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CONSOLIDATED LEGISLATION

Spanish Constitution.

General Courts
"BOE" No. 311, of December 29, 1978
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CONSOLIDATED TEXT

Last modification: September 27, 2011

DON JUAN CARLOS I, KING OF SPAIN, TO ALL WHO MAY SEE AND UNDERSTAND THIS DOCUMENT,

BE IT KNOWN: THAT THE COURTS HAVE APPROVED AND THE SPANISH PEOPLE HAVE RATIFIED THE FOLLOWING CONSTITUTION:

PREAMBLE

The Spanish Nation, desiring to establish justice, freedom and security and to promote the good of all its members, in use of its sovereignty, proclaims its will to:

To guarantee democratic coexistence within the Constitution and the laws in accordance with a just economic and social order.

Consolidate the rule of law to ensure the rule of law as an expression of the will of the people.

To protect all Spaniards and peoples of Spain in the exercise of human rights, their cultures and traditions, languages and institutions.

Promote the progress of culture and economy to ensure a decent quality of life for all.

To establish an advanced democratic society, and

To collaborate in the strengthening of peaceful relations and effective cooperation among all the peoples of the Earth.

Consequently, the Spanish Parliament approves and the people of Spain ratifies the following

CONSTITUTION

INTRODUCTORY TITLE

Article 1.

1. Spain is a social and democratic State governed by the rule of law, which upholds freedom, justice, equality and political pluralism as the highest values of its legal system.

2. National sovereignty resides in the Spanish people, from whom the powers of the State emanate.

3. The political form of the Spanish State is the Parliamentary Monarchy.

Article 2.

The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions of which it is composed and the solidarity among them all.

Article 3.

1. Spanish is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it.

2. The other Spanish languages will also be official in the respective Autonomous Communities in accordance with their Statutes.

3. The richness of the different linguistic modalities of Spain is a cultural heritage that will be the object of special respect and protection.

Article 4.

1. The flag of Spain consists of three horizontal stripes, red, yellow and red, the yellow being twice as wide as each of the red stripes.

2. The Statutes may recognize flags and ensigns of the Autonomous Communities. These shall be used together with the flag of Spain on their public buildings and in their official acts.

Article 5.

The capital of the State is the city of Madrid.

Article 6.

Political parties express political pluralism, contribute to the formation and manifestation of the will of the people and are a fundamental instrument for political participation. Their creation and the exercise of their activity are free within the respect for the Constitution and the Law. Their internal structure and operation shall be democratic.

Article 7.

Workers' unions and business associations contribute to the defense and promotion of their own economic and social interests. Their creation and the exercise of their activity are free within the respect for the Constitution and the ley. Their internal structure and operation shall be democratic.

Article 8.

1. The mission of the Armed Forces, consisting of the Army, the Navy and the Air Force, is to guarantee the sovereignty and independence of Spain, to defend its territorial integrity and the constitutional order.

2. An organic law shall regulate the bases of military organization in accordance with the principles of this Constitution.

Article 9.

1. Citizens and public authorities are subject to the Constitution and the rest of the legal system.

2. It is incumbent upon the public authorities to promote the conditions for the real and effective freedom and equality of the individual and of the groups to which he belongs; to remove obstacles that prevent or hinder their full realization; and to facilitate the participation of all citizens in political, economic, cultural and social life.

3. The Constitution guarantees the principle of legality, the hierarchy of norms, the publicity of rules, the non-retroactivity of penalties that are not favorable or that restrict individual rights, legal certainty, responsibility and the prohibition of arbitrariness of public authorities.

TITLE I

Fundamental rights and duties

Article 10.

1. The dignity of the person, the inviolable rights inherent to him/her, the free development of the personality, respect for the ley and the rights of others are the foundation of political order and social peace.

2. The rules relating to the fundamental rights and freedoms recognized by the Constitution shall be interpreted in accordance with the Universal Declaration of Human Rights and the international treaties and agreements on the same matters ratified by Spain.

CHAPTER ONE
Of Spaniards and foreigners

Article 11.

1. Spanish nationality is acquired, retained and lost in accordance with the provisions of the ley.

2. No native Spaniard may be deprived of his nationality.

3. The State will be able to conclude treaties of double nationality with the Ibero-American countries or with those that have had or have a particular link with Spain. In these same countries, even when they do not recognize to their citizens a reciprocal right, the Spaniards will be able to be naturalized without losing their nationality of origin.

Article 12.

Spaniards are of legal age at eighteen years of age.

Article 13.

1. Foreigners shall enjoy in Spain the public freedoms guaranteed by this Title under the terms established by treaties and the Law.

2. Only Spaniards shall be entitled to the rights recognized in Article 23, except for what, according to reciprocity criteria, may be established by treaty or ley for the right of active and passive suffrage in municipal elections.

3. Extradition shall only be granted in compliance with a treaty or the law, in accordance with the principle of reciprocity. Political crimes are excluded from extradition, and acts of terrorism are not considered as such.

4. The Law will establish the terms under which citizens of other countries and stateless persons may enjoy the right of asylum in Spain.

CHAPTER TWO
Rights and freedoms

Article 14.

Spaniards are equal before the law, without any discrimination on the grounds of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

*Section 1." Fundamental rights and **public liberties***

Article 15.

Everyone has the right to life and to physical and moral integrity, without, in any case, being subjected to torture or to inhuman or degrading punishment or treatment. The death penalty is abolished, except as may be provided by military criminal laws in time of war.

Article 16.

1. The ideological, religious and worship freedom of individuals and communities is guaranteed without any limitation, in its manifestations, other than that necessary for the maintenance of public order protected by the ley.

2. No one may be compelled to testify about his or her ideology, religion or beliefs.

3. No denomination shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall maintain the consequent relations of cooperation with the Catholic Church and other denominations.

Article 17.

1. Every person has the right to liberty and security. No one may be deprived of his liberty except with the observance of the provisions of this article and in the cases and in the manner provided for in the ley.

2. Preventive detention may not last longer than the time strictly necessary to carry out the investigations aimed at clarifying the facts, and, in any case, within a maximum period of seventy-two hours, the detainee must be released or placed at the disposal of the judicial authority.

3. All detainees must be informed immediately, and in a manner that is understandable to them, of their rights and the reasons for their detention, and may not be forced to testify. The assistance of a lawyer is guaranteed to the detainee in police and judicial proceedings, under the terms established by law.

4. The Law will regulate a "habeas corpus" procedure to produce the immediate bringing to court of any person illegally detained. Likewise, the law will determine the maximum term of pre-trial detention.

Article 18.

1. The right to honor, personal and family privacy and personal privacy are guaranteed. image.

2. The home is inviolable. No entry or search may be made therein without the consent of the owner or a court order, except in cases of flagrante delicto.

3. The secrecy of communications, especially postal, telegraphic and telephonic communications, is guaranteed, except in the case of a judicial decision.

4. The ley shall limit the use of information technology to guarantee the honor and personal and family privacy of citizens and the full exercise of their rights.

Article 19.

Spaniards have the right to freely choose their residence and to move within the national territory.

Likewise, they have the right to freely enter and leave Spain under the terms established by law. This right may not be limited for political or ideological reasons.

Article 20.

1. Rights are recognized and protected:

a) To freely express and disseminate thoughts, ideas and opinions by word, writing or any other means of reproduction.

b) To literary, artistic, scientific and technical production and creation.

c) To academic freedom.

d) To freely communicate or receive truthful information by any means of dissemination.

The law shall regulate the right to the conscience clause and professional secrecy in the exercise of these freedoms.

2. The exercise of these rights may not be restricted by any kind of prior censorship.

3. The ley shall regulate the organization and parliamentary control of the mass media dependent on the State or any public entity and shall guarantee access to such media for significant social and political groups, respecting the pluralism of society and the different languages of Spain.

4. These freedoms are limited by respect for the rights recognized in this Title, in the precepts of the laws that develop it and, especially, in the right to honor, privacy, self-image and the protection of youth and childhood.

5. The seizure of publications, recordings and other means of information may only be ordered by virtue of a court order.

Article 21.

1. The right to peaceful and unarmed assembly is recognized. The exercise of this right shall not require prior authorization.

2. In the case of meetings in places of public traffic and demonstrations, prior notice shall be given to the authorities, who may only prohibit them when there are well-founded reasons for disturbing public order, with danger to persons or property.

Article 22.

1. The right of association is recognized.

2. Associations that pursue ends or use means defined as criminal offenses are illegal.

3. Associations formed under this article shall be registered for the sole purpose of publicity.

4. Associations may only be dissolved or suspended from their activities by virtue of a reasoned judicial decision.

5. Secret and paramilitary associations are prohibited.

Article 23.

1. Citizens have the right to participate in public affairs, directly or through representatives, freely chosen in periodic elections by universal suffrage.

2. Likewise, they have the right to equal access to public functions and positions, subject to the requirements established by law.

Article 24.

1. All persons have the right to obtain the effective protection of judges and courts in the exercise of their rights and legitimate interests, without, in any case, the possibility of defenselessness.

2. Likewise, all have the right to an ordinary judge predetermined by the law, to a defense and the assistance of counsel, to be informed of the accusation against them, to a public trial without undue delay and with all guarantees, to use the means of evidence relevant to their defense, not to testify against themselves, not to confess guilt and to the presumption of innocence.

The Law shall regulate the cases in which, due to kinship or professional secrecy, there shall be no obligation to testify on allegedly criminal acts.

Article 25.

1. No one may be convicted or punished for actions or omissions that at the time of their occurrence did not constitute a crime, misdemeanor or administrative infraction, according to the legislation in force at the time.

2. The custodial sentences and security measures shall be oriented towards re-education and social reintegration and may not consist of forced labor. The convicted person serving a prison sentence shall enjoy the fundamental rights of this Chapter, with the exception of those that are expressly limited by the content of the conviction, the meaning of the sentence and the penitentiary law. In any case, he shall have the right to gainful employment and the corresponding Social Security benefits, as well as access to culture and to the integral development of his personality.

3. The civil administration may not impose sanctions that, directly or subsidiarily, imply deprivation of liberty.

Article 26.

Courts of Honor are prohibited in the field of civil administration and professional organizations.

Article 27.

