Act Sci Soc (2011) 33: 7–19

# Development of the European Law Studies in Spain

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**Abstract** The development of European Union law with respect to its content and sectoral division is inseparable from the evolution of the European integration process. In our approach this statement represents the correlation between widening and deepening, and the chain of treaty-based reforms within, first, the European Economic Community, and, later, the European Union.

In the middle of the year 2011, the European Union consists of twenty-seven states, which contains the organization in different historical periods and times. In the various individual countries, general prescriptions and covenants are effective under the specific circumstances in the given state. These circumstances are defined by the time of the country's accession to the European integration, its framework of conditions, the form and phases of the preliminaries, and the results of the accession negotiations. Due to these facts, the application, adoption, integration and domestic reception of community law partly depends on the characteristics and traditions of the country under examination, as well as the concrete solutions employed in its political system.

There exist states where the application of community law and its reception in the international legal system has been a dominant issue from the very beginning on the level of (higher) education. Spain may be regarded such a state; European Studies and European Law Studies within it has been introduced at all universities and higher education institutions of the kingdom.

The development and application of European Law Studies in Spain is deeply affected by the theoretical issues presented and analysed in this paper: possible future changes in the Spanish form of state, the imminent general constitutional reform, and, first and foremost, institutional and legal changes within the European Union.

**Keywords** European Union, community law, European integration

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## 1. EU Legal Studies Development in Spain

The development of European Union law with respect to its content and sectoral division is inseparable from the evolution of the European integration process. In our approach this statement represents the correlation between widening and deepening, and the chain of treaty-based reforms within, first, the European Economic Community, and, later, the European Union.

In the middle of the year 2011, the European Union comprises twenty-seven states, which joined the organisation in different historical periods and times. In all of these countries, the adoption and application of community achievements and their institutionalised presentation in domestic law is valid and obligatory.

In the various actual countries, general prescriptions and covenants are effective under the specific circumstances in the given state. These circumstances are defined by the time of the country's accession to the European integration, its framework of conditions, the form and phases of the preliminaries, and the results of the accession negotiations. Due to these facts, the application, adoption, integration and domestic reception of community law partly depends on the characteristics and traditions of the country under examination, as well as the concrete solutions employed in its political system. Thus the picture varies from state to state with respect to content and processes. Rather different issues presented themselves and came to the foreground before and after accession in the case of the Iberian Peninsula and the Eastern Central European region, for example.

These may be clearly defined and naturally, they are reflected by the education systems and the development of European community law studies in quite different ways. Hungary, along with seven other Eastern Central European states became a full member of the European Union on 1st May 2004. Bulgaria and Romania joined the EU on 1st January 2007. From 2005 Eastern Central European states commenced the transition from a traditional higher education system to the new, so-called "Bologna type" two-tier educational system, which consists of Bachelor's and Master's levels.

During the accession process European Studies was introduced partly via European Studies Centres founded at major universities, with courses on European community law, and so-called European Studies Specialisations. The structure of these educational types underwent significant changes with the introduction of the two-tier Bologna system.

The development of EU Legal Studies has been influenced by the accession date of the various given countries. There exist states where the application of community law and its reception in the international legal system has been a dominant issue from the very beginning on the level of (higher) education. Spain may be ragarded such a state; European Studies and European Law Studies within it has been introduced at all universities and higher education institutions of the kingdom. As a result of their Latin-American connections and institutional cooperation links and ties, these universities not only teach European Law Studies at PhD level but also as BA and MA programme specialisations or subprogrammes, and as general foundation subjects. Among these universities we must individually mention the Complutense University of Madrid, the University of Barcelona, the University of Valencia, along with the University of Valladolid, the Menéndez Pelayo International University (Universidad Internacional de Menéndez Pelayo – UIMP), and the National University for Distance Education in Madrid (Universidad Nacional de Educación a Distancia – UNED).

