commissioner of Aran.

3. The secretary of the Electoral Commission of Aran will be the secretary of the Regional Council, and will attend its meetings without having voting rights. The offices of the Electoral Commission of Aran will be the offices of the General Council, although it may meet at other locations.

Article 51. Appointment of the Members of the Regional and Aran Electoral Commissions

1. The Regional and Aran Electoral Commissions shall be appointed on the second day following the date of appointment of the Electoral Commission of Catalonia, and shall be constituted on the second day following the date of appointment of the members. Once appointed, the Electoral Commission of Catalonia shall include a listing of all the members in the following day's Official Journal of the Government of Catalonia.

2. If any of the candidates for membership of these Commissions wishes to stand for election, they must notify the secretary of the Commission when it is first constituted, so that they can be replaced within a maximum period of four days.

3. The constituent meetings of the Regional and Aran Electoral Commissions will be convened by the secretaries, on the instructions of the Electoral Commission of Catalonia.

Article 52. Tasks of the Regional and Aran Electoral Commissions

1. In relation to electoral campaigns, public consultations and civic participation processes in their territorial area of responsibility, the Regional Electoral Commissions and the Electoral Commission of Aran, will have the following competencies:

To cooperate in the creation, rectification, conservation and checking of the electoral register for each electoral and public consultation process.

To supervise the transfer from electoral logistics centres to polling stations of official voting forms, voting envelopes, election returns, instruction manuals for polling station committees, electoral ballot boxes, and other official electoral documentation.

To receive information about the availability of public spaces for placing electoral advertising and for staging campaign events in the municipalities in its territorial area of action, and to allocate them among those authorised in each electoral process, popular consultation or civic participation process in accordance with usual practice.

To resolve queries, complaints, claims and appeals referred to them.

To exercise disciplinary jurisdiction over all individuals officially involved in the electoral and civic participation processes, to remedy actions that contravene the regulations and where appropriate, punish administrative infractions that do not constitute a crime.

The other tasks attributed to it by law.

2. In relation to electoral candidates, and in their territorial area of responsibility, the Regional Electoral Commissions and the Electoral Commission of Aran, will have the following competencies:

To certify the withdrawal of candidates applying grounds of ineligibility.

To create a public record of the candidates' electoral manifestos.

To accredit the electoral observers of the candidacies.

The other tasks attributed to it by law.

3. In relation to electoral campaigns, public consultations and civic participation processes in their territorial area of responsibility, the Regional Electoral Commissions and the Electoral Commission of Aran will have the following competencies:

To organise and manage the overall dispatch of electoral information about the candidacies.

To create a public record of electoral surveys and polls.

To supervise the dissemination of institutional campaigns in the media.

The other tasks attributed to it by law.

4. In relation to the improvement of democratic quality in their territorial area of responsibility, the Regional Electoral Commissions and the Electoral Commission of Aran, will have the following competencies:

To evaluate the workings of the electoral system and civic participation processes and propose improvements.

To provide logistical and organisational assistance in electoral and public participation processes to political parties, trade unions, chambers of

commerce and agriculture, professional colleges, universities and similar organisations requesting it.

The other tasks attributed to it by law.

Article 53. Tasks of the Electoral Commissions

1. The constituent meetings of the Regional and Aran Electoral Commissions will be convened by the secretaries, on the instructions of the Electoral Commission of Catalonia.
2. The Electoral Commissions will be deemed to be constituted with 5 members in the case of the Electoral Commission of Catalonia, and 3 members in the case of the Regional and Aran Electoral Commissions.
3. The secretaries will be responsible for fulfilling the tasks attributed to them by the Law on administrative procedure as it relates to the collegiate bodies.

Article 54. Electoral Districts

1. The electoral constituencies are divided into electoral districts.
2. Each district contains a maximum of 2,000 voters, and a minimum of 500. Each municipality contains at least one district.
3. No district comprises areas belonging to different municipalities.
4. Each district's voters are listed alphabetically on the electoral rolls.
5. Each district has a polling station.
6. However, when the number of voters in a district or the scattered distribution of the population makes it advisable, the Electoral Register Office of Catalonia may establish other polling stations and distribute the electorate of the district among them. In the former case, the district's electorate shall be allocated by alphabetical order among the stations, which should preferably be located in separate areas in the same polling station.
7. When selecting the premises for the polling stations and the location of the voting areas, the applicable provisions concerning architectural barriers must be taken into account.