1. Everyone has the right to education. Freedom of education is recognized.
2. The purpose of education shall be the full development of the human personality with respect for the democratic principles of coexistence and fundamental rights and freedoms.
3. The public authorities guarantee the right of parents to ensure that their children receive a religious and moral education in accordance with their own convictions.
4. Basic education is compulsory and free of charge.
5. The public authorities guarantee the right of all to education, by means of a general education program, with the effective participation of all the sectors concerned and the creation of educational centers.
6. Individuals and legal entities are recognized as having the freedom to create educational centers, while respecting constitutional principles.
7. Teachers, parents and, where appropriate, students shall intervene in the control and management of all centers supported by the Administration with public funds, under the terms established by the ley.
8. The public authorities shall inspect and homologate the educational system to ensure compliance with the laws.
9. The public authorities shall assist educational establishments which meet the requirements that la ley establishes.
10. The autonomy of the Universities is recognized, under the terms established by law.

Article 28.

1. Everyone has the right to freely join trade unions. The Law may limit or exempt the exercise of this right to the armed forces or institutes or to other bodies subject to military discipline, and shall regulate the peculiarities of its exercise for public servants. Freedom of association includes the right to form trade unions and to join the trade union of one's choice, as well as the right of trade unions to form confederations and to form or join international trade union organizations. No one may be forced to join a trade union.
2. The right of workers to strike in defense of their interests is recognized. The law regulating the exercise of this right shall establish the necessary guarantees to ensure the maintenance of the essential services of the community.

Article 29.

1. All Spaniards shall have the right of individual and collective petition, in writing, in the form and with the effects determined by the Law.
2. The members of the Armed Forces or Institutes or of the Corps subject to military discipline may exercise this right only individually and in accordance with the provisions of their specific legislation.

Section 2. ^ Of the rights and duties of citizens**Article 30.**

1. Spaniards have the right and the duty to defend Spain.
2. The ley shall establish the military obligations of Spaniards and shall regulate, with due guarantees, conscientious objection, as well as other causes for exemption from compulsory military service, being able to impose, as the case may be, a substitute social service.
3. A civilian service may be established for the fulfillment of purposes of general interest.
4. The duties of citizens in cases of serious risk, catastrophe or public calamity may be regulated by law.

Article 31.

1. All shall contribute to the support of public expenses in accordance with their economic capacity through a fair tax system inspired by the principles of equality and progressiveness which, in no case, shall have a confiscatory scope.

2. Public spending shall be based on an equitable allocation of public resources, and its programming and execution shall meet the criteria of efficiency and economy.

3. Only personal or patrimonial benefits of a public nature may be established in accordance with the Law.

Article 32.

1. Men and women have the right to enter into marriage with full legal equality.

2. The Law shall regulate the forms of marriage, the age and capacity to contract it, the rights and duties of the spouses, the causes of separation and dissolution and their effects.

Article 33.

1. The right to private property and inheritance is recognized.

2. The social function of these rights shall delimit their content, in accordance with the law.

3. No one may be deprived of his property and rights except for a justified cause of public utility or social interest, by means of the corresponding compensation and in accordance with the provisions of the law.

Article 34.

1. The right of foundation is recognized for purposes of general interest, in accordance with the ley.

2. The provisions of paragraphs 2 and 4 of Article 22.

Article 35.

1. All Spaniards have the duty to work and the right to work, to the free choice of profession or trade, to promotion through work and to sufficient remuneration to satisfy their needs and those of their families, without discrimination on grounds of sex.

2. The ley will regulate a workers' statute.

Article 36.

The Law shall regulate the peculiarities of the legal regime of the Professional Associations and the exercise of the qualified professions. The internal structure and operation of the Colleges shall be democratic.

Article 37.

1. The ley will guarantee the right to collective bargaining between workers' and employers' representatives, as well as the binding force of the agreements.

2. The right of workers and employers to take collective action is recognized. The law regulating the exercise of this right, without prejudice to the limitations that may be established, shall include the necessary guarantees to ensure the functioning of essential community services.

Article 38.

Freedom of enterprise is recognized within the framework of the market economy. The public authorities guarantee and protect its exercise and the defense of productivity, in accordance with the requirements of the general economy and, where appropriate, of planning.

CHAPTER THREE

On the guiding principles of social and economic policy

Article 39.

1. The public authorities ensure the social, economic and legal protection of the family.
2. The public authorities also ensure the full protection of children, who are equal before the law regardless of their parentage, and of mothers, regardless of their marital status. The law shall enable the investigation of paternity.
3. Parents must provide assistance of all kinds to children born in or out of wedlock, during their minority and in other legally appropriate cases.
4. Children shall enjoy the protection provided for in international agreements that safeguard their rights.

Article 40.

1. The public authorities shall promote favorable conditions for social and economic progress and for a more equitable distribution of regional and personal income, within the framework of a policy of economic stability. In particular, they shall pursue a policy aimed at full employment.
2. Likewise, the public authorities shall promote a policy that guarantees professional training and retraining; they shall ensure health and safety at work and guarantee the necessary rest, by limiting the working day, periodic paid vacations and the promotion of suitable centers.

Article 41.

The public authorities shall maintain a public Social Security system for all citizens, guaranteeing sufficient assistance and social benefits in situations of need, especially in the case of unemployment. The assistance and complementary benefits shall be free.

Article 42.

The State shall take special care to safeguard the economic and social rights of Spanish workers abroad and shall direct its policy towards their return.

Article 43.

1. The right to health protection is recognized.
2. It is the responsibility of the public authorities to organize and protect public health through preventive measures and the necessary benefits and services. The law will establish the rights and duties of all in this respect.
3. The public authorities shall promote health education, physical education and sports. They shall also facilitate the appropriate use of leisure time.

Article 44.

1. The public authorities shall promote and protect access to culture, to which everyone has the right.
2. The public authorities shall promote science and scientific and technical research for the benefit of the general interest.

Article 45.

1. Everyone has the right to enjoy an environment suitable for the development of the person, as well as the duty to preserve it.

2. The public authorities shall ensure the rational use of all natural resources in order to protect and improve the quality of life and to defend and restore the environment, relying on the indispensable collective solidarity.

3. For those who violate the provisions of the preceding paragraph, in the terms established by the Law, criminal or, if applicable, administrative sanctions will be established, as well as the obligation to repair the damage caused.

Article 46.

The public authorities shall guarantee the conservation and promote the enrichment of the historical, cultural and artistic heritage of the peoples of Spain and of the assets that comprise it, whatever their legal status and ownership. The penal law will sanction the attacks against this patrimony.

Article 47.

All Spaniards have the right to enjoy decent and adequate housing. The public authorities shall promote the necessary conditions and establish the relevant rules to make this right effective, regulating the use of land in accordance with the general interest to prevent speculation. The community shall participate in the capital gains generated by the urban development actions of the public authorities.

Article 48.

The public authorities shall promote the conditions for the free and effective participation of youth in political, social, economic and cultural development.

Article 49.

The public authorities shall carry out a policy of foresight, treatment, rehabilitation and integration of the physically, sensorial and mentally handicapped, to whom they shall provide the specialized attention they require and shall especially protect them for the enjoyment of the rights that this Title grants to all citizens.

Article 50.

The public authorities shall guarantee, by means of adequate and periodically updated pensions, the economic sufficiency of citizens during old age. Likewise, and independently of family obligations, they shall promote their welfare through a system of social services that shall attend to their specific problems of health, housing, culture and leisure.

Article 51.

1. The public authorities shall guarantee the defense of consumers and users, protecting, by means of effective procedures, their safety, health and legitimate economic interests.

2. The public authorities shall promote the information and education of consumers and users, shall encourage their organizations and shall hear them on matters that may affect them, under the terms established by Law.

3. Within the framework of the provisions of the preceding paragraphs, the Law shall regulate domestic trade and the system of authorization of commercial products.

Article 52.

The ley shall regulate the professional organizations that contribute to the defense of their own economic interests. Their internal structure and operation shall be democratic.

CHAPTER FOUR

Guarantees of fundamental rights and freedoms

Article 53.

1. The rights and freedoms recognized in Chapter Two of this Title are binding on all public authorities. Only by law, which in any case must respect their essential content, may the exercise of such rights and freedoms be regulated, which shall be protected in accordance with the provisions of Article 161, 1, a).

2. Any citizen may seek protection of the freedoms and rights recognized in Article 14 and Section One of Chapter Two before the ordinary Courts through a procedure based on the principles of preference and summary proceedings and, where appropriate, through an appeal for protection before the Constitutional Court. The latter recourse shall be applicable to conscientious objection as recognized in Article 30.

3. The recognition, respect and protection of the principles recognized in Chapter Three shall inform positive legislation, judicial practice and the actions of the public authorities. They may only be invoked before the ordinary courts in accordance with the provisions of the laws that develop them.

Article 54.

An organic law shall regulate the institution of the Ombudsman, as a high commissioner of the Cortes Generales, appointed by the latter for the defense of the rights included in this Title, for which purpose he may supervise the activity of the Administration, reporting to the Cortes Generales.

CHAPTER FIVE

Suspension of rights and freedoms

Article 55.

1. The rights recognized in Articles 17, 18, paragraphs 2 and 3, Articles 19, 20, The provisions of Articles 17, paragraphs 1, a) and d), and 5, Articles 21, 28, paragraph 2, and 37, paragraph 2, may be suspended when a state of emergency or siege is declared under the terms set forth in the Constitution. Article 17, paragraph 3, is exempted from the above provisions in the event of a declaration of a state of emergency.

2. An organic law may determine the manner and the cases in which, on an individual basis and with the necessary judicial intervention and appropriate parliamentary control, the rights recognized in Articles 17, paragraph 2, and 18, paragraphs 2 and 3, may be suspended for specific persons, in connection with investigations corresponding to the actions of armed gangs or terrorist elements.

The unjustified or abusive use of the powers recognized in said organic law shall give rise to criminal liability, as a violation of the rights and freedoms recognized by law.

TITLE II

From the Crown

Article 56.

1. The King is the Head of State, symbol of its unity and permanence, arbitrates and moderates the regular functioning of the institutions, assumes the highest representation of the Spanish State in international relations, especially with the nations of its historical community, and exercises the functions expressly attributed to him by the Constitution and the laws.

2. His title is King of Spain and he may use the other titles that correspond to the Crown.

3. The person of the King is inviolable and not subject to liability. His acts shall always be countersigned in the manner provided for in Article 64, lacking validity without such countersignature, except as provided for in Article 65, 2.

Article 57.

1. The Crown of Spain is hereditary in the successors of H. M. Don Juan Carlos I de Borbón, legitimate heir of the historical dynasty. Succession to the throne shall follow the regular order of primogeniture and representation, the preceding line always being preferred to the subsequent ones; in the same line, the closest degree to the most remote; in the same degree, the male to the female, and in the same sex, the oldest person to the youngest.

2. The Crown Prince, from birth or from the time of the event giving rise to the call, shall have the dignity of Prince of Asturias and the other titles traditionally linked to the successor to the Crown of Spain.