The development of European Law Studies in Spanish higher education has been significantly aided by institutions and research posts created and maintained for the study of the field and the promotion of cogent governmental decisionmaking. The majority of these are located in Madrid. In addition to the Centre for Political and Constitutional Studies (Centro de Estudios Políticos y Constitucionales – CEPC), we must mention the National Institute of Public Administration (Instituto Nacional de Administración Pública – INAP), and the Council of State (Consejo de Estado), where internationally highly renowned research and analysis work has been conducted within the field of the development, application and reception of European community law. Similar investigations are conducted at the José Ortega y Gasset and the Cánovas del Castillo Foundations, as well as the Elcano Institurte, with the integration of private initiatives, and the Barcelona Centre for International Information and Documentation (Centre D'Informació i Documentació Internacionals – CIDOB). Beside these institutions, all seventeen Autonomous Communities (Comunidad Autonóma) have their own research networks. The professional and governmental advisory activity conducted there has been well utilised by higher education units involved in the instruction of European community law. A major unifying factor in the institutional system that in instances includes organisations performing parallel work is the fact that many researchers are also university professors. The high quality research and education activities within European Law Studies are nevertheless brought under a common roof by further training and post-doctoral courses, and a tender system, which are all maintained and managed by the already mentioned governmental and research institutions. Internationally highly regarded publications, periodicals, journals, books, and book series are published by higher education institutions, universities, research institutes, and the Autonomous Communities. Among these we must mention the *Revista de Estudios Políticos* published by the Centre for Political and Constitutional Studies, the *Anuario Iberoamericano de Justícia Constitucional*, the *Revista Española de Derecho Constitucional*, the *Revista Española de Derecho Comunitario*, and the *Revista de Administración Pública*. A document of pivotal importance is the *Report on the Harmonisation of European Law with the Spanish Legal System* issued by the Council of State. This category also includes the *Studies in Constitutional Law*, and the volumes of the series entitled *Booklets and Debates (Cuadernos y Debates)*, published by the Centre for Political and Constitutional Studies. No. 185 of the latter has the title: *Constitutional Judiciary and the European Union. A Comparative Analysis of the German, Austrian, Spanish, French, Italian, and Portuguese Cases*. This source will often be referred to in the present study. Finally, mention must be made of the serial book publications by the above mentioned research institutes. Among these, the ones of special importance are A*lberto Gil Ibañez, Control and Implementation of Community Law. The Role of National and European Public Administrations*, an individual volume published by the National Institute of Public Administration, 1998, and the *Fundamentos de Derecho Comunitario Europeo*, a widely used textbook at Spanish universities. Publications issued on various anniversary occasions also have an effect on the development of EU Legal Studies. Among these we must mention the volume and CD by the Elcano Institute on the 20th anniversary of Spain's European Union membership under the title of *20 Years of Spain in the European Union (1986-2006).*

## 2. The development of European Law Studies and the Spanish form of state

The development of European Law Studies has been greatly influenced, indeed, determined by the evolution of the Spanish form of state.

Between 1979 and 1983, the first phase in the institutional development of the democratic parliamentary monarchy that replaced the Franco régime in Spain saw the implementation of the democratically regulated coexistence of the state (the Kingdom of Spain), the historical nations possessing their own languages (Basque, Catalan, Gallego, Valencian) and, as phrased by Roberto Blanco Valdés,[1] the regions without a history (Cantabria, Asturia, Extremadura, Madrid, Murcia, La Rioja, etc.). All this in a country where 20% of the population are Catalans, 6% Basques, 2,5% Gallegos, and 2% Valencians.

It is a fact that by creating an autonomy model resting on cooperation between seventeen self-governing communities, the Sapnish new democracy has played an exemplary role in the solution of a centuries-old problem. The system formed between 1979 and 1983 has proved to be viable to the present day.

