

THE STATUTE OF AUTONOMY OF THE BASQUE COUNTRY

PRELIMINARY TITLE

Article 1.-The Basque People or «Euskal-Herria», as an expression of their nationality and in order to accede to self-government, constitute an Autonomous Community within the Spanish State under the name of «Euskadi» or the Basque Country, in accordance with the Constitution and with this Statute, which lays down its basic institutional rules.

Article 2.

1. Alava, Guipúzcoa and Vizcaya, and also Navarra, are entitled to form part of the Autonomous Community of the Basque Country.

2. The territory of the Autonomous Community shall comprise the Historic Territories which coincide with the provinces of Alava, Guipúzcoa and Vizcaya, respecting their present boundaries, and with the province of Navarra, should it decide to join, in accordance with the procedure laid down in Transitory Provision Four of the Constitution.

Article 3.-Each of the Historic Territories which make up the Basque Country may, within the framework of the same, preserve or, where appropriate, re-establish and bring up to date their organization and such institutions as are exclusively concerned with self-government.

Article 4.-The designation of the seat of the common institutions of the Autonomous Community of the Basque Country shall be effected through a Law of the Basque Parliament and shall lie within the territory of the Autonomous Community.

Article 5.

1. The flag of the Basque Country has two crosses, a green diagonal cross and a superimposed white perpendicular cross, on a red background.

2. The flags and banners of the Historic Territories which make up the Autonomous Community are also recognized.

Article 6.

1. «Euskera», the language of the Basque People, shall, like Spanish, have the status of an official language in Euskadi. All its inhabitants have the right to know and use both languages.

2. The common institutions of the Autonomous Community, taking into account the socio-linguistic diversity of the Basque Country, shall guarantee the use of both languages, controlling their official status, and shall effect and regulate whatever measures and means are necessary to ensure knowledge of them.

3. No-one may suffer discrimination for reasons of language.

4. The Royal Academy of the Basque Language is the official advisory institution in matters regarding «Euskera».

5. Given that «Euskera» is the heritage of other Basque territories and communities, the Autonomous Community of the Basque Country may request the Spanish Government, in addition to whatever ties and correspondence are maintained with academic and cultural institutions, to conclude and, where necessary, to submit to the Spanish State Parliament for authorization, those treaties or agreements that will make it possible to establish cultural relations with the States where such territories lie and communities reside, with a view to safeguarding and promoting «Euskera».

Article 7.

1. For the purposes of this Statute, the political status of Basque shall be accorded to all those who are officially resident, according to the General Laws of the State, in any of the municipalities belonging to the territory of the Autonomous Community.

2. Persons residing abroad, and their descendants, who specifically request it, shall enjoy the same political rights as those living in the Basque Country, if their last legal residence in Spain was in Euskadi, and provided they retain their Spanish nationality.

Article 8.-Other territories or municipalities situated entirely within the territory of the Autonomous Community of the Basque Country may be added to it by fulfilling the following requirements:

a) Membership must be requested by the Town Council or a majority of the Town Councils concerned, and a hearing given to the Community or province to which the Territories or Municipalities to be added belong.

b) The inhabitants of the Territory or Municipality concerned must express their agreement by means of a referendum expressly called for this purpose. Such a referendum must be duly authorized beforehand by the competent authority and passed by a majority of validly cast votes.

c) It must be passed by the Parliament of the Basque Country and subsequently, by the Spanish State Parliament, by means of an Organic Law.

Article 9.

1. The fundamental rights and duties of the citizens of the Basque Country are those established in the Constitution.

2. The Basque public authorities, in the areas lying within their jurisdiction, shall:

a) Watch over and guarantee the proper exercise of the citizens' fundamental rights and duties.

b) Lay particular emphasis on a policy aimed at improving living and working conditions.

c) Adopt measures that will help to promote higher employment and economic stability.

d) Adopt measures aimed at promoting favourable conditions and removing obstacles in such a way that the freedom and equality of the individual and of the groups of which he forms part may be effective and real.

e) Make possible the participation of all citizens in the political, economic and social life of the Basque Country.

TITLE I

Concerning the jurisdiction of the Basque Country

Article 10.-The Autonomous Community of the Basque Country has sole jurisdiction in the following matters:

1. Delimitation of municipal territory, without prejudice to the powers corresponding to the Historic Territories in accordance with Article 37 of this Statute.

2. Organization, regime and functioning of its institutions of self-government in accordance with the rules of this Statute.