3. Extinguished all the lines called in Law, the Cortes Generales will provide for the succession to the Crown in the manner most convenient to the interests of Spain.

4. Those persons who, having the right to succession to the throne, marry against the express prohibition of the King and the Cortes Generales, shall be excluded from succession to the Crown for themselves and their descendants.

5. Abdications and renunciations and any doubt of fact or law occurring in the order of succession to the Crown shall be resolved by an organic law.

Article 58.

The Queen consort or the Queen's consort may not assume functions Constitutional, except as provided for the Regency.

Article 59.

1. When the King is a minor, the father or mother of the King and, in their absence, the relative of legal age closest to succeed to the Crown, according to the order established in the Constitution, shall immediately enter to exercise the Regency and shall exercise it during the time of the King's minority.

2. If the King becomes incapable of exercising his authority and the impossibility is recognized by the Cortes Generales, the Regency shall be exercised immediately by the Crown Prince, if he is of age. If he is not of age, the procedure shall be the same as provided for in the preceding paragraph, until the Crown Prince reaches the age of majority.

3. If there is no person to whom the Regency corresponds, it shall be appointed by the Cortes Generales, and shall be composed of one, three or five persons.

4. To exercise the Regency it is necessary to be Spanish and of legal age.

5. The Regency shall be exercised by constitutional mandate and always in the name of the King.

Article 60.

1. The guardian of the minor King shall be the person named in his will by the deceased King, provided that he is of legal age and a Spaniard by birth; if he has not been appointed, the father or mother shall be the guardian while they remain widowed. In the absence thereof, the Cortes Generales shall appoint him, but the offices of Regent and guardian may not be accumulated except in the father, mother or direct ascendants of the King.

2. The exercise of guardianship is also incompatible with the exercise of any political office or representation.

Article 61.

1. The King, upon being proclaimed before the Cortes Generales, shall take an oath to faithfully perform his duties, to keep and uphold the Constitution and the laws and to respect the rights of the citizens and of the Autonomous Communities.

2. The Crown Prince, upon reaching the age of majority, and the Regent or Regents upon taking office, shall take the same oath, as well as the oath of allegiance to the King.

Article 62.

It corresponds to the King:

- a) To sanction and enact laws.
- b) To convene and dissolve the Cortes Generales and to call elections under the terms provided in the Constitution.
- c) To call a referendum in the cases provided for in the Constitution.
- d) Propose the candidate for President of the Government and, if appropriate, appoint him/her, as well as terminate his/her functions under the terms set forth in the Constitution.
- e) Appoint and remove the members of the Government, at the proposal of its President.
- f) To issue the decrees agreed upon in the Council of Ministers, to confer civil and military employments and to grant honors and distinctions in accordance with the laws.
- g) To be informed of matters of State and to preside, for these purposes, over the sessions of the Council of Ministers, when he deems it appropriate, at the request of the President of the Government.
- h) The supreme command of the Armed Forces.
- i) Exercise the right of pardon in accordance with the law, which may not authorize general pardons.
- j) The High Patronage of the Royal Academies.

Article 63.

1. The King accredits ambassadors and other diplomatic representatives. Foreign representatives in Spain are accredited to him.
2. It is incumbent upon the King to express the consent of the State to be bound internationally by treaties, in accordance with the Constitution and the laws.
3. The King is responsible, with the prior authorization of the Cortes Generales, for declaring war and making peace.

Article 64.

1. The acts of the King shall be countersigned by the President of the Government and, where appropriate, by the competent Ministers. The proposal and appointment of the President of the Government, and the dissolution provided for in Article 99, shall be countersigned by the Speaker of Congress.
2. The persons who endorse the acts of the King shall be responsible for them.

Article 65.

1. The King receives from the State Budget a lump sum for the support of his Family and Household, and freely distributes the same.
2. The King freely appoints and dismisses the civilian and military members of his House.

TITLE III**Of the Cortes Generales****CHAPTER ONE****Of the Chambers****Article 66.**

1. The Cortes Generales represent the Spanish people and consist of the Congress of Deputies and the Senate.
2. The Cortes Generales exercise the legislative power of the State, approve its Budget, control the actions of the Government and have the other powers attributed to them by the Constitution.
3. The Cortes Generales are inviolable.

Article 67.

1. No one may be a member of both Houses simultaneously, nor may he/she be a member of an Assembly of an Autonomous Community and a Member of Congress at the same time.

2. The members of the Cortes Generales shall not be bound by an imperative mandate.

3. Meetings of Members of Parliament held without a statutory summons shall not bind the Houses, and shall not be able to exercise their functions or enjoy their privileges.

Article 68.

1. The Congress is composed of a minimum of 300 and a maximum of 400 Deputies, elected by universal, free, equal, direct and secret suffrage, under the terms established by Law.

2. The electoral district is the province. The populations of Ceuta and Melilla shall each be represented by one Deputy. The ley will distribute the total number of Deputies, assigning an initial minimum representation to each constituency and distributing the rest in proportion to the population.

3. The election shall be held in each constituency on the basis of proportional representation.

4. The Congress is elected for four years. The term of office of the Deputies ends four years after their election or on the day of the dissolution of the House.

5. All Spaniards who are in full use of their political rights are electors and eligible to vote.

The ley shall recognize and the State shall facilitate the exercise of the right of suffrage to Spaniards who are outside the territory of Spain.

6. The elections shall take place between thirty days and sixty days from the end of the term of office. The elected Congress shall be convened within twenty-five days following the holding of the elections.

Article 69.

1. The Senate is the Chamber of territorial representation.

2. Four Senators shall be elected in each province by universal, free, equal, direct and secret suffrage by the voters of each province, under the terms to be established by an organic law.

3. In the island provinces, each island or group of islands, with a Cabildo or Island Council, shall constitute a constituency for the purpose of electing Senators, with three corresponding to each of the major islands -Gran Canaria, Mallorca and Tenerife- and one to each of the following islands or groupings: Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote and La Palma.

4. The towns of Ceuta and Melilla will each elect two Senators.

5. The Autonomous Communities shall also appoint one Senator and one more for each million inhabitants of their respective territory. The appointment shall be made by the Legislative Assembly or, failing that, by the highest collegiate body of the Autonomous Community, in accordance with the provisions of the Statutes, which shall ensure, in all cases, adequate proportional representation.

6. The Senate is elected for four years. The term of office of Senators ends four years after their election or on the day of dissolution of the House.

Article 70.

1. The electoral law shall determine the causes of ineligibility and incompatibility of the Deputies and Senators, which shall include, in any case:

- a) To the members of the Constitutional Court.
- b) To senior officials of the State Administration as determined by the Law, with the exception of members of the Government.
- c) Al Ombudsman.
- d) To active Magistrates, Judges and Prosecutors.

e) To professional military personnel and members of the Security and Police Forces and Corps on active duty.

f) To the members of the Electoral Boards.

2. The validity of the minutes and credentials of the members of both Houses shall be subject to judicial control, under the terms established by the Electoral Law.

Article 71.

1. Deputies and Senators shall enjoy inviolability for the opinions expressed in the exercise of their functions.

2. During their term of office, Deputies and Senators shall also enjoy immunity and may only be arrested in case of flagrante delicto. They may not be indicted or prosecuted without the prior authorization of the respective Chamber.

3. The Criminal Chamber of the Supreme Court shall have jurisdiction in cases against Deputies and Senators.

4. Deputies and Senators shall receive an allowance to be fixed by the respective Houses.

Article 72.

1. The Houses establish their own Rules of Procedure, autonomously approve their budgets and, by common agreement, regulate the Statute of the Personnel of the Cortes Generales. The Standing Orders and their reform shall be submitted to a final vote on their totality, which shall require an absolute majority.

2. The Houses elect their respective Presidents and the other members of their Presiding Committees. The joint sessions shall be presided over by the President of the Congress and shall be governed by the Rules of Procedure of the Cortes Generales approved by an absolute majority of each House.

3. The Presidents of the Chambers exercise on behalf of the same all administrative powers and police powers within their respective seats.

Article 73.

1. The Houses shall meet annually in two regular sessions: the first from September to December and the second from February to June.

2. The Houses may meet in extraordinary sessions at the request of the Government, of the Permanent Deputation or of the absolute majority of the members of any of the Houses. Extraordinary sessions must be convened on a specific agenda and shall be closed once the agenda has been exhausted.

Article 74.

1. The Houses shall meet in joint session to exercise the non-legislative powers expressly attributed to the Cortes Generales by Title II.

2. The decisions of the Cortes Generales provided for in Articles 94, 1, 145, 2 and 158, 2, shall be adopted by a majority of each of the Houses. In the first case, the procedure shall be initiated by the Congress, and in the other two, by the Senate. In both cases, if there is no agreement between the Senate and the Congress, an attempt shall be made to obtain it by a Joint Commission composed of an equal number of Deputies and Senators. The Commission will present a text to be voted by both Houses. If it is not approved in the established manner, the Congress shall decide by absolute majority.

Article 75.

1. The Houses shall function in Plenary and by Committees.

2. The Houses may delegate to the Standing Legislative Committees the approval of bills or proposals of law. The Plenary may, however, at any time request the debate and vote on any bill or proposal of law that has been the object of this delegation.

3. Constitutional reform, international matters, organic and basic laws and the General State Budget are exempted from the provisions of the preceding paragraph.

Article 76.

1. The Congress and the Senate, and, as the case may be, both Houses jointly, may appoint Commissions of Inquiry into any matter of public interest. Their conclusions shall not be binding on the Courts, nor shall they affect judicial resolutions, without prejudice to the result of the investigation being communicated to the Public Prosecutor's Office for the exercise, where appropriate, of the opportune actions.

2. It will be obligatory to appear at the request of the Chambers. The Law shall regulate the penalties that may be imposed for failure to comply with this obligation.

Article 77.

1. The Chambers may receive individual and collective petitions, always in writing, and direct presentation by citizen demonstrations is prohibited.

2. The Houses may refer to the Government the petitions they receive. The Government is obliged to explain its contents, whenever the Houses so require.

Article 78.

1. In each House there shall be a Permanent Deputation composed of a minimum of twenty-one members, who shall represent the parliamentary groups, in proportion to their numerical importance.

2. The Permanent Deputations shall be presided over by the Speaker of the respective House and shall have the functions provided for in Article 73, that of assuming the powers corresponding to the Houses, in accordance with Articles 86 and 116, in the event that the Houses have been dissolved or their term of office has expired, and that of watching over the powers of the Houses when the latter are not in session.