The new democracy represents a complete breakaway from old power forms. In the course of creating the new self-government and civic administration system as well as providing a solution of the national-regional issue, due attention had to be paid to the formation of a well articulated and symmetrical state system founded on a compromise-based linking of national and regional autonomies and the democratic self-government system.

The model did satisfy the national demands of the small nations of the Basques, Galicians, and Catalans (and also those of Navarre, the Balearics, and the Community of Valencia, which all possess individual tongues), but a system of balances was created to keep these in check by the formation of regional autonomies on different principles – these were the above mentioned regions "without a history". The state organisational basis for this dual division was the territorial distribution of power, which was put into a unifying framework under the emotionally neutral name of State of Autonomies (Estado de las Autonomias). With the creation of the seventeen self-government communities[2] and the settlement of the legal status of the two cities of independent status: Ceuta and Melilla (both wedged in the body of the state of Morocco), a semi-federal system was born in Spain in the technical and legal sense of the phrase. In his excellent book Eliseo Aja calls this formation a state based on autonomies built on different facts. Aja also raises several reform proposals in connection with the arrangements of the present, mainly on the role of the senate.[3] The 25th February 1983 passing of the Autonomy Statute of Castile and Leon marked the closure of the first phase in an organisation process which was based partly on the country's historical traditions, partly on a regional structure produced by economic growth and in a large part by a politically motivated civic administration decentralisation and political self-government initiative.

The period between 1983 and 2006 witnessed an unprecedented decentralisation and democratisation process in the history of Spain. Wholly unusually for a

[1] For a detailed discussion see: Roberto L. Blanco Valdés: *Nacionalidades históricas y regiones sin historia*. Editorial, Madrid, 2005.

[2] Andalusia, Aragon, Asturiass, the Balearics, the Basque Country, the Canaries, Cantabria, Castile La Mancha, Castile-Leon, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarre, La Rioja, the Valencian Community.

[3] Eliseo Aja, *El Estado autonómico. Federalismo y hechos diferenciales*. Alianza Editorial, Madrid: 2003.

constitutional monarchy which has a parliament of its own and independent representation in the second chamber of the Spanish legislature, the initial legal differences between the self-government communities organised upon the presidential principle levelled out by the middle of 2010. This may primarily be explained by the transfer of authority from the central government to the self-government communities in the areas of healthcare as well as primary and secondary education. The state of autonomies thus exhibits characteristics similar to those of federal systems at present.

The relative stability of a democratic state structure in the historical sense does not preclude change. The institutional system is in a process of constant motion. Changes pointing from the semi-federalism of autonomous communities to federalism, which are based on national and cultural identities, have markedly accelerated from the second half of the 1990s. In July 2006, they led to the passing of the new Autonomy Statute of Catalonia. The separation of the autonomous province, which has gained independent nation status and the formation of an independent state with the capital of Barcelona has presented itself as a realistic alternative.

The process has not come to an end in this respect, either. This in turn may raise the question of a general state reform. All these factors have had their impact on the further development and education of EU Legal Studies in Spain.

## 3. The Most Studied Issues in EU Law Studies in Spain

As already stressed, the study and education of European law in Spain is not restricted to the Faculties of Law or Political Science and Sociology of universities; the subject is also included in Engineering and Economics curricula. On the one hand, research and instruction topics may be grouped around the exploration and discussion of the characteristics of community law and the analysis of the decisions of the European Court of Justice and of law cases. On the other hand, issues tightly linked to, and regulated by, EU law also attract a lot of attention. Full courses are devoted to the examination of the operation of the European Union, its institutional system, and the issues of content in the various sectors of EU law. Faculties of Law will for example have several courses on European Union trade law, EU business law, EU environmental protection regulations, EU consumer protection, community level labour policy and social policy, and the regulation of competition. There are curricula on the structural-cohesive and regional policy of the EU, the multi-level governance system and public administration etc. Syllabuses will also be adjusted to reflect current Spanish theoretical debates on the various aspects of European law and national law, their correlation and mutual accommodation; Constitutional Court decisions, Council of State reports, and the modifications of EU treaties will also appear in the study programmes.