Article 55. Number and Limits

1. The Electoral Register Office of Catalonia will determine the number and boundaries of the electoral districts, their offices and the polling stations in each of the constituencies.
2. This list must be published in the Official Journal of the Government of Catalonia on the third day after the election is called, and announced to the public in the spaces and using the media deemed appropriate.
3. In the following two days, voters may file complaints against the demarcation made to the Regional Electoral Commission, which will make a final decision on them within a period of two days.
4. The final list of electoral districts, polling stations and offices will be published in the five days prior to the polling day, and will be announced to the public in the spaces and using the media considered appropriate.

Article 56. Polling Station Committees

1. Each polling station committee shall comprise one chair and two members.
2. If more than one election is being held, the same polling station and committee will be used for all of them.
3. The Electoral Register Office of Catalonia will be responsible for establishing the polling station committees, subject to the oversight of the Electoral Commission of Catalonia.
4. The Chair and the Members of each committee are chosen by drawing lots from amongst all those on the electoral register in the associated district under sixty-five years of age who are able to read and write. The chair must have completed voluntary secondary education or advanced vocational training, or failing that, a secondary school certificate or the equivalent.
5. The appointment of two substitutes for each of the members of the committees shall be carried out in the same manner.
6. The drawing of lots mentioned above will take place between the fifth and ninth days after the election has been called.
7. The offices of chair and member of polling station committees are obligatory. They may not be occupied by anyone standing in the election as a candidate.
8. The appointment to the offices of chair and member of polling station committees must be notified to the interested parties within two days.

Together with the notification, the committee Members shall be provided with an instruction manual on their duties, overseen and approved by the Electoral Commission of Catalonia.

Article 57. The Electoral Census

1. The electoral census contains the record of people meeting the requirements to be voters who are not permanently or temporarily deprived of their voting rights.
2. The electoral census is made up of voters resident in Catalonia, and of voters resident abroad who meet the legally stipulated requirements for exercising the right to vote. No voter may be included on the two censuses at the same time.
3. Inclusion on the register does not require the prior consent of the citizen concerned.
4. The electoral census is arranged by sections, and each voter is recorded in a census section. Nobody may be listed in more than one section, or more than once in the same section.

Article 58. Queries, Complaints and Issues

1. Voters must submit their queries to the Regional Electoral Commissions associated with their place of voting.
2. Political parties, federations, coalitions and voters' organisations may submit queries to the Electoral Commission of Catalonia when they concern general issues that may affect more than one Regional Electoral Commission. In other cases, queries must be submitted to the relevant Regional Electoral Commission, provided that its jurisdiction covers the scope of competence of the party making the query.
3. Queries shall be made in writing and be resolved by the competent Commission, except in cases where it decides to refer it to the Electoral Commission of Catalonia due to the importance of the issue, according to its judgement, or if it deems that it must be resolved according to a general criterion.
4. When the urgent nature of the query does not permit the relevant Territorial Electoral Commission to be convened, and in all cases with previous related resolutions by the relevant Territorial Electoral Commission or by the Electoral

Commission of Catalonia, the Commissioners may give a provisional answer, without prejudice to its ratification or amendment at the first meeting of the Territorial Electoral Commission concerned.

5. The Electoral Commission of Catalonia shall inform the Regional Electoral Commissions of all the queries it rules upon, for the purpose of uniformity of criteria.

6. The Regional Electoral Commissions must publish its resolutions or the content of the queries it refers in the Official Journal of the Government of Catalonia, by order of the Chair, when the general nature of the queries make this advisable. The decisions issued by the Electoral Commission of Catalonia and those notified to the Regional and Aran Electoral Commissions will be published in all cases.

7. Holders of subjective rights and those with legitimate interests may submit complaints, queries or incidents to the relevant Regional or Aran Electoral Commission by reason of its territorial scope of action within two days of the events upon which they are based taking place, being considered or being able to be considered.

8. When a relevant issue affects the whole of Catalonia, the Regional or Aran Electoral Commission may refer the case to the Electoral Commission of Catalonia. Three members of this Commission will decide whether to accept or return it, and will rule on the content.