3. Internal electoral legislation affecting the Basque Parliament, «Juntas Generales» and Provincial Councils («Diputaciones Forales»), in the terms laid down in this Statute and without prejudice to the powers vested in the Historic Territories, in accordance with the provisions of Article 37 herein.

4. Local Government and Statute for the Public Officials of the Basque Country and of its Local Administration, without prejudice to the provisions of Article 149.1.18 of the Constitution.

5. Preservation, modification and development of the Traditional, Regional Law and Special Civil Law, whether writ ten or common law, belonging to the Historic Territories which make up the Basque Country, and the establishment of the territorial area of their applicability.

6. Procedural rules and rules concerning administrative and economic-administrative procedure arising from the special features of the substantive law and the peculiar organization of the Basque Country.

7. Public domain and property in the possession of the Autonomous Community, and public servitudes in matters under its jurisdiction.

8. Woodland and forestry resources and services, livestock tracks and pastures without prejudice to the provisions of article 149.1.23 of the Constitution.

9. Agriculture and livestock farming, in accordance with the general planning of the economy.

10. Fishing in inland waters, the shellfish industry and aquiculture, hunting and river and lake fishing.

11. Hydraulic projects, canals and irrigation schemes when the waters flow, in their entirety, within the Basque Country; installations for the production, distribution and transport of energy, provided that such transport does not leave the territory and that its use does not affect any other province or Autonomous Community; mineral, thermal and subterranean waters. All this without prejudice to the provisions of article 149.1.25 of the Constitution.

12. Social welfare work.

13. Foundations and Associations of an educational, cultural, artistic, charitable, welfare or similar nature in so far as their activities are carried out mainly in the Basque Country.

14. Organization, regime and functioning of institutions and establishments for the protection and guardianship of juveniles, prisons and social rehabilitation centres, in conformity with the general legislation on civil, penal and penitentiary matters.

15. Pharmaceutical control in accordance with the provisions of article 149.1.16 of the Constitution, and hygiene, taking into account the provisions of Article 18 of this Statute.

16. Scientific and technical research in co-ordination with the State.

17. Culture, without prejudice to the provision of article 149.2 of the Constitution.

18. Institutions concerned with the promotion and teaching of Fine Arts. The handicraft industry.

19. Historical, artistic, monumental, archaeological and scientific heritage. The Autonomous Community shall comply with the rules and obligations to be established by the State for the protection of this heritage from export and spoliation.

20. Archives, Libraries and Museums not in state ownership.

21. Agricultural and Property Chambers, Fishermen's Guilds, Chambers of Commerce, Industry and Shipping, without prejudice to the jurisdiction of the State in matters of foreign trade.

22. Professional Associations and exercise of the degree professions, without prejudice to the stipulations of articles 36 and 139 of the Constitution. Appointment of notaries public in accordance with the State Laws.

23. Co-operatives, Mutual Benefit Societies not belonging to the Social Security and other co-operative associations, in conformity with the general legislation on commerce.

24. The Basque Country's own public sector, in so far as it is not affected by other rules in this Statute.

25. Promotion, economic development and planning of economic activity in the Basque Country in accordance with the general planning of the Economy.

26. Institutions of corporate, public and territorial credit and Savings Banks, within the framework of the guidelines issued by the State concerning the control of credit and banks and in accordance with general monetary policy .

27. Internal trade, without prejudice to the general price policy, the free circulation of goods in the State territory and legislation on protection of competition. Local markets and fairs. Control of origin of goods and advertising in collaboration with the State.

28. Protection of consumers and users in the terms of the previous paragraph.

29. Establishment and regulation of Commodity Exchanges and other centres for dealings in commodities and securities in conformity with the commercial legislation.

30. Industry, excluding the installation, expansion and transfer of industries subject special rules for reasons of safety, military or health interest and those needing specific legislation for such functions, and those requiring prior contracts for the transfer of foreign technology. In the restructuring of industrial sectors, the Basque Country is responsible for the development and implementation of the plan established by the State.

31. Planning of inland territory and coastline, town planning and housing.

32. Railways, transport by land, sea, river and cable, ports, heliports, airports and the Meteorological Service of the Basque Country, without prejudice to the provisions of article 149.1.20 of the Constitution. Hiring centres and loading terminals for transport matters.

33. Public Works not legally classified as being of general interest or whose execution does not legally affect other territories.

34. As regards roads and thoroughfares, in addition to the powers contained in paragraph 5, n.º 1 of article 148 of the Constitution, the Provincial Councils of the Historic Territories shall retain in their entirety the legal regime and powers they already possess or which, as the case may be, they are to recover in accordance with article 3 of this Statute.