### *3.1. The primacy of community law and the supremation of the national constitution and constitutionality*

A fundamental issue in the development of community law is the correlation of EU law and national law, its changes and interpretation. The answers given to this question will in themselves define the characteristics of the European Union as a sui generis political system and form. European Law Studies programmes taught at

Spanish universities recognise the doctrines formed in the course of the judiciary practice of the European Court of Justice. They acknowledge the doctrines of direct effect, direct applicability, the obligation of interpretation, mutual recognition, the finalising effect of directives, the doctrines of pre-emption and state liability.[4] The primacy of community law over national law is nevertheless questioned. After the Lisbon Treaty became effective, Spanish sources defined *the political model represented by the European Union as inter-governmental federalism*.[5] They stress the principle of participatory democracy worded in the Treaty, the elevation of the principle of subsidiarity into a general socio-political principle, the memoranda on the role of national parliaments in the European Union, the application of the principles of subsidiarity and proportionality, and the European Union Court of Justice Charter, as well as Declaration No. 17 on the interpretation of the primacy of EU law. This last document is especially interesting because it resulted in the exclusion of the precept of the primacy of community law from the Lisbon Treaty. The major argument and reason for the primacy of community law is worded in the opinion included in document No. 1197/07. (JUR 260) of the Council's Legal Service on the primacy of European Union law. This in turn derives the principle from the judiciary practice of the European Court of Justice. In connection with the verdict No. 6/64 ruled in the Costa vs. ENEL case on 15 July 1964 it declares: "The fact that the principle of primacy will not be included in the future treaty has no effect on its continued existence and the present judiciary practice of the Court." At the same time "... without primacy there is no community law and without law there is no Union."[6] – writes *Iñígo Méndez de Vigo* in his book entitled *What was the European Constitution?*

The issues of the primacy of community law and the relation of the national constitution and constitutionality are raised in Spanish sources, books and textbooks from the point of view of the sovereignty of people, representative democracy and democratic legitimity. In their judgement the primacy of community law clashes with the principle of supremacy of the national constitution and constitutionality. In a constitutional state with a rule of law there is a difference between constitution-making power and constitutionally created power. International treaties may be received in the domestic legal system but may not touch the constitutional essence of the given country, its inner core, the solid block of constitutionality. In the various phases of historical development – and not exclusively in crisis situations – the question of the domestic and external protection of constitutionality may naturally arise. In modern democracies this task is performed by Constitutional Courts. The functions of these and similar institutions include the interpretation of the relation of international treaties and internal law from the point of view of constitutional conformance. The Lisbon Treaty as an international agreement serves as the basis of the operation of the European Union, and, as already indicated, does not include the principle of the primacy of community law. At the same time it lists several legal principles which may be brought into effect and accepted by member states, such as

[4] *El Informe del Consejo de Estado sobre la inserción del Derecho europeo en el ordenamiento español*. Texto del informe, estudios y ponencias. Consejo de Estado, Centro de Estudios Políticos y Constitucionales, Madrid: 2008.

[5] See: Francisco Aldecoa Luzarrága y Mercedes Guinea Llorente: *La Europa que viene: El Tratado de Lisboa.* Marcial Pons, Madrid: 2010.