Article 59. Electoral Administrative Appeals

1. Those with subjective rights and legitimate interests may lodge an appeal before the Electoral Commission of Catalonia against:

a) all resolutions of the Electoral Commissions,

b) the resolutions of the Electoral Commission of Catalonia that rule in the first instance on complaints, queries and issues. In such cases, three members, of which two shall be different from those who ruled in the first instance, will rule on the admission and if admissible, the plenary Electoral Commission shall rule on the content.

2. The appeal must be lodged within two days of the originating resolution taking place, being considered or being able to be considered. The resolution must be issued as soon as possible, within a period not exceeding five days, and this resolution ends the administrative proceedings.

Article 60. Electoral Contentious Appeals

1. An appeal may be lodged before the High Chamber of Guarantees of the Supreme Court against resolutions that exhaust the electoral administrative channel, in accordance with the electoral legislation and the legislation concerning contentious administrative jurisdiction.
2. The appeal must be submitted within two days of the originating resolution taking place, being considered or being able to be considered. The resolution must be issued as soon as possible, within a period that may not exceed five days.

Chapter 5. Other Institutions

Article 61. The Democratic Guarantee Council

1. The Statutory Guarantee Council is renamed the Democratic Guarantee Council. It will exercise tasks of oversight of compliance with this Law of the draft laws and bills processed by the Parliament, and the legislative decrees approved by the Government.
2. The legal opinions will be binding on the draft laws and bills that implement develop or affect rights recognised in this Law.
3. The composition and workings of the Democratic Guarantee Council is governed by the stipulations of Article 77 of Catalonia's Statute of Autonomy and the regulations for its implementation.

Article 62. The Catalan Ombudsman, the Audit Office and the Audio-visual Council of Catalonia

1. The Catalan Ombudsman, the Audit Office and the Audio-visual Council of Catalonia are governed by the provisions of Articles 78, 79, 80, 81 and 82 of the Catalonia's Statute of Autonomy.

Chapter 6. Local Government

Article 63. Local Autonomy

The provisions of Catalonia's Statute of Autonomy regarding the guarantee of local autonomy retain their supreme legal force.

Article 64. Organisation and Competencies

The organisation and competencies of the local government of Catalonia, including the Council of Local Governments, are governed by the provisions of Articles 83 to 93 of Catalonia's Statute of Autonomy, under the terms established in this Law and everything that is not contradictory to it.

TITLE V. The Judiciary and the Administration of Justice

Article 65. General Principles

The judiciary consists of judges and magistrates acting independently, immovably, impartially and responsibly and subject only to legislation and the Law.

Article 66. Continuity of Organisation, Institutions and Procedural Law

1. Until Parliament approves a law concerning the judiciary and the administration of justice, the judicial organisation and institutions and procedural law existing when this Law comes into force will continue to apply, with the amendments established under this Title and in the regulations developing it.
2. The jurisdictional divisions of the judicial system of Catalonia are: civil, criminal, contentious administrative and social.
3. The High Court of Justice of Catalonia becomes the Supreme Court of Catalonia, the highest judicial body for all divisions and the apex of the judicial organisation of Catalonia.
4. The President of the Supreme Court is appointed by the President of the Government of Catalonia, after first being proposed by the Joint Committee established in Article 72.

Article 67. Prosecution Service

1. The Prosecution Service promotes the action of justice to protect legality, citizens' rights and the public interest; oversees the independence of the courts; and sees that society's interests are satisfied before them.

2. The Chief Prosecutor of Catalonia is appointed by Parliament after being proposed by the Government of Catalonia following consultation with the Governing Council of the Supreme Court.

3. The Prosecution Service is organised in accordance with the principle of hierarchy and acts with unity of action and independence with respect to the other public authorities subject to the principles of legality and impartiality.

4. Until Parliament approves its own legislation on this matter, the legislation concerning the Prosecution Service existing when this Law comes into force will continue to apply, with the amendments established under this Title and in the regulations it allows.

Article 68. Continuity of positions

1. The judges, magistrates, prosecutors and lawyers of the legal system who have occupied a position on judicial bodies and in the prosecution service of Catalonia in the three years prior to this Law coming into force will continue in their positions and maintain their financial and professional rights, unless they waive their right to be integrated into the new system. Those who have occupied a position for less than three years may exercise their right to be included by applying for inclusion, in accordance with the procedure establishing the legislation developing this article.

