ACCESSING LEGAL INFORMATION IN CATALONIA
OPEN ACCESS TO LEGISLATION AND CASE LAW

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Abstract

The article outlines free online legal resources to conduct research on Catalan and Spanish legislation and case-law. Most of these resources are primary sources made public by government bodies. The list shows how the Spanish and Catalan governments, in their attempt to promote equal access to legislation and case-law, cover the different jurisdictions. The text also mentions some resources to conduct historical legal research about legislation and case law, and some free legal private websites.

1. LEGISLATION

1.1. Pre-legislative documents

State Council (SPAIN, Consejo de Estado)
http://www.boe.es/buscar/consejo_estado.php

– Supreme consultative body of the Spanish government, with origins dating back to 1521.
– Database containing almost 58,000 legal opinions.
– Full text available from 1987 to present.

Legal Advisory Committee (CATALONIA, Comissió Jurídica Assessora)
http://www.cge.cat/ca/dictamens

– Consultative body of the Catalan government (Generalitat of Catalonia), created in 1932 and re-established in 1978.
– Full text available from 1998 to present.
Council for Statutory Guarantees (CATALONIA, Consell de Garanties Estatutàries)
http://www.cge.cat/ca/dictamens

- Full text available from 2009 to present.
- Opinions published in Spanish and Catalan.

Economic and Social Council (SPAIN, Consejo Ecónomico y Social)
http://www.ces.es/en/web/guest/centro-de-documentacion-on-line

- Consultative body, created in 1991, concerned with economic and social issues.
- Full text available from 1996 to present.
- Includes the opinions of the Economic and Social Councils from the Autonomous Communities.

Labour, Economic and Social Council (CATALONIA, Consell de Treball, Econòmic i Social)
http://www.cge.cat/ca/dictamens/

- Consultative body, created in 1997, concerned with economic and social issues.
- Full text available from 2002 to present.

Council of Ministers (SPAIN, Consejo de Ministros)
http://www.lamoncloa.gob.es/ConsejodeMinistros/index.htm

- Government Commission with executive functions.
- Includes the description and abstracts of decisions taken by the Council of Ministers, including legislative initiatives sent to the General Courts, new norms and other juridical acts.
- From 2004 to present.

Government Agreements (CATALONIA, Acords de Govern)

- Database containing the decisions of the Executive Council (Consell Executiu).
- Full text available from 2003 to present.
Congress – Initiatives (SPAIN, Congreso de los Diputados – Iniciativas)
http://www.congreso.es/

- The Congress exercises the legislative power of the State, approves its budgets and controls the actions of the Government.
- Full text of draft legislation available from 1977 to present.

Parliament of Catalonia Database (CATALONIA, Parlament de Catalunya – SIAP)
http://www.parlament.cat/web/documentacio/publicacions

- The Parliament has legislative powers, approves budgets, initiates and oversees political and government actions.
- Full text available from 1980 to present.

Spanish Senate (SPAIN, Senado)

- The Senate examines and, if required, can amend or veto legislative proposals made by the Lower House. It is also the House of territorial representation.
- Search engine for parliamentary bills with option to search for specific legislative initiatives.
- The website can be browsed in English; the information obtained from the Senate databases is displayed in Spanish.

1.2. Approved legislation

Spain’s Official Gazette (SPAIN, Boletín Oficial del Estado)
http://www.boe.es

- Spanish government’s official gazette.
- Full text available from 1960 to present.
- Consolidated text of basic national regulations.

Catalan Official Gazette (CATALONIA, Diari Oficial de la Generalitat de Catalunya)
http://www20.gencat.cat/portal/site/portaldogc

- Full text from 1977 to present
- DOGC 1931-1939 and Exile.

Catalonia’s Law Portal (CATALONIA, Portal Jurídic de Catalunya)
http://www20.gencat.cat/portal/site/portaljuridic

- Government service offering a consolidated version of Catalan legislation.
- Consolidated version.
- Includes a selection of Spanish and EU regulations.
Translations of Spanish Law (SPAIN, Traducciones del derecho español)
http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/ListaPublicaciones.html

- The Ministry of Justice provides translations of a selection of legislation into English and French.

Parliament – Other versions (CATALONIA, Parlament – Altres versions)
http://www.parlament.cat/web/documentacio/altres-versions/lleis-versions

- The Parliament of Catalonia provides access to the English translation of a short list of bills passed by Parliament.

2. CASE LAW

The judiciary system in Spain is complex with the courts being organized territorially into municipalities, provinces and autonomous regions, corresponding, respectively, to the Courts of First Instance and Instruction, the Provincial Courts and the Superior Courts. The High Court and the Supreme Court exercise their powers throughout Spanish territory. Finally, the Constitutional Court is responsible for upholding the rights and freedoms contained in the Spanish Constitution.

Constitutional Court (Tribunal Constitucional)
http://www.tribunalconstitucional.es

The Constitutional Court is the supreme interpreter of the Constitution and is unique in its order and jurisdiction throughout national territory.

- New comprehensive case-law search engine to ensure rapid, intuitive location of the doctrine of the Constitutional Court since 1980.
- Advanced search and full text available.
- Spanish, English and French interface.

Supreme Court (Tribunal Supremo)
http://www.poderjudicial.es/cgpi/en/Judiciary/Supreme_Court

The Supreme Court, based in Madrid, is the sole judiciary body in Spain with jurisdiction throughout national territory. It is, as such, the highest court in all legal areas (Civil, Criminal, Contentious-Administrative and Labour).

- The website depends on the General Council of the Judiciary
- Contains current case law, Supreme Court case law and court decisions since 1998.
- Search engine and full text available.
- Spanish, English, French, Basque, Galician and Catalan interface.
National High Court (*Audiencia Nacional*)


A unique legal organ in Spain with jurisdiction over the entire national territory, it constitutes a centralized Court specialized in the knowledge of certain matters attributed by law.