[6] Iñigo Méndez de Vigo (dir), *Qué fue de la Constitución Europea? El Tratado de Lisboa:un camino hacia el futuro.* Madrid, CEU-Fundación Rafael del Pino- European University Institute, Planeta: 2007, p.13.

openness, the delineation of authority domains, authorisation, flexibility, subsidiarity and proportionality, legal harmonisation etc. According to the stance generally accepted by Spanish sources, new principles need nevertheless be accepted and created in the relations of the two legal system types. These may be the following: *multi-level constitutionality, constitutional pluralism, complex constitutionality, competence, horizontal dialogue,* and *constitutional tolerance,* and in the handling of inevitable clashes of norms, *coexistent interactive hierarchy.*

In the absence of a community constitution, the existence of the European Union as a legal community and the principle of the primacy of EU law is incompatible with, and contrary to, the supremacy of national constitutions. This latter, Spanish authors argue, is effective in the world of international relations and treaties. In connection with this, we may find a controversy of regulation in Chapter Three of the Spanish Constitution. According to Article 93 authorisation may be granted by an organic act for concluding treaties by which powers derived from the constitution shall be transferred to an international organisation or institution. At the same time, according to the related Article 95 (1) the conclusion of an international treaty containing stipulations contrary to the constitution shall require prior constitutional amendment. As according to the Spanish interpretation of the law the doctrine of the primacy of European community law is incompatible, indeed, contrary, to the principle of the supremacy of the national constitution and constitutionality, a prior amendment is inevitable as a result of the regulations of the constitution. If this does not happen, a breach of constitution occurs on the one hand, and on the other, the rules contained in Article 96 on putting international treaties into effect and their publication in the Official Gazette may only be fulfilled subsequently. The international treaty will only be received in the domestic legal system following this procedure.

Under the effective Spanish legal system, this problem and dilemma may only be solved and resolved by a Constitutional Court ruling. Germany saw a process similar to the one required by the Spanish legal regulation on 12 October 1993, in connection with the Maastricht Treaty. In this instance the Supreme Court of Germany declared the compatibility of the Maastricht Treaty and the country's constitution.

The Spanish Constitutional Court faced a similar task. Up to the beginning of the 1990s the stance of the supreme guard of constitutionality rested on the following considerations: community law does not belong to the solid block of constitutionality. For this reason, conflicts between domestic and external community norms have no constitutional law relevance. As a result, the Constitutional Court does not deal with the issues of correct or incorrect applications of community law, as this is the task of other organisations authorised by the Spanish constitution. Thus at the beginning the Constitutional Court took the stance of "no intervention" in the dualist approach to the case. It regarded community law as separate and separated from the national legal system. It may be added in brackets that this approach did not prevent the reception of European community legal regulations as so-called "community regulations" on the basis of Article 96. By the beginning of the 1990s however, the judicial practice of the European Union Court of Justice, which resembled Constitutional Court functions and the role played by the Spanish state and the seventeen Autonomous Communities in community law application, combined with the necessity of the effective division of labour between them made it inevitable for the Constitutional Court to declare its position.

As early as 1988, the Spanish Constitutional Court dealt with the division of responsibilities between state and autonomous communities in connection with the application of community law in its Decision 252. This problem will be discussed in the next subchapter.

Discussion of the present topic will be commenced with Spanish Constitutional Court Decision No. 64/1991. According to the contents of this document, the country's accession to the European Union does not affect the function of the Constitutional Court as the supreme guard of constitutional order and the supreme interpreter of constitutionality. As community legal norms may not be regarded as laws of constitutional status, regular courts may rule in matters related to them. The Spanish Constitutional Court did not consider itself competent in these cases. The interpretation process was nevertheless not closed. Declaration No. 1/1991 issued by the Spanish Constitutional Court on 1st July 1992 requires prior constitutional amendment in compliance with Article 95, as regulated in Article 93, for the reception of community agreements (treaties, among others) in domestic law. Declaration No. 1/2004 by the Spanish Constitutional Court marks a decisive turning point in the interpretation of the correlation between the two legal systems. Interpreting the prescriptions in Article 93 of the Spanish constitution, the published document differentiates between general constitutional law norms affected by community law and untouchable constitutional law rules which belong to the essence of constitutionality. These latter form the constitutional block of the given country. The primacy of community law is effective only in the case of "regular" constitutional regulation. According to the memorandum on subsidiarity and proportionality, that only applies to transferred authorisations and competences. Finally, Constitutional Court Decision 58/2004 recognised the constitutional nature of community law and its constitutional law position. At the same time, according to Decision No. 64/1991, it underlined the role of the Constitutional Court as the supreme guard and supreme interpreter of the constitution.