2. The Governing Council of the Supreme Court appoints the judges and magistrates who have to fill new positions, those corresponding to competitive transfer processes, and vacancies, in the manner established by Law.

To fill vacancies, it may temporarily appoint substitutes and replacements who meet the requirements established by Law and the regulations passed by the Governing Council.

3. The prosecutors and lawyers of the Administration of Justice are appointed by the department with powers over justice in the manner established by Law.

To fill vacancies, it may temporarily appoint substitutes and replacements who meet the requirements established by Law.

4. The judges, magistrates, prosecutors and lawyers of the Administration of Justice belonging to bodies corresponding to the Spanish State may take part in competitive selection procedures for posts advertised.

Article 69. Support and Management Functions

The Government of Catalonia, through the department with powers over justice, exercises the support and management functions for the Administration of Justice not attributed to other bodies.

Article 70. Governance of the Judiciary

Until the Constitution is approved, the judiciary is governed under the terms established in the following articles by the Governing Council of the Supreme Court and by a Joint Committee with equal representation of the Governing Council of the Supreme Court and the Government of Catalonia.

Article 71. The Governing Council of the Supreme Court

1. The Governing Council of the Supreme Court consists of the President of the Supreme Court, as chair; the presidents of the Chambers of the Supreme Court; the presidents of the provincial courts and five magistrates or judges chosen by absolute majority in Parliament from all members of the judiciary.

2. The Government of Catalonia provides the Governing Council of the Supreme Court with the personnel, technical, administrative and financial resources necessary to carry out its duties.

3. The duties of the Governing Council of the Supreme Court concerning judicial governance are:

To be consulted before the appointment of the Chief Prosecutor of Catalonia.

To propose the appointment of judges and magistrates following the corresponding selection procedures.

To decide the placements of judges and magistrates based on the corresponding competitive selection processes.

To propose the appointment of temporary and substitute judges and magistrates.

To decide on the promotions and administrative positions of judges and magistrates.

To inspect the judicial bodies.

To apply the disciplinary system for judges and magistrates.

To give instructions to the governing bodies of the courts and tribunals in areas where they have powers and to resolve appeals.

To exercise regulatory powers concerning advertising judicial actions, setting schedules and times of hearings, allocating matters and rights to speak, duties, aspects complementary to the statute of judges and magistrates and matters attributed to it by this Law or the legislation developing it.

To determine the workload of the judicial bodies.

To propose measures to strengthen the judicial bodies.

To report on cases involving liability for the improper operation of the Administration of Justice.

To report on White Papers and general provisions concerning matters affecting the Administration of Justice.

To send Parliament an annual report on the state of the Administration of Justice and its needs, with the proposals it believes appropriate.

Other duties attributed to it by this Law and the legislation developing it.

Article 72. The Joint Committee

1. The Joint Committee of the Governing Council of the Supreme Court and the Government of Catalonia consists of the president of the Supreme Court, as chair; the minister of the Government of Catalonia with powers over justice, as vice-chair; four Members of the Governing Council, which it appoints; and four people appointed by the Government.

2. The Joint Committee performs the following duties:

Proposing the appointment of the president of the Supreme Court from among jurists of recognised competence with more than 20 years of professional experience.

Proposing the appointment of the presidents of the Civil, Criminal, Contentious Administrative and Social Chambers of the Supreme Court and the presidents of the provincial courts.

Taking part in the selection processes for judges and magistrates under the terms established by Law.

Establishing judicial training and improvement programmes.

Officially publishing decisions and other judicial resolutions.

Regulating and managing the College of the Judiciary or the body that takes on this function.

Regulating and managing the centre responsible for judicial documentation.

Exercising regulatory power concerning the specialisation of judicial bodies and action of judicial bodies in the sphere of internal and international judicial cooperation.

Establishing the technical standards for IT and judicial communication.

Establishing the systems for organising and measuring the work of judicial bodies.

Other duties attributed to it by this Law and the regulations developing it.