3. Once the term of office has expired or in the event of dissolution, the Permanent Deputations shall continue to exercise their functions until the new Cortes Generales are constituted.

4. Once the corresponding Chamber has met, the Permanent Deputation shall report on the matters dealt with and its decisions.

Article 79.

1. In order to adopt resolutions, the Chambers must be in statutory session with the attendance of the majority of its members.

2. Such resolutions, in order to be valid, must be approved by the majority of the members present, without prejudice to the special majorities established by the Constitution or the organic laws and those established by the Rules of Procedure of the Houses for the election of persons.

3. The vote of Senators and Deputies is personal and non-delegable.

Article 80.

The plenary sessions of the Houses shall be public, unless otherwise agreed by each House, adopted by absolute majority or in accordance with the Rules of Procedure.

CHAPTER TWO

On the preparation of laws

Article 81.

1. Organic laws are those relating to the development of fundamental rights and public freedoms, those approving the Statutes of Autonomy and the general electoral system, and other laws provided for in the Constitution.

2. The approval, modification or repeal of organic laws shall require an absolute majority of the Congress, in a final vote on the bill as a whole.

Article 82.

1. The Cortes Generales may delegate to the Government the power to issue regulations with the rank of law on specific matters not included in the preceding article.

2. The legislative delegation must be granted by means of a basic law when its purpose is the formation of articulated texts or by an ordinary law when it is a question of merging several legal texts into a single one.

3. Legislative delegation must be expressly granted to the Government for a specific matter and the term for its exercise must be established. The delegation is exhausted by the use made of it by the Government through the publication of the corresponding regulation. It may not be understood to be granted implicitly or for an indefinite period of time. Nor may the sub-delegation be allowed to authorities other than the Government itself.

4. The basic laws shall precisely define the purpose and scope of the legislative delegation and the principles and criteria to be followed in its exercise.

5. The authorization to recast legal texts shall determine the regulatory scope to which the content of the delegation refers, specifying whether it is limited to the mere formulation of a single text or whether it includes the regularization, clarification and harmonization of the legal texts to be recast.

6. Without prejudice to the jurisdiction of the Courts, the delegation laws may establish additional control formulas in each case.

Article 83.

The basic laws may not in any case:

- a) To authorize the modification of the law of bases itself.
- b) To empower to issue rules retroactively.

Article 84.

When a proposed law or an amendment is contrary to a legislative delegation in force, the Government is empowered to oppose its processing. In such a case, a proposed law may be submitted for the total or partial repeal of the delegating law.

Article 85.

The provisions of the Government containing delegated legislation shall be called Legislative Decrees.

Article 86.

1. In cases of extraordinary and urgent necessity, the Government may issue provisional legislative provisions which shall take the form of Decree-Laws and which may not affect the organization of the basic institutions of the State, the rights, duties and freedoms of the citizens regulated in Title I, the regime of the Autonomous Communities or general electoral law.

2. Decree-laws must be immediately submitted to the Congress of Deputies, convened for that purpose if it is not in session, for debate and vote as a whole within thirty days following their promulgation. The Congress must expressly pronounce within said period on their validation or repeal, for which purpose the Regulations shall establish a special and summary procedure.

3. During the period established in the preceding paragraph, the Cortes may process them as draft laws by the urgency procedure.

Article 87.

1. The legislative initiative corresponds to the Government, the Congress and the Senate, in accordance with the Constitution and the Regulations of the Chambers.

2. The Assemblies of the Autonomous Communities may request the Government to adopt a draft law or submit a proposed law to the Bureau of Congress, delegating to said Chamber a maximum of three members of the Assembly in charge of its defense.

3. An organic law shall regulate the forms of exercise and requirements of the popular initiative for the presentation of proposals of law. In any case, no less than 500,000 accredited signatures shall be required. Said initiative shall not proceed in matters pertaining to organic law, taxation or of an international nature, nor in matters relating to the prerogative of grace.

Article 88.

The draft laws shall be approved by the Council of Ministers, which shall submit them to the Congress, together with an explanatory memorandum and the background information necessary to decide on them.

Article 89.

1. The processing of bills shall be regulated by the Regulations of the Houses, and the priority given to bills shall not prevent the exercise of the legislative initiative under the terms regulated by Article 87.

2. The proposals of ley that, in accordance with article 87, are taken into consideration by the Senate, shall be sent to the Congress for processing as such a proposal.

Article 90.

1. Once an ordinary or organic bill has been approved by the Congress of Deputies, its President shall immediately report the same to the President of the Senate, who shall submit it to the deliberation of the latter.

2. The Senate, within two months from the date of receipt of the text, may, by means of a reasoned message, veto it or introduce amendments thereto. The veto must be approved by an absolute majority. The bill may not be submitted to the King for approval unless the Congress ratifies the initial text by absolute majority, in the case of a veto, or by simple majority, after two months have elapsed since the veto was introduced, or decides on the amendments, accepting them or not by simple majority.

3. The two-month term available to the Senate to veto or amend the bill will be reduced to twenty calendar days for bills declared urgent by the Government or by the Congress of Deputies.

Article 91.

The King shall sanction within fifteen days the laws passed by the Cortes Generales, and shall promulgate them and order their immediate publication.

Article 92.

1. Political decisions of special importance may be submitted to a consultative referendum of all citizens.

2. The referendum shall be called by the King, by means of a proposal of the President of the Government, previously authorized by the Congress of Deputies.

3. An organic law shall regulate the conditions and procedure of the different referendum modalities provided for in this Constitution.

CHAPTER THREE

International Treaties

Article 93.

An organic law may authorize the conclusion of treaties conferring on an international organization or institution the exercise of powers derived from the Constitution. It is incumbent upon the Cortes Generales or the Government, as the case may be, the

guaranteeing compliance with these treaties and with the resolutions issued by the international or supranational organizations holding the assignment.

Article 94.

1. The provision of the consent of the State to be bound by treaties or agreements shall require the prior authorization of the Cortes Generales, in the following cases:

- a) Political treaties.
- b) Treaties or agreements of a military nature.
- c) Treaties or agreements affecting the territorial integrity of the State or the fundamental rights and duties established in Title I.
- d) Treaties or agreements involving financial obligations for the Treasury.
- e) Treaties or agreements that involve modification or repeal of any law or require legislative measures for their execution.

2. The Congress and the Senate shall be immediately informed of the conclusion of the remaining treaties or agreements.

Article 95.

1. The conclusion of an international treaty containing stipulations contrary to the Constitution shall require prior constitutional review.

2. The Government or any of the Houses of Parliament may request the Constitutional Court to declare whether or not this contradiction exists.

Article 96.

1. Validly concluded international treaties, once officially published in Spain, shall form part of the domestic legal system. Their provisions may only be repealed, modified or suspended in the manner provided for in the treaties themselves or in accordance with the general rules of international law.

2. For the denunciation of international treaties and conventions, the same procedure shall be used as provided for their approval in Article 94.

TITLE IV

Government and Administration

Article 97.

The Government directs domestic and foreign policy, civil and military administration and the defense of the State. It exercises the executive function and regulatory power in accordance with the Constitution and the laws.

Article 98.

1. The Government is composed of the President, the Vice-Presidents, as the case may be, the Ministers and the other members established by the Law.

2. The President directs the actions of the Government and coordinates the functions of the other members of the Government, without prejudice to the competence and direct responsibility of the latter in their management.

3. The members of the Government may not exercise any representative functions other than those proper to their parliamentary mandate, nor any other public function that does not derive from their office, nor any professional or commercial activity whatsoever.

4. The ley shall regulate the status and incompatibilities of the members of the Government.

Article 99.

1. After each renewal of the Congress of Deputies, and in other constitutional cases in which it is appropriate, the King, after consultation with the

representatives designated by the political groups with parliamentary representation, and through the President of the Congress, shall propose a candidate for the Presidency of the Government.

2. The candidate proposed in accordance with the provisions of the preceding paragraph shall present before the Congress of Deputies the political program of the Government he/she intends to form and shall request the confidence of the House.

3. If the Congress of Deputies, by the vote of the absolute majority of its members, grants its confidence to such candidate, the King shall appoint him President. If such majority is not reached, the same proposal shall be submitted to a new vote forty-eight hours after the previous one, and the confidence shall be deemed to have been granted if it obtains a simple majority.

4. If, after the aforementioned votes, confidence is not granted for the investiture, successive proposals shall be processed in the manner provided for in the preceding paragraphs.

5. If after a period of two months from the first vote of investiture no candidate has obtained the confidence of the Congress, the King shall dissolve both Houses and shall call new elections with the endorsement of the President of the Congress.

Article 100.

The other members of the Government shall be appointed and dismissed by the King, upon the proposal of its President.

Article 101.

1. The Government ceases to exist after the holding of general elections, in the cases of loss of parliamentary confidence provided for in the Constitution, or upon the resignation or death of its President.

2. The outgoing government will remain in office until the new government takes office.

Article 102.

1. The criminal liability of the President and other members of the Government shall be enforceable, as the case may be, before the Criminal Chamber of the Supreme Court.

2. If the accusation is for treason or for any crime against the security of the State in the exercise of its functions, it may only be brought on the initiative of one fourth of the members of Congress, and with the approval of the absolute majority of the Congress.

3. The royal prerogative of grace shall not be applicable to any of the cases of this article.

Article 103.

1. The Public Administration serves with objectivity the general interests and acts in accordance with the principles of efficiency, hierarchy, decentralization, deconcentration and coordination, with full submission to the Law and the Law.

2. The organs of the State Administration are created, governed and coordinated in accordance with the Law.

3. The Law shall regulate the status of civil servants, access to the civil service in accordance with the principles of merit and ability, the peculiarities of the exercise of their right to unionize, the system of incompatibilities and the guarantees for impartiality in the exercise of their functions.

Article 104.

1. The Security Forces and Corps, under the authority of the Government, shall have the mission of protecting the free exercise of rights and freedoms and guaranteeing public safety.

2. An organic law will determine the functions, basic principles of action and statutes of the Security Forces and Corps.

Article 105.

The ley will regulate:

a) The hearing of citizens, directly or through organizations and associations recognized by the ley, in the procedure for drafting administrative provisions that affect them.

b) Citizens' access to administrative archives and records, except in matters affecting the security and defense of the State, the investigation of crimes and the privacy of individuals.

c) The procedure through which administrative acts must be produced, guaranteeing, when appropriate, the hearing of the interested party.

Article 106.

1. The Courts control the regulatory power and the legality of administrative actions, as well as their compliance with the purposes that justify them.

2. Private individuals, under the terms established by the ley, shall be entitled to be indemnified for any injury they suffer to any of their property and rights, except in cases of force majeure, provided that the injury is the result of the operation of public services.