### *3.2. State and Autonomous Community roles in the application of community law*

This subchapter discusses characteristics in the change of the Spanish public administration and self-government system that are closely related to the evolution of the content of European Law Studies. Under the system of general and central public administration the task of receiving and adapting community law to the domestic legal system is performed by the ministerial organisations of central government and public administration: the Prime Minister's Office and institutions as well as background institutions immediately controlled by it. Several other organisations also aid the process. These are partly domestic and partly belong to the group of external institutions connected to the Brussels Permanent Representation. Due to the form of state which exhibits characteristic features akin to federalism, the Autonomous Communities have an important role in receiving and applying EU law in Spain. The most important element in this system of relations is the cooperation between the Comunidades Autónomas and the central state administration. Within this, we may differentiate between internal and external factors and institutional solutions in the constantly changing system aof relations.

The central state governance and administration concerns itself with EU affairs and the application of community law via the Prime Minister's office called the

Presidency of Government (Presidencia del Gobierno), the Ministry of Foreign Affairs and Cooperation (Ministerio de Asuntos Exteriores y de Cooperación-MAEC), and the State Secretariat of European Union Affairs (Secretaria de Estado para la Unión Europea – SEUE). The SEUE coordinates the activities of the public administration apparatus. It gives instructions to the Brussels Permanent Representation and issues prescriptions to the Interministerial Commission of European Union Affairs (Comisión Interministerial de Asuntos de la Unión Europea - CIAUE). The Interministerial Commission of European Union Affairs has performed coordinative and informative tasks since 1985. Its work is aided by the Vice-Directoriat for International Ralations and Community Affairs of relevant ministries.

The domestic, or intermediate participation of Autonomous Communities in the reception and application of European law is carried out in the form of cooperation with the central government and public administration institutions. A decisive element of this process is the Conference of European Community Related Affairs (Conferencia para Asuntos Relacionados con la Comunidad Europea- CARCE). The integration of Autonomous Communities into the European Union system of state public administration is carried out via this organisation, founded in 1988. Its work is aided by the Coordination Committee for European Community Affairs (integrated into the Ministry for Public Administration). All these organisations lean on the apparatus of theEuropean State Secretariat and the State Secretariat for Territorial Cooperation. Finally, the Autonomous Communities employ the work organisation called Sectoral Conferences – set up jointly with the state – to effectively receive community law in the domestic legal system.

The external forms of the roles and activities of the Autonomous Communities in connection with community law may be classified into three groups. They have the option of delegating a councillor to the Brussels Permanent Representation. They may participate in the work of non-intergovernmental lobby organisations and associations. Finally, they may open their individual representation. The Autonomous Communities may use the authority transferred upon them by the central government in the course of the adaptation, application, and reception of community law. These domains of authority are laid down in their Statutes. It may be mentioned that it is an area in which the autonomous communities are gaining in competences and authority by constantly modifying their statutes. Especially the years 2006 and 2007 proved to be of watershed quality in this respect. 2006 saw the passing of the new Statutes of the Valencian Autonomous Community and Catalonia. The amended Statutes of the Balearics, Andalusia, Aragon, and Castile and Leon were issued in 2007. A fundamental change in the theory and practice of the system is most clearly marked by the Statute of Catalonia passed on 19th July 2006. The Act recognised the existence of the independent Catalan nation, and the application and reception of community law contributed to the widening of the individual scpoe of play in foreign relations for the autonomous community with Barcelona at its head. According to Title IV, Chapter I, Article 113 of the Statute of Catalonia passed in July 2006 "The Generalitat has the authority to enact, apply and implement European Union rules when these affect its powers under the terms esteblished in Title V."[7] The issue is dicussed in detail in Title V, Chapter II, Articles 184-192. Article 184 generally declares that the Generalitat participates, under the terms established by the Statute