35. Casinos, gaming and betting, except for the national system of wagers for sporting charities.

36. Tourism and sport. Leisure and entertainment.

37. Basque Country statistics for its own purposes and jurisdiction.

38. Public performances.

39. Community development. Condition of women. Policy regarding children, youth and old people.

Article 11.

1. It is incumbent on the Autonomous Community of the Basque Country to provide further legislative development for, and to put into effect, basic State legislation on the following matters:

a) Environment and ecology.

b) Compulsory expropriation, government contracts and concessions, within the area of its jurisdiction and the system of liability of the Administration of the Basque Country.

c) Planning of the fishing sector in the Basque Country.

2. It is also incumbent on the Autonomous Community of the Basque Country to provide further legislative development for, and to put into effect, in the way therein laid down, the basic legislation, on the following matters:

a) Planning of credit, banking and insurance.

b) Reservation for the public sector of, essential services, especially in the case of monopolies or the control of companies when demanded by the public interest.

c) Mining and Energy regime. Geothermic resources.

Article 12.-It is incumbent on the Autonomous Community to execute State legislation on the following matters:

1. Prison legislation.

2. Labour legislation, taking up the powers and jurisdiction at present held by the State in respect of labour relations; also, the power of organizing, directing and safeguarding, in conjunction with the State inspectorate, the State services for the implementation of labour legislation, ensuring that working conditions are suited to the level of development and social progress and promoting the acquisition of skills by workers and their full training.

3. Appointment of Real Estate Registrars, Stock-brokers and Commercial Brokers. Intervention in the outlining of the corresponding demarcations where appropriate.

4. Copyright and patent rights.

5. Weights and measures; hallmarks.

6. International trade fairs held in the Basque Country.

7. Public and State sector within the territorial area of the Autonomous Community, which will participate in such cases and activities as are deemed appropriate.

8. Ports and airports classified as being of general interest, when the State does not reserve their direct management for it self.

9. Planning of the transport of goods and passengers whose point of departure and destination lie within the territory of the Autonomous Community, even when such transport is effected on infrastructures belonging to the State referred to in number 21 of clause 1 of Article 149 of the Constitution, without prejudice to such direct execution as the State may keep for it self.

10. Rescue work at sea and dumping of industrial waste and pollutants in the territorial waters of the State off the Basque coast.

Article 13.

1. As regards the Administration of Justice, except military justice, the Autonomous Community of the Basque Country shall exercise, within its own territory, the powers which the Organic Laws of Judiciary and of the General Council of the Judiciary recognize as the Government's or reserve or attribute to it.

2. In accordance with the General Laws, the right of pardon and the organization and functioning of the Public Prosecutor's Office lie wholly with the State.

Article 14.

1. The jurisdiction of the judicial authorities in the Basque Country extends:

a) In civil suits, to all instances and degrees, including appeals for review and high-court appeals in matters of Traditional, Regional Civil Law pertaining to the Basque Country.

b) In penal and social cases, to all instances and degrees, except high-court appeals and appeals for review.

c) In administrative law cases, to all instances and degrees when the act involved has been ordered by the Administration of the Basque Country in matters where legislation is incumbent solely on the Autonomous Community, and in the first instance, when the act involved has been ordered by the State Administration.

d) To questions of jurisdiction among the judicial organs of the Basque Country.

e) To appeals concerning the classification of documents referring, specifically, to Basque Law which should have access to the Real Estate Registers.

2. In other matters, appeals may be lodged with the Supreme Court in accordance with the laws. The Supreme Court shall likewise resolve conflicts of powers and jurisdiction between the judicial organs of the Basque Country and the remaining State organs.

Article 15.-It is incumbent on the Basque Country to set up and organize its Parliament by means of a law, and as regards the institution established by Article 54 of the Constitution, to create a similar organ that, in co-ordination with the former, will exercise the functions to which the aforesaid Article refers and any other with which the Basque Parliament may entrust it.

Article 16.-In application of the stipulations in the First Additional Provision of the Constitution, responsibility lies with the Autonomous Community of the Basque Country for education in its entirety, regardless of what level, degree, kind or speciality it may be, without prejudice to Article 27 of the Constitution and the Organic Laws which are to develop it , or to the powers assigned to the State by Article 149.1.30 of the Constitution, or to the inspection necessary for its proper execution and safeguarding.

Article 17.