Article 107.

The Council of State is the supreme advisory body of the Government. An organic law shall regulate its composition and competence.

TITLE V

Relations between the Government and the Cortes Generales

Article 108.

The Government is jointly and severally liable in its political management before the Congress of Deputies.

Article 109.

The Chambers and their Committees may, through their Presidents, request the information and assistance they require from the Government and its Departments and from any authorities of the State and of the Autonomous Communities.

Article 110.

1. The Houses and their Committees may request the presence of members of the Government.

2. Members of the Government have access to the sessions of the Houses and their Committees and the power to be heard therein, and may request that officials of their Departments report to them.

Article 111.

1. The Government and each of its members are subject to interpellations and questions formulated in the Houses. For this type of debate, the Rules of Procedure shall establish a minimum weekly time.

2. Any interpellation may give rise to a motion in which the House expresses its position.

Article 112.

The President of the Government, after deliberation by the Council of Ministers, may submit to the Congress of Deputies a question of confidence on his program or on a declaration of general policy. Confidence shall be deemed to have been granted when a simple majority of the Deputies vote in favor thereof.

Article 113.

1. The Congress of Deputies may demand the political responsibility of the Government through the adoption by absolute majority of the motion of censure.

2. The motion of censure must be proposed by at least one tenth of the Deputies, and must include a candidate for the Presidency of the Government.

3. The motion of censure may not be voted upon until five days have elapsed since its presentation. Alternative motions may be presented during the first two days of this period.

4. If the motion of censure is not approved by the Congress, its signatories may not present another motion of censure during the same session.

Article 114.

1. If the Congress denies its confidence in the Government, the latter shall submit its resignation to the King, who shall then proceed to the appointment of the President of the Government, in accordance with the provisions of Article 99.

2. If the Congress adopts a motion of censure, the Government shall submit its resignation to the King and the candidate included in the motion shall be deemed to have the confidence of the House for the purposes provided for in Article 99.

Article 115.

1. The President of the Government, after deliberation by the Council of Ministers, and under his sole responsibility, may propose the dissolution of the Congress, the Senate or the Cortes Generales, which shall be decreed by the King. The decree of dissolution shall fix the date of the elections.

2. The dissolution proposal may not be submitted when a motion of censure is pending.

3. A new dissolution shall not take place before one year has elapsed since the previous dissolution, except as provided in Article 99, paragraph 5.

Article 116.

1. An organic law shall regulate the states of alarm, emergency and siege, and the corresponding powers and limitations.

2. The state of alarm shall be declared by the Government by means of a decree agreed upon by the Council of Ministers for a maximum period of fifteen days, reporting to the Congress of Deputies, which shall immediately convene for such purpose and without whose authorization said period may not be extended. The decree shall determine the territorial scope to which the effects of the declaration extend.

3. A state of emergency shall be declared by the Government by means of a decree agreed upon by the Council of Ministers, after authorization by the Congress of Deputies. The authorization and proclamation of the state of exception must expressly determine the effects thereof, the territorial scope to which it extends and its duration, which may not exceed thirty days, which may be extended for an equal period, subject to the same requirements.

4. A state of siege shall be declared by the absolute majority of the Congress of Deputies, on the exclusive proposal of the Government. The Congress shall determine its territorial scope, duration and conditions.

5. Congress may not be dissolved while some of the states included in the present article are declared, and the Houses shall be automatically convened if they are not in session. Its operation, as well as that of the other constitutional powers of the State, may not be interrupted during the validity of these states.

Once the Congress has been dissolved or its term of office has expired, if any of the situations that give rise to any of the aforementioned states should arise, the powers of the Congress shall be assumed by its Permanent Deputation.

6. The declaration of states of alarm, emergency and siege shall not modify the principle of responsibility of the Government and its agents recognized in the Constitution and the laws.

TITLE VI

Judiciary

Article 117.

1. Justice emanates from the people and is administered in the name of the King by Judges and Magistrates who are members of the judiciary, independent, irremovable, responsible and subject only to the rule of law.

2. Judges and Magistrates may not be removed, suspended, transferred or retired, except for one of the causes and with the guarantees provided for in the Law.

3. The exercise of jurisdictional power in all types of proceedings, judging and enforcing what has been judged, corresponds exclusively to the Courts and Tribunals determined by law, according to the rules of competence and procedure established therein.

4. The Courts and Tribunals shall not exercise any functions other than those indicated in the previous section and those expressly attributed to them by ley in guarantee of any right.

5. The principle of jurisdictional unity is the basis for the organization and functioning of the Courts. The ley shall regulate the exercise of military jurisdiction in the strictly military sphere and in cases of state of siege, in accordance with the principles of the Constitution.

6. Courts of exception are prohibited.

Article 118.

It is obligatory to comply with the sentences and other final resolutions of the Judges and Courts, as well as to provide the collaboration required by them in the course of the process and in the execution of the resolutions.

Article 119.

Justice shall be free of charge when so provided by the Law and, in any case, in respect of those who prove insufficient resources to litigate.

Article 120.

1. Judicial proceedings shall be public, with the exceptions provided for in the procedural laws.

2. The procedure will be predominantly oral, especially in criminal matters.

3. Judgments shall always be reasoned and shall be pronounced in a public hearing.

Article 121.

Damages caused by judicial error, as well as those resulting from the abnormal functioning of the Administration of Justice, shall entitle the State to compensation, in accordance with the Law.

Article 122.

1. The Organic Law of the Judiciary shall determine the constitution, operation and government of the Courts and Tribunals, as well as the legal status of the career Judges and Magistrates, who shall form a single Corps, and of the personnel in the service of the Administration of Justice.

2. The General Council of the Judiciary is its governing body. The organic law shall establish its statute and the system of incompatibilities of its members and their

functions, in particular with respect to appointments, promotions, inspection and disciplinary matters.

3. The General Council of the Judiciary shall be composed of the President of the Supreme Court, who shall preside over it, and twenty members appointed by the King for a period of five years. Of these, twelve shall be from among Judges and Magistrates of all judicial categories, under the terms established by the organic law; four shall be proposed by the Congress of Deputies, and four by the Senate, elected in both cases by a majority of three-fifths of its members, from among lawyers and other jurists, all of them of recognized competence and with more than fifteen years of practice in their profession.

Article 123.

1. The Supreme Court, with jurisdiction throughout Spain, is the highest court in all jurisdictions, except as provided for in matters of constitutional guarantees.

2. The President of the Supreme Court shall be appointed by the King, at the proposal of the General Council of the Judiciary, in the manner determined by the Law.

Article 124.

1. The mission of the Public Prosecutor's Office, without prejudice to the functions entrusted to other bodies, is to promote the action of justice in defense of legality, the rights of citizens and the public interest protected by the Law, ex officio or at the request of the interested parties, as well as to ensure the independence of the Courts and to procure before them the satisfaction of the social interest.

2. The Public Prosecutor's Office exercises its functions through its own organs in accordance with the principles of unity of action and hierarchical dependence and subject, in all cases, to the principles of legality and impartiality.

3. The Law shall regulate the organic statute of the Public Prosecutor's Office.

4. The State Attorney General shall be appointed by the King, at the proposal of the Government, after hearing the opinion of the General Council of the Judiciary.

Article 125.

Citizens may exercise popular action and participate in the Administration of Justice through the institution of the Jury, in the manner and with respect to those criminal proceedings that the Law determines, as well as in the customary and traditional Courts.

Article 126.

The judicial police depend on the Judges, the Courts and the Public Prosecutor's Office in their functions of investigating the crime and discovering and securing the offender, under the terms established by the Law.

Article 127.

1. Judges and Magistrates as well as Prosecutors, while in active service, may not hold other public office, nor belong to political parties or trade unions. The Law shall establish the system and modalities of professional association of Judges, Magistrates and Prosecutors.

2. The Law shall establish the regime of incompatibilities of the members of the judiciary, which shall ensure their total independence.

TITLE VII

Economy and Finance

Article 128.

1. All the wealth of the country in its different forms and regardless of its ownership is subordinated to the general interest.

2. Public initiative in economic activity is recognized. The law may reserve essential resources or services to the public sector, especially in the case of monopolies, and may also decide on the intervention of companies when so required by the general interest.

Article 129.

1. The ley shall establish the forms of participation of the interested parties in the Social Security and in the activity of public bodies whose function directly affects the quality of life or the general welfare.

2. The public authorities shall effectively promote the various forms of participation in the enterprise and shall encourage, by means of appropriate legislation, cooperative societies. They shall also establish such means as will facilitate the access of workers to the ownership of the means of production.

Article 130.

1. The public authorities shall attend to the modernization and development of all economic sectors and, in particular, of agriculture, livestock, fishing and handicrafts, in order to equalize the standard of living of all Spaniards.

2. For the same purpose, special treatment will be given to mountain areas.

Article 131.

1. The State, by means of ley, may plan general economic activity to meet collective needs, balance and harmonize regional and sectoral development and stimulate the growth of income and wealth and their fairer distribution.

2. The Government shall prepare the planning projects, in accordance with the forecasts supplied by the Autonomous Communities and the advice and collaboration of the trade unions and other professional, business and economic organizations. To this end, a Council shall be set up, the composition and functions of which shall be developed by ley.

Article 132.

1. The Law shall regulate the legal regime of public and communal property, based on the principles of inalienability, imprescriptibility and non-seizability, as well as their withdrawal.

2. State public domain assets are those determined by the Law and, in any case, the maritime-terrestrial zone, the beaches, the territorial sea and the natural resources of the economic zone and the continental shelf.

3. The State Patrimony and the National Patrimony, their administration, defense and conservation shall be regulated by Law.

Article 133.

1. The original power to establish taxes corresponds exclusively to the State, by means of Law.

2. The Autonomous Communities and local Corporations may establish and levy taxes, in accordance with the Constitution and the laws.

3. Any tax benefit affecting State taxes must be established by virtue of ley.

4. Public administrations may only incur financial obligations and make expenditures in accordance with the law.

Article 134.

1. The Government is responsible for the preparation of the General State Budget and the Cortes Generales for its examination, amendment and approval.

2. The General State Budget shall be of an annual nature, shall include all the expenses and revenues of the State public sector and shall include the amount of the tax benefits affecting State taxes.

3. The Government must submit to the Congress of Deputies the General State Budget at least three months before the expiration of the previous year's budget.

4. If the Budget Law is not approved before the first day of the corresponding fiscal year, the Budgets of the previous fiscal year shall be deemed to be automatically extended until the approval of the new Budgets.