[7] *Ley Orgánica 6/2006, de 19 de julio, de Reforma del Estatuto de Autonomía de Cataluña.* Boletín del Estado, núm. 172, 2006, p. 27286.

and the legislation of the State, in affairs related to the European Union that affect the powers or interests of Catalonia. This participation includes affairs and procedures related to the amendment, signing, and ratification of EU treaties, the formation of the Spanish state's stance, representation in community institutions, and the control of the principles of subsidiarity and proportionality. On the application and development of community law Article 189 (1) of the Statute declares: "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."[8] Article 189 (2) regulates cases when the application of European Union law demands internal means above Catalonia's competences. The central state power then must consult the Generalitat on the application of the necessary means. If this does not happen for some reason, prior information must be issued in connection with the proposed mechanisms. "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."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."[9] Further articles of the Statute regulate actions that may or must be undertaken by the Autonomous Community before the European Union Court of Justice, the modes of European fund management, and the individual representation of the Generalitat in the European Union. The Statute of Catalonia passed on 19th July 2006 recognises Catalans as an independent nation within the multi-nation, multicultural Kingdom of Spain. Several other historic regions of the country strive to gain the same status (Basque Country, Galicia, the Valencian Community). At the same time, as already mentioned, a homogeneous legal regulation of the seventeen autonomous communities has been brought into existence with the second half of 2010. As a result of this, Spain may be regarded as a federal state. This fact and the still outstanding general state reform[10] may bring fresh modifications in the structure of the state. This in turn will affect the evolution and teaching of European Law Studies in Spain.

## 4. Major Academic Schools and Institutions

As already emphasised in the introductory part of the present chapter, every Spanish university[11] – whether it is a higher education institution maintained privately, by a foundation, the state, or an autonomous community – offers European Union courses and European Studies Specialisations in the Bologna system for students in the BA and Master's phases alike. Within European Studies, most Spanish higher education institutions will have a separate course on European Law Studies in graduate

[8] *Op. cit.*, pp. 27 303-27 304.
[9] *Op. cit.*, pp. 27 304.
[10] For a detailed discussion see: *El Informe del Consejo de Estado sobre la reforma constitucional.Textos del informe y debates académicos.* Consejo de Estado-Centro de Estudios Políticos y Constitucionales, Madrid: 2006, p. 932.
[11] For a downloadable list of Spanish universities see: http://universidades.universia.es/unis-espanyolas/datos-basicos/index.htm

education. At Faculties of Law, Economics, Political Science and Sociology and the specialised private colleges and universities, European Law Studies is offered on several courses built on one another. In the decisive majority of Spanish higher education institutions European Law Studies courses have been introduced under the titles of *Introduction to Community Law Studies* or *The Fuundamentals of Community Law*, or in some cases *The General Principles of European Community Law*. The texbooks used cover a wide spectrum. European Law Studies books and adaptations are published by the universities as well as *publishers* specialising in legal and higher education and scholarly publications – *Aranzadi, Civitas, Tecnos, Colex, Ariel, Centro de Estudios Políticos y Constitucionales, UNED, Plaza y Valdés,* etc. *Graduate training* is complemented by *doctoral and postgraduate education*. The majority of these programmes connect to the work carried out at the university. At the same time, a major role in the development of European Law Studies in Spain is assumed by the research institutes already mentioned in the Introduction: the *Centre for Political and Constitutional Studies, the National Institute of Public Administration, various foundations, institutes, documentation centres, and the network maintained and operated by the Autonomous Communities.*

The prolific publication of books is combined with the issues of journals and other documents. An excellent opportunity presents itself to study sources and documents published in Spain and in other parts of the world as well as European Union presses at universities and other higher education institutions and the libraries of the above mentioned institutions, including that of the *Council of State*.