3. The Joint Committee established in this article will be set up as follows:

Within a maximum period of five days from the coming into force of this Law, Parliament will, by absolute majority, appoint the presidents of the Supreme Court Chambers from among the Members of the Supreme Court and the five elected members indicated in article 71.1.

Once the presidents of the Supreme Court Chambers have been appointed, and within a maximum period of two days, the Governing Council of the Supreme Court will be constituted, as established in article 71. The Governing Council may be constituted with seven of its members. The provisional presidency of the Supreme Court will be held by the President of the Civil Chamber.

At its constituent session, the Governing Council of the Supreme Court will appoint the four members of the corresponding Joint Committee.

The provisional president of the Supreme Court will call a meeting to constitute the Joint Committee for the day after the constituent session. At the constituent meeting, the appointment of the president of the Supreme Court will be proposed.

If these deadlines are not met, Parliament may elect the president of the Supreme Court by absolute majority.

Article 73. The Composition of the Supreme Court

1. The Supreme Court consists of a High Chamber of Guarantees, a Civil Chamber, a Criminal Chamber, a Contentious Administrative Chamber and a Social Chamber.

2. The High Chamber of Guarantees consists of seven magistrates.

3. The other chambers maintain the composition of the High Court of Justice when this Law comes into force, except for the Civil-Criminal Chamber, which is broken down into a Civil Chamber and a Criminal Chamber.

4. The Civil Chamber and the Criminal Chamber each consist of ten magistrates. The President of the Supreme Court will distribute the magistrates between the two chambers after consulting the presidents of both of them.

5. All the chambers act in a reduced format of three magistrates except for cases requiring the full format, when there will be at least five magistrates. The chambers will act, both in full and reduced formats, without the need to wait for all members of the respective chamber to be appointed.

Article 74. The High Chamber of Guarantees

1. The High Chamber of Guarantees consists of the president of the Supreme Court, as chair, the presidents of the Civil, Criminal, Contentious Administrative and Social chambers of the Supreme Court, and two magistrates appointed by Parliament by absolute majority from among jurists of recognised competence and with 15 years of professional experience.

2. The High Chamber of Guarantees has competences to investigate:

Appeals on the grounds of unconstitutionality concerning fundamental rights.

Jurisdiction disputes between judicial bodies and the administration and between jurisdictional divisions.

Special challenges requesting re-examination governed by section 3 of this article.

Electoral appeals.

Other duties attributed to it by the regulations developing this Law.

3. Firm decisions by any judicial body contradicting this Law may be challenged before the High Chamber of Guarantees in order to be re-examined on these grounds directly by the parties within a period of two months, or by the Prosecution Service within a period of four months. These challenges will be processed urgently in accordance with article 514 of the Law on Civil Proceedings except for the hearing, which the Chamber may call under its own powers.

If the Chamber upholds the case for re-examination, it will give a decision on its merits. In exceptional circumstances, it may return actions to the court from which they come so the court can provide a new decision in accordance with the provisions of the judgment of the High Chamber of Guarantees.

The High Chamber of Guarantees may adopt precautionary measures, including the suspension of the challenged decision, either on its own authority or at the instance of the parties or the Prosecution Service.

4. The High Chamber of Guarantees may refuse to admit for consideration any matter submitted to it under the competences indicated in letters a) and c) of section 2 of this article if it is not sufficiently legally or socially significant.

Article 75. Fast-track Procedure and Appeals

1. To protect the rights in Article 22 of this Law, a special fast-track procedure is established in all jurisdictional divisions, with consideration limited to the infringement of law. This procedure follows that established in current legislation when this Law comes into force.

2. An appeal of unconstitutionality may be made to the High Chamber of Guarantees under the circumstances established in Article 27.5 of this Law against judicial decisions which are the final pronouncement on cases that have followed the appropriate judicial routes, including those of the Supreme Court chambers.

3. Appeals of unconstitutionality follow the procedure of an appeal in civil proceedings. The Prosecution Service is involved in all cases. The High Chamber of Guarantees has the power to select matters of which it is aware, depending on their legal and social importance.

Article 76. Civil Jurisdictional Division

1. Appeals for reversal and extraordinary appeals for breaches of procedure are reconstituted as a single appeal for reversal, which may be lodged under Article 469 of the Law on Civil Proceedings and will be dealt with only via the appeal for reversal procedure of the Law on Civil Proceedings, amended by the Appeals for Reversal in Civil Law in Catalonia Act 4/2012. Nevertheless, article 476 of the Law on Civil Proceedings will continue to apply.