1. By means of the process of updating of the general system of Traditional, Regional Law provided for in the First Additional Provision of the Constitution, responsibility shall lie with the institutions of the Basque Country, in the manner set out in this Statute, for the general organization of the Autonomous Police Forces in respect of the protection of persons and property and the maintaining of public order within the autonomous territory; the State Security forces and Corps retaining in all cases responsibility for police services of an extra- and supra-Community nature, such as guarding ports, airports, coasts and frontiers, customs, controlling the entry and exit from national territory of Spaniards and foreigners, general organization of alienage, extradition and expulsion, emigration and immigration, passports and national identity cards, arms and explosives, fiscal protection of the State, smuggling and tax fraud involving the State.

2. Supreme command of the Basque Autonomous Police Forces shall lie with the Government of the Basque Country, without prejudice to the powers that may be vested in the Provincial Councils and local Corporations.

3. The Judicial Police and Forces which perform these functions shall be organized in the service and under the vigilance of the Administration of Justice, under the terms which the laws of procedure stipulate.

4. For the sake of co-operation between the Autonomous Police Forces and the State Security Forces and Corps, there shall be a Security Council consisting of an equal number of representatives of the State and of the Autonomous Community.

5. Initially, the Autonomous Police Forces of the Basque Country shall comprise:

a) The Corps of «Miñones» belonging to the Provincial Council of Alava, currently in existence.

b) The Corps of «Miñones» and «Miqueletes» dependent on the Provincial Councils of Vizcaya and Guipúzcoa which are hereby re-established. At a later stage, the Institutions of the Basque Country may agree to reorganize into a single group those mentioned in the foregoing paragraphs, or carry out whatever reorganization is needed for the proper fulfilment of the powers assumed.

All this without prejudice to the continuing existence, for representational purposes, of the «Miñones» and «Miqueletes».

6. Notwithstanding the stipulations of the preceding numbers, the State Security Corps and Forces may intervene in the maintenance of public order in the Autonomous Community in the following cases:

a) When called upon by the Government of the Basque Country. Intervention shall cease at the request of the same.

b) On their own initiative, when they consider that the general interest of the State is gravely compromised. The approval of the Security Council referred to in number 3 of this Article shall be required. In cases of particular urgency and in order to fulfil the functions directly entrusted to them by the Constitution, the State Security Corps and Forces may intervene directly under the sole responsibility of the Government, which shall report to the Spanish State Parliament. The Spanish State Parliament, through constitutional procedures, may exercise the powers invested in it.

7. In the case of the declaration of a state of alarm, exception or siege, all the police forces in the Basque Country shall come under the direct orders of the civil or military authority, as the case may be, in accordance with the legislation regulating these matters.

Article 18.

1. The Basque Country is responsible for the legislative development and the implementation of the basic legislation of the State in matters of domestic health.

2. In Social Security matters the Basque Country shall be responsible for:

a) The legislative development and the execution of basic State legislation, except the rules which govern the economic organisation of the Social Security.

b) The management of the economic organisation of the Social Security.

3. It shall also be incumbent on the Basque Country to execute State legislation on pharmaceutical products.

4. The Autonomous Community may organize and administer, for these purposes, and within its own territory, all the services connected with the matters previously expressed and shall supervise institutions, organizations and foundations as regards Health and Social Security matters. The State shall keep for itself the inspection powers so as to ensure the fulfilment of the duties and powers contained in this article.

5. The Basque Public Authorities shall adapt the exercise of the powers they may take up in Health and Social Security matters to criteria of democratic

participation on the part of all those involved, including the Employees' Unions and Employers' Associations in the terms the law may establish.

Article 19.

1. The Basque Country is responsible for the legislative development of the basic rules of the State in matters regarding the social communications media, always provided the stipulations of Article 20 of the Constitution are respected.

2. Implementation in matters referred to in the previous paragraph shall be coordinated with that of the State, with respect to the specific regulations applicable to the media in State ownership.

3. In accordance with the stipulations of the first paragraph of this article, the Basque Country may regulate, set up and maintain its own television, radio and press, and in general, all the social communications media for the accomplishing of its purposes.

Article 20.

1. The Basque Country shall have legislative and executive powers in whatever other matters are transferred to it by Organic Law or which are delegated to it by the State in accordance with the Constitution, at the request of the Basque Parliament.

2. The Autonomous Community of the Basque Country may enact legislation in the terms of Article 150.1 of the Constitution, when the Spanish State Parliament passes the basic laws which that provision refers to.