5. Once the General State Budget has been approved, the Government may submit draft laws that imply an increase in public expenditure or a decrease in revenues corresponding to the same fiscal year.

6. Any proposal or amendment involving an increase in appropriations or a decrease in budgetary revenues shall require the consent of the Government for its processing.

7. The Budget Law may not create taxes. It may modify them when a substantive tax law so provides.

Article 135.

1. All Public Administrations shall adapt their actions to the principle of budgetary stability.

2. The State and the Autonomous Communities may not incur a structural deficit that exceeds the margins established, as the case may be, by the European Union for its Member States.

An organic law will set the maximum structural deficit allowed to the State and the Autonomous Communities, in relation to their gross domestic product. Local Entities must present a balanced budget.

3. The State and the Autonomous Communities must be authorized by Law to issue public debt or contract credit.

The appropriations to satisfy the interest and capital of the public debt of the Administrations shall always be understood to be included in the statement of expenditure of their budgets and their payment shall enjoy absolute priority. These credits may not be subject to amendment or modification, as long as they comply with the conditions of the issuance law.

The volume of public debt of the Public Administrations as a whole in relation to the gross domestic product of the State may not exceed the reference value established in the Treaty on the Functioning of the European Union.

4. The structural deficit and public debt volume limits may only be exceeded in the event of natural catastrophes, economic recession or extraordinary emergency situations beyond the control of the State that significantly impair the financial situation or the economic or social sustainability of the State, as determined by an absolute majority of the members of the Congress of Deputies.

5. An organic law shall develop the principles referred to in this article, as well as the participation, in the respective procedures, of the institutional coordination bodies between the Public Administrations in matters of fiscal and financial policy. In any case, it shall regulate:

a) The distribution of the deficit and debt limits among the different Public Administrations, the exceptional circumstances in which they may be exceeded and the form and term for correcting any deviations that may occur.

b) The methodology and procedure for calculating the structural deficit.

c) The responsibility of each Public Administration in the event of non-compliance with the budget stability objectives.

6. The Autonomous Communities, in accordance with their respective Statutes and within the limits referred to in this Article, shall adopt the appropriate provisions for the effective application of the principle of stability in their budgetary rules and decisions.

Please note that the structural deficit limits established in paragraph 2 will be in force as from 2020, as established in the sole additional provision.3 of the Reform of September 27, 2011. [Ref. BOE-A-2011-15210](#).

Article 136.

1. The Court of Audit is the supreme auditing body of the accounts and economic management of the State, as well as of the public sector.

It will report directly to the Cortes Generales and will exercise its functions by delegation from them in the examination and verification of the General State Account.

2. The accounts of the State and of the State public sector shall be rendered to the Court of Audit and shall be audited by it.

The Court of Audit, without prejudice to its own jurisdiction, shall send to the Cortes Generales an annual report in which, when appropriate, it shall communicate the infractions or liabilities which, in its opinion, may have been incurred.

3. The members of the Court of Auditors shall enjoy the same independence and irremovability and shall be subject to the same incompatibilities as Judges.

4. An organic law shall regulate the composition, organization and functions of the Court of Audit.

TITLE VIII

Territorial Organization of the State

CHAPTER ONE

General principles

Article 137.

The State is organized territorially into municipalities, provinces and the Autonomous Communities that may be constituted. All these entities enjoy autonomy for the management of their respective interests.

Article 138.

1. The State guarantees the effective realization of the principle of solidarity enshrined in Article 2 of the Constitution, ensuring the establishment of an adequate and fair economic balance between the various parts of the Spanish territory, and paying particular attention to the circumstances of insularity.

2. The differences between the Statutes of the different Autonomous Communities may not imply, in any case, economic or social privileges.

Article 139.

1. All Spaniards have the same rights and obligations in any part of the territory of the State.

2. No authority may adopt measures that directly or indirectly hinder the freedom of movement and establishment of persons and the free movement of goods throughout Spanish territory.

CHAPTER TWO
Local Government

Article 140.

The Constitution guarantees the autonomy of the municipalities. They shall enjoy full legal personality. Their government and administration corresponds to their respective City Councils, made up of Mayors and Councilmen. The Councilmen shall be elected by the residents of the municipality by universal, equal, free, direct and secret suffrage, in the manner established by the ley. The Mayors shall be elected by the Councilmen or by the neighbors. The ley shall regulate the conditions under which the open council regime is applicable.

Article 141.

1. The province is a local entity with its own legal personality, determined by the grouping of municipalities and territorial division for the fulfillment of the activities of the State. Any alteration of the provincial boundaries must be approved by the Cortes Generales by means of an organic law.

2. The government and autonomous administration of the provinces shall be entrusted to Provincial Councils or other representative Corporations.

3. Groupings of different municipalities of the province may be created.

4. In the archipelagos, the islands will also have their own administration in the form of Cabildos or Councils.

Article 142.

Local treasuries shall have sufficient means to carry out the functions that the Law attributes to the respective Corporations and shall be fed fundamentally by their own taxes and by participation in those of the State and of the Autonomous Communities.

CHAPTER THREE
Of the Autonomous Communities

Article 143.

1. In the exercise of the right to autonomy recognized in Article 2 of the Constitution, bordering provinces with common historical, cultural and economic characteristics, island territories and provinces with a historical regional entity may accede to self-government and constitute themselves into Autonomous Communities in accordance with the provisions of this Title and the respective Statutes.

2. The initiative of the autonomous process corresponds to all the interested Provincial Councils or to the corresponding inter-island body and to two thirds of the municipalities whose population represents, at least, the majority of the electoral roll of each province or island. These requirements must be fulfilled within a period of six months from the first agreement adopted in this respect by any of the interested local Corporations.

3. If the initiative is unsuccessful, it can only be repeated after five years.

Article 144.

The Cortes Generales, by means of an organic law, may, for reasons of national interest:

a) To authorize the constitution of an autonomous community when its territorial scope does not exceed that of a province and does not meet the conditions of paragraph 1 of Article 143.

b) To authorize or agree, as the case may be, on a Statute of autonomy for territories that are not integrated into the provincial organization.

c) Substitute the initiative of the local Corporations referred to in section 143(2).

Article 145.

1. In no case shall the federation of Autonomous Communities be admitted.

2. The Statutes may provide for the cases, requirements and terms in which the Autonomous Communities may enter into agreements among themselves for the management and provision of services proper to them, as well as the nature and effects of the corresponding communication to the Cortes Generales. In all other cases, cooperation agreements between the Autonomous Communities shall require the authorization of the Cortes Generales.

Article 146.

The draft Statute shall be prepared by an assembly composed of the members of the Diputación or inter-island body of the provinces concerned and by the Deputies and Senators elected in them, and shall be submitted to the Cortes Generales for processing as ley.

Article 147.

1. Within the terms of this Constitution, the Statutes shall be the basic institutional rule of each Autonomous Community and the State shall recognize and protect them as an integral part of its legal system.

2. The Statutes of Autonomy shall contain:

a) The name of the Community that best corresponds to its historical identity.

b) The delimitation of its territory.

c) The name, organization and headquarters of the autonomous institutions.

d) The powers assumed within the framework established in the Constitution and the bases for the transfer of the services corresponding thereto.

3. The reform of the Statutes will be adjusted to the procedure established therein and will require, in any case, the approval by the Cortes Generales, by means of an organic law.

Article 148.

1. The Autonomous Communities may assume competences in the following matters:

1.^a Organization of its self-government institutions.

2.^a The alterations of the municipal boundaries included in its territory and, in general, the functions that correspond to the State Administration over the local Corporations and whose transfer is authorized by the legislation on Local Regime.

3.^a Spatial planning, urban planning and housing.

4.^a Public works of interest to the Autonomous Community in its own territory.

5.^a Railroads and highways whose itinerary is entirely within the territory of the Autonomous Community and, in the same terms, transport by these means or by cable.

6.^a Ports of refuge, marinas and airports and, in general, those that do not carry out commercial activities.

7.^a Agriculture and livestock farming, in accordance with the general management of the economy.

8.^a Forestry and forest use.

9.^a Management of environmental protection.

10.^a The projects, construction and operation of hydraulic developments, canals and irrigation systems of interest to the Autonomous Community; mineral and thermal waters.

11.^a Fishing in inland waters, shellfishing and aquaculture, hunting and river fishing.

12.^a Indoor fairs.

13.^a The promotion of the economic development of the Autonomous Community within the objectives set by national economic policy.

14.^a Craftsmanship.

15 Museums, libraries and music conservatories of interest to the Autonomous Community.

16 Monumental heritage of interest to the Autonomous Community.

17 The promotion of culture, research and, where appropriate, the teaching of the language of the Autonomous Community.

18 Promotion and management of tourism in its territorial scope.

19 ^á Promotion of sports and the appropriate use of leisure time.

20 ^á Social assistance.

21 ^á Health and hygiene.

22 The surveillance and protection of its buildings and facilities. Coordination and other powers in relation to the local police under the terms to be established by an organic law.

2. After five years, and by means of the reform of their Statutes, the Autonomous Communities may successively extend their powers within the framework established in Article 149.

Article 149.

1. The State has exclusive competence over the following matters:

1 ^á The regulation of the basic conditions that guarantee the equality of all Spanish citizens in the exercise of their rights and in the fulfillment of their constitutional duties.

2 ^á Nationality, immigration, emigration, foreigners and asylum law.

3 ^á International relations.

4.^a Defense and Armed Forces.

^á Administration of Justice.

6.^a Commercial, criminal and penitentiary legislation; procedural legislation, without prejudice to the necessary specialties derived from the particularities of the substantive law of the Autonomous Communities.

7 ^á Labor legislation; without prejudice to its execution by the bodies of the Communities. Autonomous.

8 Civil legislation, without prejudice to the preservation, modification and development of the Autonomous Communities of the civil, foral or special rights, where they exist. In any case, the rules relating to the application and effectiveness of legal rules, civil-legal relations relating to the forms of marriage, organization of public registers and instruments, bases of contractual obligations, rules for resolving conflicts of laws and determination of the sources of law, with respect, in the latter case, to the rules of foral or special law.

^á Intellectual and industrial property legislation.

10 Customs and tariff regime; foreign trade.

11 Monetary system: currencies, exchange and convertibility; bases of credit, banking and insurance management.

12 ^á Legislation on weights and measures, determination of official time.

13 Bases and coordination of the general planning of economic activity.

14 General Treasury and State Debt.

15 ^á Promotion and general coordination of scientific and technical research.

16 ^á Foreign health. Bases and general coordination of health. Legislation on pharmaceutical products.

17 ^á Basic legislation and economic regime of the Social Security, without prejudice to the execution of its services by the Autonomous Communities.