2. The Supreme Court recognises only appeals for reversal and for review.

Article 77. Criminal Jurisdictional Division

1. The competent courts and tribunals of first and second instance for instruction, judgment and enforcement maintain their current competences,

extending also to cases that are now the competence of the National Court of Spain under objective and territorial competence.

2. The Juvenile Prosecution Service will act to instruct cases in the specialised juvenile court jurisdiction.

3. The Criminal Chamber of the Supreme Court of Catalonia will instruct, with a single magistrate, and first instance, in the reduced format, on that which was previously the competence of the Civil and Criminal Chamber of the Court of Justice of Catalonia, and appeals against decisions by lower courts.

4. Appeals for reversal against the decisions given in the second instance by the Supreme Court of Catalonia are allowed before the Supreme Court itself, without the presence of the magistrates who have made the decision subject to the appeal.

5. The full Criminal Chamber also accepts the judgment of crimes committed by Members of the Supreme Court, including the president, and appeals for review.

Article 78. The Contentious Administrative and Social Jurisdictional Divisions

1. The competent courts and tribunals of first and second instance and for enforcement maintain their current competences, also extending in the first and second instance to cases currently the competence of the National Court of Spain.

2. Appeals for reversal against decisions given in the first instance by the Supreme Court of Catalonia are allowed before the Supreme Court itself, without the presence of the magistrates who have given the decision subject to the appeal.

Article 79. Extension, Staying and Annulment

1. The deadlines for lodging actions and appeals before judicial bodies outside Catalonia are automatically extended for two months counted from the date this Law comes into force so that they can be lodged before the competent Catalan judicial bodies.

2. Cases which, in accordance with the legal system prior to the succession, are or have been the competence of the National Court of Spain, the Supreme Court or any other Spanish judicial body outside the territory of Catalonia, including the Constitutional Court only in relation to the appeals on the

grounds of unconstitutionality, will immediately be assumed, as appropriate, in instruction, first instance, second instance, appeal for reversal and enforcement, by Catalan judicial bodies, depending on their objective and territorial competences. They will be assumed in accordance with the following rules:

The parties will have a period of two months to present all the documents they have in their possession before the competent Catalan courts.

The competent courts will continue with the proceedings being processed, accepting the documents received provided no party is left without defence. If necessary to prevent a party being left without defence, actions will be begun again, from the start of the corresponding proceedings.

Decisions that are firm before the transfer of powers will remain so.

This transfer of actions will be exempt from any judicial charge.

3. The Government of Catalonia will propose the signing of a judicial cooperation agreement with the Spanish State.

4. The courts and tribunals will stay or annul criminal proceedings against those under investigation or convicted for conduct involving seeking a democratic decision on the independence of Catalonia or the creation of a new State in a democratic, non-violent way.

TITLE VI. Finance

Article 80. The Tax and Social Security Authority

1. The Government of Catalonia is the authority enforcing all taxes, contributions and obligations of all kinds in the social security and taxpaying system in the territory of Catalonia, as well as any other revenues under public law, without prejudice to the powers attributed by law to local bodies. It also carries out actions deriving from the application of international treaties and agreements concerning taxation, Customs and social security.

2. The Catalan government can establish coordination, collaboration or cooperation mechanisms with other public administrations and with public or private bodies and associations for the implementation of taxes and the collection of public revenues.

Article 81. Protection of Taxpayers and Contributors to the Social Security System

1. The Government of Catalonia will adopt the measures necessary so that people and organisations that have met their tax and Social Security contribution obligations in accordance with the provisions of this Law and the rest of the Catalan legal system do not suffer negative financial consequences or penalties.

2. The Government of Catalonia will adopt the measures necessary so that people and organisations whose relationship with the Public Treasury is damaged due to the action of a third party that fails to comply with its tax obligations established in this Law and the rest of the Catalan legal system do not suffer negative financial consequences.

Article 82. Economic and Financial Rights and Obligations

The Catalan State succeeds the Kingdom of Spain in the economic and financial rights and obligations under the terms agreed with it, and those deriving from agreements with third parties. The Government of Catalonia continues with all economic and financial rights and obligations and guarantees that they will be exercised and will be complied with.