The development and application of European Law Studies in Spain is deeply affected by the theoretical issues presented and analysed in this chapter, the possible future changes in the Spanish form of state, the imminent general constitutional reform, and first and foremost, institutional and legal changes within the European Union.

## 5. The Most Influential Journals and Books Published in Spain

The most influetial books and journals published in Spain on the topic are the following:

*Books:*

Aja, Eliseo, *El Estado autonómico. Federalismo y hechos diferenciales*. Alianza Editorial, Madrid: 2003

Aldecoa Luzarrága, Francisco y Guinea Llorente, Mercedes, *La Europa que viene:El Tratado de Lisboa.* Marcial Pons, Madrid: 2010

Andrés Sáenz de Santamaría, Paz; González Vega, José y Fernández Pérez, B., *Introducción al Derecho de la Unión Europea.* Eurolex, Madrid: 1999

*Constitucionalismo en la Unión Europea.* Civitas, Madrid: 2002

Beneyto Perez, José María (dir), *Tratado de Derecho y Políticas de la Unión Europea*. Tomo I. y II. Editorial Aranzadi,

Diez Moreno, Fernando, *Manual de Derecho de la Unión Europea.* Editorial Civitas, Madrid: 2009

De Esteban, Jorge, *Las Constituciones de España.* Boletín Oficial del Estado, CEPC, Madrid: 2000

García Enterria, Eduardo y otros, *Codigo de la Unión Europea. 2 vols.* Editorial Civitas, Madrid: 2007

*El Informe del Consejo de Estado sobre la reforma constitucional. Textos del informe y debates académicos.* Consejo de Estado-Centro de Estudios Políticos y Constitucionales, Madrid: 2006, p. 932

*El Informe del Consejo de Estado sobre la inserción del Derecho Europeo en el ordenamiento español*. Texto del informe, estudios y ponencias. Consejo de Estado, Centro de Estudios Políticos y Constitucionales, Madrid: 2008

Gil Ibañez, Alberto, *El control y la ejecución del Derecho Comunitario. El papel de las Administraciones nacionales y europeas.* INAP, Madrid: 1998

Giron, Larrucea, José, *Sistema Jurídico de la Unión Europea. La reforma realizada en el Tratado de Lisboa.* Editorial Tirant lo Blanc,Valencia: 2008

Iglesias Cabero, Manuel, *Fundamentos de Derecho Comunitario Europeo.2.ª* Edición. Editorial Colex, Madrid: 1995

*Ley Orgánica 6/2006,de 19 de julio, de Reforma del Estatuto de Autonomía de Cataluña.* Boletín del Estado, núm. 172, 2006

Mangas Martín, Araceli y Liñán Nogueras, Diego, *Instituciones y Derecho de la Unión Europea.* Tecnos, Madrid: 2009

Melado Prado, P y otros, *Instituciones de Derecho Comunitario.* Colex, Madrid: 2009

Méndez de Vigo, Iñigo (dir), *Qué fue de la Constitución Europea? El Tratado de Lisboa: un camino hacia el futuro.* Madrid, CEU-Fundación Rafael del Pino-European University Institute, Planeta: 2007, p. 13

Ortega, Luis, *Derecho Comunitario Europeo.* Editorial Lex Niova, Madrid, 2007

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– Revista de Estudios Políticos
– Revista Española de Derecho Constitucional
– Revista Española de Derecho Comunitario
– Revista General de Derecho Europeo

SENSITIVE MAP OF SPANISH UNIVERSITIES


(*) UNIVERSIDADES PRIVADAS
(+) UNIVERSIDADES DE LA IGLESIA
Autonomous communities' universities in alphabetical order
Conference of Spanish University Presidents
EUA European University Association
State Department for Universities