18 ^á The bases of the legal regime of public administrations and the regime of the
The following provisions are applicable to the public administrations: the statutory regulations governing their civil servants, which, in any case, shall guarantee to the public a common treatment before them; the common administrative procedure, without prejudice to the specialties derived from the organization of the Autonomous Communities; legislation on compulsory expropriation; basic legislation on administrative contracts and concessions; and the system of liability of all public administrations.

19 Sea fishing, without prejudice to the competences attributed to the Autonomous Communities in the management of the sector.

20 ^a Merchant marine and flagging of vessels; coastal lighting and signals maritime; ports of general interest; airports of general interest; airspace control, air traffic and transport, meteorological service and aircraft registration.

21 ^a Railroads and land transportation passing through the territory of more than one country. Autonomous Community; general communications regime; traffic and circulation of motor vehicles; post and telecommunications; aerial, submarine and radio communication cables.

22 ^a Legislation, management and concession of water resources and water use. when the waters flow through more than one Autonomous Community, and the authorization of electrical installations when their use affects another Community or the transport of energy goes beyond its territorial scope.

23 ^a Basic legislation on the protection of the environment, without prejudice to the powers of the Autonomous Communities to establish additional protection regulations. Basic legislation on forests, forest use and livestock trails.

24 Public works of general interest or the execution of which affects more than one country. Autonomous Community.

25 ^a Bases of the mining and energy regime.

26 Regime for the production, trade, possession and use of arms and explosives.

27 ^a Basic rules governing the press, radio and television and, in general, all the media. The law does not affect the powers that correspond to the Autonomous Communities in its development and execution.

28 ^a Defense of Spain's cultural, artistic and monumental heritage against the export and spoliation; museums, libraries and archives owned by the State, without prejudice to their management by the Autonomous Communities.

29 ^a Public security, without prejudice to the possibility of creating police forces by the Autonomous Communities in the manner established in the respective Statutes within the framework of the provisions of an organic law.

30 ^a Regulation of the conditions for obtaining, issuing and homologation of degrees. and basic rules for the development of Article 27 of the Constitution, in order to ensure compliance with the obligations of the public authorities in this area.

31 Statistics for government purposes.

32 Authorization to call popular consultations by referendum.

2. Without prejudice to the powers that may be assumed by the Autonomous Communities, the State shall consider the service of culture as a duty and essential attribute and shall facilitate cultural communication among the Autonomous Communities, in agreement with them.

3. Matters not expressly attributed to the State by this Constitution may correspond to the Autonomous Communities, by virtue of their respective Statutes. Jurisdiction over matters which have not been assumed by the Statutes of Autonomy shall correspond to the State, whose rules shall prevail, in the event of conflict, over those of the Autonomous Communities in all matters not attributed to the exclusive jurisdiction of the latter. State law shall, in all cases, be supplementary to the law of the Autonomous Communities.

Article 150.

1. The Cortes Generales, in matters of State competence, may confer on all or some of the Autonomous Communities the power to enact, for themselves, legislative rules within the framework of the principles, bases and guidelines established by a State law. Without prejudice to the competence of the Courts, each framework law shall establish the form of control by the Cortes Generales over these legislative rules of the Autonomous Communities.

2. The State may transfer or delegate to the Autonomous Communities, by means of an organic law, powers corresponding to matters of State ownership which, by their very nature, are susceptible to transfer or delegation. The Law shall provide in each case for the

The corresponding transfer of financial resources, as well as the forms of control that the State reserves for itself.

3. The State may enact laws establishing the principles necessary to harmonize the regulatory provisions of the Autonomous Communities, even in the case of matters attributed to the competence of the latter, when the general interest so requires. The Cortes Generales, by an absolute majority of each House, shall be responsible for assessing this need.

Article 151.

1. It shall not be necessary to allow the five-year period referred to in paragraph 2 of Article 148 to elapse when the initiative of the autonomic process is agreed upon within the period provided for in Article 143.2, in addition to the corresponding Provincial Councils or inter-island bodies, by three quarters of the municipalities of each of the provinces concerned, representing at least the majority of the electoral roll of each of them, and such initiative is ratified by referendum by the affirmative vote of the absolute majority of the electors of each province under the terms to be established by an organic law.

2. In the case provided for in the preceding paragraph, the procedure for the preparation of the Bylaws shall be as follows:

1. The Government shall summon all the Deputies and Senators elected in the constituencies included in the territorial area that intends to accede to self-government, so that they may constitute themselves into an Assembly, for the sole purpose of drawing up the corresponding draft Statute of Autonomy, by means of the agreement of the absolute majority of its members.

2. Once the draft Statute has been approved by the Assembly of Parliamentarians, it shall be sent to the Constitutional Commission of the Congress, which, within a period of two months, shall examine it with the assistance and assistance of a delegation of the proposing Assembly in order to determine by mutual agreement its final formulation.

3. If such agreement is reached, the resulting text shall be submitted to a referendum of the electoral body of the provinces included in the territorial scope of the projected Statute.

4. If the draft Statute is approved in each province by a majority of the votes validly cast, it shall be submitted to the Cortes Generales. The plenary sessions of both Houses shall decide on the text by means of a vote of ratification. Once the Statute has been approved, the King shall sanction and promulgate it as ley.

5. If the agreement referred to in paragraph 2 of this number is not reached, the draft Statute shall be processed as a bill before the Cortes Generales. The text approved by the Cortes Generales shall be submitted to a referendum of the electoral body of the provinces included in the territorial scope of the proposed Statute. If it is approved by the majority of the votes validly cast in each province, it shall be enacted under the terms of the preceding paragraph.

3. In the cases of paragraphs 4 and 5 of the preceding section, the non-approval of the draft Statute by one or more provinces shall not prevent the constitution among the remaining provinces of the projected Autonomous Community, in the manner established by the organic law provided for in paragraph 1 of this Article.

Article 152.

1. In the Statutes approved by the procedure referred to in the preceding Article, the institutional organization of the Autonomous Communities shall be based on a Legislative Assembly, elected by universal suffrage, in accordance with a system of proportional representation which also ensures the representation of the various areas of the territory; a Council of Government with executive and administrative functions; and a President, elected by the Assembly from among its members and appointed by the King, who shall be responsible for the direction of the Council of Government, the supreme representation of the respective Community and the ordinary representation of the State in the Community. The President and the members of the Council of Government shall be politically responsible to the Assembly.

A High Court of Justice, without prejudice to the jurisdiction corresponding to the Supreme Court, shall complete the judicial organization in the territorial area of the Autonomous Community. The Statutes of the Autonomous Communities may establish the assumptions and forms of participation of the former in the organization of the judicial districts of the territory. All this in accordance with the provisions of the Organic Law of the Judiciary and within the unity and independence of the latter.

Without prejudice to the provisions of Article 123, the successive procedural instances, if any, shall be exhausted before judicial bodies located in the same territory of the Autonomous Community in which the body having jurisdiction in the first instance is located.

2. Once the respective Bylaws have been approved and promulgated, they may only be modified by means of the procedures established therein and by means of a referendum among the voters registered in the corresponding census.

3. By means of the grouping of neighboring municipalities, the Statutes may establish their own territorial districts, which shall enjoy full legal personality.

Article 153.

The control of the activity of the bodies of the Autonomous Communities shall be exercised:

- a) For the Constitutional Court, that relating to the constitutionality of its normative provisions with the force of law.
- b) By the Government, following the opinion of the Council of State, that of the exercise of delegated functions referred to in paragraph 2 of Article 150.
- c) For the contentious-administrative jurisdiction, that of the autonomous administration and its regulatory norms.
- d) For the Court of Audit, the economic and budgetary.

Article 154.

A Delegate appointed by the Government shall direct the State Administration in the territory of the Autonomous Community and shall coordinate it, where appropriate, with the Community's own administration.

Article 155.

1. If an Autonomous Community does not comply with the obligations imposed on it by the Constitution or other laws, or acts in a manner that seriously jeopardizes the general interest of Spain, the Government, after having requested the President of the Autonomous Community to do so and, in the event of failure to comply, with the approval of an absolute majority of the Senate, may adopt the necessary measures to compel the Autonomous Community to comply with such obligations or to protect the aforementioned general interest.

2. For the execution of the measures provided for in the preceding paragraph, the Government may issue instructions to all the authorities of the Autonomous Communities.

Article 156.

1. The Autonomous Communities shall enjoy financial autonomy for the development and execution of their powers in accordance with the principles of coordination with the State Treasury and solidarity among all Spaniards.

2. The Autonomous Communities may act as delegates or collaborators of the State for the collection, management and liquidation of the tax resources of the State, in accordance with the laws and the Statutes.

Article 157.

1. The resources of the Autonomous Communities will consist of:

- a) Taxes ceded in whole or in part by the State; surcharges on State taxes and other participations in State revenues.
- b) Its own taxes, fees and special contributions.
- c) Transfers from an inter-territorial compensation fund and other allocations from the General State Budget.

- d) Income from its assets and income under private law.
- e) Proceeds from credit operations.

2. Under no circumstances may the Autonomous Communities adopt tax measures on goods located outside their territory or which constitute an obstacle to the free movement of goods or services.

3. The exercise of the financial powers listed in paragraph 1 above, the rules for resolving any conflicts that may arise and the possible forms of financial collaboration between the Autonomous Communities and the State may be regulated by means of an organic law.

Article 158.

1. The General State Budget may establish an allocation to the Autonomous Communities based on the volume of State services and activities they have assumed and on the guarantee of a minimum level in the provision of basic public services throughout the Spanish territory.

2. In order to correct inter-territorial economic imbalances and to give effect to the principle of solidarity, a Compensation Fund will be created for investment expenses, the resources of which will be distributed by the Cortes Generales among the Autonomous Communities and provinces, as the case may be.

TITLE IX

Constitutional Court

Article 159.

1. The Constitutional Court is composed of 12 members appointed by the King, four of whom are proposed by the Congress by a three-fifths majority of its members; four by proposal of the Senate, with the same majority; two by proposal of the Government; and two by proposal of the General Council of the Judiciary.

2. The members of the Constitutional Court shall be appointed from among Magistrates and Prosecutors, University Professors, civil servants and Lawyers, all of them jurists of recognized competence with more than fifteen years of professional practice.

3. The members of the Constitutional Court shall be appointed for a term of nine years and shall be renewed by thirds every three years.

4. The condition of member of the Constitutional Court is incompatible: with any representative mandate; with political or administrative positions; with the performance of executive functions in a political party or trade union and with employment in their service; with the exercise of judicial and prosecutorial careers, and with any professional or commercial activity.