- The website depends on the **General Council of the Judiciary**.
- Contains current case law, National High Court case law and court decisions since 1998.
- Search engine and full text available.
- Spanish, English, French, Basque, Galician and Catalan interface.

High Courts of Justice (*Tribunales Superiores de Justicia*)


These are the highest judicial organs in the autonomous communities. The High Court of Justice of Catalonia is divided into three divisions: Civil and Criminal Court, Contentious Administrative Court and Social Court.

- This website depends on the **General Council of the Judiciary**.
- Contains current case law and decisions since 1998.
- Search engine and full text available.
- Spanish, English, French, Basque, Galician and Catalan interface.
- Additional information on **Justice Department. Government of Catalonia**.
  
  http://www20.gencat.cat/portal/site/Justicia/menuitem.cc15117be9e6a16b6d6b6410b0c0e1a0/?vgnextoid=09baa1c9c9203110VgnVCM1000008d0c1e0aRCD&vgnextchannel=09baa1c9c9203110VgnVCM1000008d0c1e0aRCD

Provincial Courts (*Audiencias provinciales y juzgados*)

http://www.poderjudicial.es/cgpj/es/Servicios/Jurisprudencia

Spain is divided into fifty provinces, each having its own Court, with jurisdiction in the territory of its respective province. The Provincial Courts are divided into two divisions: Civil and Criminal Court.

- This website depends on the **General Council of the Judiciary**.
- Contains a selection of the most relevant case law since 1998.
- Search engine and full text available.
- Spanish, English, French, Basque, Galician and Catalan interface.

Directorate-General of Registers and Notaries (*Dirección General de Registros y Notariado*)


Civil, Property and Commercial Dispute Resolutions.
This Directorate depends on the Ministry of Justice.

Resolutions since 2008.

Search by date and full text available in pdf.

Offers a newsletter subscription providing updates on relevant issues in Public Administration.

3. HISTORICAL CASES

The division between legislation and case law is relatively modern in Spain and can be dated to the second-half of the nineteenth century.

Legislation from 1661 and in full text can be accessed via the BOE’s web page. Two historical periods can be identified: first, from 1661 to 1714, corresponding to the Kingdom of Castile; second, after since 1714, corresponding to the creation of Spain as a separate state and referring to the whole of its territory.

Court judgments are not grouped until 1850. Prior to this, Decisions and Allegations are available for consultation. The Decisions comprise a collection of statements made by jurists. In line with the recommendations of Roman law, the jurist who has appeared in hearings before the Royal Court is required to make these reports. The Allegations report the whole judicial process: the lawsuit, the parties’ responses and, finally, the judge’s decision.

**Digital Records of Catalonia: Reigns** (*Memòria Digital de Catalunya: Reigns*)
http://mdc1.cbuc.cat/
These documents are divided by reigns:

The Reigns of the House of Austria (1500-1680)
http://mdc.cbuc.cat/cdm/search/collection/regnatsUPF

The Reigns of Ferdinand VI, Charles III and Charles IV (1750-1807)
http://mdc.cbuc.cat/cdm/search/collection/austriaUPF

The Reigns of Ferdinand VII and Elizabeth II (1814-1868)

These documents are rare, difficult to locate and consultations are restricted. They contain information chiefly about the administrative and legal policies implemented during these reigns. These records form part of the collection held by the library of the Pompeu Fabra University.

- Advanced search and different display options.
- Full text available.
- Catalan, Spanish and English interface.
Digital Records of Catalonia: Iuris Allegatio *(Memòria Digital de Catalunya: Al·legacions Jurídiques)*


This collection contains the legal literature published between the sixteenth and nineteenth centuries, unequivocally showing that legal cases constitute an essential part of the history of Catalan litigation. The Allegations record the whole judicial process: the lawsuit filed, the parties’ responses and, finally, the judge’s decision. These records form part of the collection held by the library of the Barcelona Bar Association.

- Advanced search and different display options.
- Full text available.
- Catalan, Spanish and English interface.

**Legislative collection** *(Col·lecció Legislativa)*

[http://www.icab.cat/?go=eaf9d1a0ec5f1dc58757ad6cfdacedb1a58854a600312cc95d2814b7bf693f77294f546fb1a37c4ec56034675de8150bc149249d16fed9ca67cb13f0f94d92](http://www.icab.cat/?go=eaf9d1a0ec5f1dc58757ad6cfdacedb1a58854a600312cc95d2814b7bf693f77294f546fb1a37c4ec56034675de8150bc149249d16fed9ca67cb13f0f94d92)

This is the first modern collection of all the legislation produced in Spain and it goes under the generic title of the "Legislative Collection", because, despite the changes introduced over the years, it has retained the same format. The collection starts in 1814 with the publication of the decree of Ferdinand VII, is interrupted briefly during the Liberal Triennium (1820-1823), and extends until 1904. This collection is held by the Barcelona Bar Association.

- Period covered: 1814-1904.
- Annual search and full text available.

**Gazette (Historical Collection)** *(Gazeta: colección histórica)*


A historical database containing provisions and the news published in the official journals between 1661 and 1959. The continuation of the Gazette is the present-day Spanish Official Gazette.

- Legal provisions between 1661-1959.
- Advanced search and full text available.

### 4. FREE PRIVATE WEBSITES

Finally, a number of free private websites (listed below) provide access to legislation, case law, current legal news, opinion articles, blogs, etc. The first of these, **El Jurista**, is a Catalan journal; the others are published in Spanish – some are legal journals, others are legal portals but all are open access and free. Some of these websites also offer bulletin subscriptions providing updates on current legal issues.