Article 83. Budgets

Article 212 of Catalonia's Statute of Autonomy will apply to the Budget of the Government of Catalonia under the terms established in this Law on the Juridical Transition and in all matters where it is not contradicted therein.

Article 84. Customs and Land Registry Authorities

1. The Government of Catalonia exercises Customs authority in the territory of Catalonia and acts in accordance with the customs and duty system deriving from European Union law.

2. The Government of Catalonia exercises land registry authority in the territory of Catalonia and manages and maintains the land registry in cooperation with local bodies.

TITLE VII. Constituent process

Article 85. Activation and Fundamental Characteristics

Once the referendum has been held, and in the case of a result favourable to the independence option, the Government of Catalonia will activate a constituent, democratic, citizen-based, cross-disciplinary, participatory and binding process to draw up and approve the Constitution of the Republic.

Article 86. Phases of the Process

The constituent process consists of three successive phases: the first is the participatory process; the second, constituent elections and the drafting of a proposed Constitution by the Constituent Assembly; the third is the ratification of the Constitution by referendum.

Article 87. Participatory Process

1. Parliament will oversee the different phases of the process, ensuring the operation of the participatory phase, which will take place in the six months following the proclamation of the results of the referendum. This will consist of a deliberative process by sectors and territories and the subsequent calling of a Constituent Social Forum consisting of representatives of civil society and the political parties.
2. The Government will set up an Advisory Council formed by Catalan and international academic experts, to advise on the constituent deliberation phase, led by organised civil society.
3. The Constituent Social Forum, taking up the debates from the deliberation phase, must debate and draw up a series of questions on the principles and general issues of the future constitution, which must be resolved by citizens in a participatory process. The result of this participation by citizens will constitute a politically binding mandate on the Constituent Assembly, which will articulate it judicially, harmonise and systematise it, if necessary.

Article 88. The Constituent Assembly

1. Having completed the participatory process, the President of the Republic will dissolve Parliament and call constituent elections. The Constituent Assembly will consist of the same number of members as the dissolved

Parliament. They will be chosen in accordance with the normal electoral system.

2. The Constituent Assembly will have full powers to draw up a proposed Constitution, which must be approved by 3/5 of the members of the full assembly in a final vote on the text as a whole. If such a majority cannot be achieved, in a second vote an absolute majority will be sufficient; if such a majority is not obtained, deliberations will continue and new proposals submitted for voting until such a majority is achieved. No decisions of the Constituent Assembly in exercising its constituent power can be controlled, suspended or challenged by any other authority, court or tribunal.

3. The Constituent Assembly is governed by the provisions of this Law and, to supplement it, by the provisions of the regulations of the Parliament of Catalonia.

4. The Constituent Assembly assumes the other duties, powers and obligations of the Parliament, including the election of the President of the Republic, in accordance with the provisions of this Law.

Article 89. Ratification by Referendum

1. Once the proposed Constitution is approved, it will be submitted for ratification by referendum.

2. If the proposed Constitution is ratified by the citizens, the Constituent Assembly will immediately be dissolved and elections will be called to constitute the new institutional system established by the Constitution.

3. Until the new institutions are constituted, the permanent delegation will oversee the establishment of the new system of institutions and will temporarily assume the duties, powers and obligations of Parliament.

Final provisions

Final Provision One

Amendment of the Law on the Juridical Transition

This Law may be amended provided this is expressly indicated in the Law introducing the reform, with the favourable vote of the absolute majority of Members of Parliament.

Final Provision Two

1. The applications for nationality established in Articles 7 and 8 will have to be resolved before the calling of the constituent elections and in accordance with the regulatory provisions established by the Government.

2. All those who, on the date of entry into force of the Law on Transitional Jurisprudence, meet the requirements to be granted Spanish nationality pursuant to article 22.1 of the Civil Code (Royal Decree of 24 July 1889), will have six months to apply for Catalan nationality.

Final Provision Three

This Law will come into force once it has been approved by the Parliament of Catalonia, has been officially published, and the circumstances established in Article 4.4 of the Law on the Self-Determination Referendum of Catalonia have been complied with.