In all other respects, the members of the Constitutional Court shall have the same incompatibilities as members of the judiciary.

5. The members of the Constitutional Court shall be independent and irremovable in the exercise of their mandate.

Article 160.

The President of the Constitutional Court shall be appointed from among its members by the King, at the proposal of the full Court and for a period of three years.

Article 161.

1. The Constitutional Court has jurisdiction over the entire Spanish territory and is competent to hear cases:

- a) On the appeal of unconstitutionality against laws and regulations with the force of law. The declaration of unconstitutionality of a legal rule with the force of law,

interpreted by jurisprudence, will affect the latter, although the judgment or judgments rendered will not lose the value of *res judicata*.

b) The appeal for protection for violation of the rights and freedoms referred to in Article 53, 2, of this Constitution, in the cases and forms established by the Law.

c) Conflicts of competence between the State and the Autonomous Communities or between the Autonomous Communities and each other.

d) Other matters attributed to it by the Constitution or organic laws.

2. The Government may challenge before the Constitutional Court the provisions and resolutions adopted by the bodies of the Autonomous Communities. The challenge shall result in the suspension of the provision or resolution appealed against, but the Court, if appropriate, shall ratify or lift it within a period not exceeding five months.

Article 162.

1. They are legitimized:

a) To file an appeal of unconstitutionality, the President of the Government, the Ombudsman, 50 Deputies, 50 Senators, the executive collegiate bodies of the Autonomous Communities and, as the case may be, the Assemblies thereof.

b) Any natural or legal person claiming a legitimate interest, as well as the Ombudsman and the Public Prosecutor's Office, may file an appeal for *amparo*.

2. In all other cases, the organic law shall determine the persons and bodies entitled.

Article 163.

When a judicial body considers, in any proceedings, that a rule with the rank of law, applicable to the case, on the validity of which the ruling depends, may be contrary to the Constitution, it shall raise the issue before the Constitutional Court in the cases, in the manner and with the effects established by law, which in no case shall be suspensive.

Article 164.

1. The judgments of the Constitutional Court shall be published in the official gazette of the State, together with any dissenting opinions. They have the force of *res judicata* as of the day following their publication and no appeal may be lodged against them. Those that declare the unconstitutionality of a law or a rule with the force of law and all those that are not limited to the subjective estimation of a right, have full effect against all.

2. Unless otherwise provided for in the ruling, the law shall remain in force in the part not affected by the unconstitutionality.

Article 165.

An organic law shall regulate the functioning of the Constitutional Court, the status of its members, the procedure before it and the conditions for the exercise of actions.

TITLE X

Constitutional reform

Article 166.

The initiative for constitutional reform shall be exercised in accordance with the terms set forth in paragraphs 1 and 2 of Article 87.

Article 167.

1. Constitutional reform projects must be approved by a three-fifths majority of each of the Houses. If there is no agreement between both Houses, an attempt shall be made to

This will be achieved through the creation of a Commission of equal composition of Deputies and Senators, which will submit a text to be voted by the Congress and the Senate.

2. If approval is not obtained through the procedure described in the preceding paragraph, and provided that the text has obtained the favorable vote of the absolute majority of the Senate, the Congress, by a two-thirds majority, may approve the amendment.

3. Once the reform has been approved by the Cortes Generales, it shall be submitted to a referendum for ratification when so requested, within fifteen days following its approval, by one tenth of the members of any of the Houses.

Article 168.

1. When a total revision of the Constitution or a partial revision affecting the Preliminary Title, the Second Chapter, First Section of Title I, or Title II is proposed, a two-thirds majority of each House shall approve the principle, and the Cortes shall be dissolved immediately.

2. The elected Chambers must ratify the decision and proceed to the study of the new constitutional text, which must be approved by a two-thirds majority of both Chambers.

3. Once the reform has been approved by the Cortes Generales, it will be submitted to a referendum for ratification.

Article 169.

Constitutional reform may not be initiated in time of war or during the validity of any of the states provided for in Article 116.

ADDITIONAL PROVISIONS

First.

The Constitution protects and respects the historical rights of the foral territories.

The general updating of said foral regime shall be carried out, where appropriate, within the framework of the Constitution and the Statutes of Autonomy.

Second.

The declaration of the age of majority contained in Article 12 of this Constitution does not prejudice the situations protected by the foral rights in the field of private law.

Third.

The modification of the economic and fiscal regime of the Canary Islands will require a prior report from the Autonomous Community or, as the case may be, from the provisional autonomous body.

Fourth.

In the Autonomous Communities where more than one Territorial Court has its seat, the respective Statutes of Autonomy may maintain the existing ones, distributing the competences among them, always in accordance with the provisions of the Organic Law of the Judiciary and within the unity and independence of the Judiciary.

TRANSITIONAL PROVISIONS

First.

In territories with a provisional system of autonomy, their higher collegiate bodies, by resolution adopted by an absolute majority of their members, may substitute the initiative that Article 143, paragraph 2, attributes to the Provincial Councils or to the corresponding inter-island bodies.

Second.

The territories which in the past have voted in favour of draft Statutes of Autonomy and which have, at the time of the promulgation of this Constitution, provisional regimes of autonomy, may proceed immediately in the manner provided for in paragraph 2 of Article 148, when so agreed by an absolute majority of their higher pre-autonomous collegiate bodies, notifying the Government thereof. The draft Statute shall be drawn up in accordance with the provisions of Article 151, number 2, at the call of the pre-autonomous collegiate body.

Third.

The initiative of the autonomic process on the part of the local Corporations or their members, provided for in paragraph 2 of Article 143, is understood to be deferred, with all its effects, until the holding of the first local elections once the Constitution is in force.

Fourth.

1. In the case of Navarre, and for the purposes of its incorporation into the General Basque Council or into the Basque autonomous regime which replaces it, instead of what is established in Article 143 of the Constitution, the initiative corresponds to the competent Foral Body, which shall adopt its decision by a majority of the members of which it is composed. In order for such initiative to be valid, it shall also be necessary for the decision of the competent Foral Body to be ratified by referendum expressly called for such purpose, and approved by a majority of the valid votes cast.

2. If the initiative is unsuccessful, it may only be reproduced during a different period of the term of office of the competent Foral Body, and in any case, when the minimum term established in Article 143 has elapsed.

Fifth.

The cities of Ceuta and Melilla may become Autonomous Communities if so decided by their respective City Councils, by resolution adopted by an absolute majority of their members and authorized by the Cortes Generales, by means of an organic law, under the terms set forth in Article 144.

Sixth.

When several draft Statutes are referred to the Constitutional Commission of the Congress, they shall be passed in the order in which they are received by the Commission, and the two-month period referred to in Article 151 shall begin to run from the time the Commission completes the study of the draft or drafts of which it has successively taken cognizance.

Seventh.

Provisional autonomous bodies shall be considered dissolved in the following cases:

- a) Once the bodies established by the Statutes of Autonomy approved in accordance with this Constitution have been constituted.
- b) In the event that the initiative of the autonomic process does not succeed because it does not meet the requirements set forth in Article 143.
- c) If the organization has not exercised its right under the first transitory provision within three years.

Eighth.

1. The Houses that have approved the present Constitution shall assume, after the entry into force of the same, the functions and powers indicated therein, respectively,

for Congress and the Senate, but in no case shall his term of office extend beyond June 15, 1981.

2. For the purposes of the provisions of Article 99, the promulgation of the Constitution shall be considered as a constitutional event in which its application is applicable. To this effect, a period of thirty days shall commence as from the promulgation thereof for the application of the provisions of said article.

During this period, the current President of the Government, who shall assume the functions and powers established for said office by the Constitution, may choose to use the power granted to him by Article 115 or to give way, by means of resignation, to the application of the provisions of Article 99, in the latter case remaining in the situation provided for in Article 101, paragraph 2.

3. In the event of dissolution, in accordance with the provisions of Article 115, and if the provisions of Articles 68 and 69 have not been legally developed, the rules previously in force shall apply to the elections, with the sole exception that with respect to ineligibilities and incompatibilities, the provisions of the second paragraph of Article 70(1)(b) of the Constitution shall apply directly, as well as the provisions of the same with respect to the voting age and the provisions of Article 69.3.

Ninth.

Three years after the election of the members of the Constitutional Court for the first time, a group of four members of the same elective origin to be removed and renewed shall be drawn by lot. For these purposes alone, the two members appointed at the proposal of the Government and the two members from the proposal of the General Council of the Judiciary shall be deemed to be grouped together as members of the same origin. The same procedure shall be followed after a further three years between the two groups not affected by the previous draw. Thereafter, the provisions of number 3 of Article 159 shall apply.

DEROGATORY PROVISION

1. Law 1/1977, of January 4, 1977, for Political Reform is hereby repealed, as well as, insofar as not already repealed by the aforementioned Law, the Law on the Principles of the National Movement, of May 17, 1958; the Fuero de los Españoles, of July 17, 1945; the Labor Law, of March 9, 1938; the Law on the Constitution of the Cortes, of July 17, 1942; the Law on Succession to the Presidency of the State, of July 26, 1947, all of which are amended by the Organic Law of the State, of July 26, 1947; the Constitutive Law of the Cortes, of July 17, 1942; the Law of Succession to the Presidency of the State, of July 26, 1947, all of them modified by the Organic Law of the State, of January 10, 1967, and in the same terms the latter and the Law of National Referendum of October 22, 1945.

2. Insofar as it may retain some validity, the Law of October 25, 1839 is considered definitively repealed insofar as it may affect the provinces of Alava, Guipuzcoa and Vizcaya.

In the same terms, the Law of July 21, 1876 is considered definitively repealed.

3. Likewise, any provisions contrary to the provisions of this Constitution are hereby repealed.

FINAL DISPOSITION

This Constitution shall enter into force on the same day of the publication of its official text in the official gazette of the State. It shall also be published in the other languages of Spain.

THEREFORE,

I COMMAND ALL SPANIARDS, INDIVIDUALS AND AUTHORITIES, TO KEEP AND ENFORCE THIS CONSTITUTION AS THE FUNDAMENTAL RULE OF THE STATE.

PALACIO DE LAS CORTES, ON THE TWENTY-SEVENTH DAY OF DECEMBER,
NINETEEN HUNDRED AND SEVENTY-EIGHT.

JUAN CARLOS

THE PRESIDENT OF THE COURTS
Antonio Hernández Gil
THE PRESIDENT OF THE CONGRESS OF DEPUTIES
Fernando Álvarez de Miranda y
Torres THE PRESIDENT OF THE
SENATE
Antonio Fontán Pérez