3. The Basque Country shall implement the treaties and agreements in everything affecting the matters assigned to its jurisdiction in this Statute. No treaty or agreement may affect the powers and jurisdiction of the Basque Country except by means of the procedure of article 152.2 of the Constitution, save for the provisions of article 93 of the same.

4. The powers of execution which this Statute assigns to the Autonomous Community of the Basque Country in those matters which do not fall under its sole jurisdiction include the power of administration and that of issuing internal regulations for the organization of the corresponding services.

5. The Basque Government shall be informed of the concluding of treaties and agreements and of projected customs legislation, in so far as they affect matters of particular interest to the Basque Country.

6. Except in the event of an express provision to the contrary, all the powers and responsibilities mentioned in foregoing Articles and others in this Statute, shall be understood to refer to the territorial area of the Basque Country.

Article 21.-The law emanating from the Basque Country in matters of its exclusive jurisdiction is applicable in preference to any other and only in its absence shall State law be applied to supplement it.

Article 22.

1. The Autonomous Community may conclude agreements with other Autonomous Communities for the management and provision of services falling under their exclusive jurisdiction. The concluding of such agreements must be communicated to the Spanish State Parliament before they become effective. If the Spanish State Parliament, or either of the Chambers, should express objections within the space of thirty days from the receipt- of the communication, the agreement must follow the procedure provided for in the third paragraph of this article. If once this period has lapsed, no objections to the agreement have been expressed, it shall come into effect.

2. The Autonomous Community may conclude agreements with other Historic Territories that have particular regional or legal privileges for the management and provision of services in matters under its jurisdiction, it being necessary to communicate this to the Spanish State Parliament. Twenty days after such notification, the agreements shall take effect.

3. The Autonomous Community may also establish co-operation agreements with other autonomous communities, with the prior authorization of the Spanish State Parliament.

Article 23.

1. The State Civil Administration in Basque Territory shall be adapted to the geographical area of the Autonomous Community.

2. In conformity with Article 154 of the Constitution, a Delegate appointed by the Government shall direct the State Administration and shall co-ordinate it , where appropriate, with the Autonomous Community's own Administration.

TITLE II

Concerning the powers of the Basque Country

PRELIMINARY CHAPTER

Article 24.

1. The powers of the Basque Country are exercised through the Parliament, the Government and its President or Lendakari.

2. The Historic Territories shall preserve and organize those institutions which are based on regional or legal privileges in accordance with the provisions of article 3 of this Statute.

CHAPTER ONE

Concerning the Basque Parliament

Article 25.

1. The Basque Parliament exercises legislative power, approves budgets and prompts and controls the action of the Basque Government, all of which it does without prejudice to the jurisdiction of the Institutions to which article 37 of this Statute refers.

2. The Basque Parliament is inviolable.

Article 26.

1. The Basque Parliament shall be composed of an equal number of representatives of each Historic Territory elected by universal, free, direct and secret suffrage.

2. The electoral district is the Historic Territory.

3. Elections shall be held in each Historic Territory in accordance with criteria of proportional representation.

4. The Basque Parliament shall be elected for a period of four years.

5. An Electoral Law of the Basque Parliament shall regulate the election of its members and shall determine the causes of ineligibility and incompatibility affecting posts or offices held within its territorial area.

6. The members of the Basque Parliament shall be inviolable in respect of the votes and opinions they may express whilst exercising their functions. During their terms of office, they may not be arrested or detained for offences committed in the territorial area of the Autonomous Community unless taken in the act of committing them. In all cases, it shall be incumbent on the High Court of Justice of the Basque Country to decide on their indictment, detention, prosecution and trial. Outside the Basque Country, penal responsibility shall be required in the same terms before the Criminal Division of the Supreme Court.

Article 27.

1. The Parliament shall elect from among its members a President, a Bureau and a Standing Committee. It shall function in Plenary Session and in Committee.

The Parliament shall establish its own Standing Orders which must be approved by an absolute majority of its members. The Parliament shall approve its budget and a statute for its employees.

2. Ordinary sessions shall have a minimum duration of eight months per year.

3. The Chamber may meet in extraordinary assembly at the request of the Government, the Standing Committee or one third of its members. Extraordinary sittings must be convened with a specific agenda and shall be closed as soon as it has been covered.

4. The right to initiate legislation is incumbent on the members of the Parliament, the Government and the representative Institutions referred to in article 37 of the Statute, in the terms established by the law. Members of Parliament may, both in plenary session and in committee, table requests, questions, interpellations and motions in the terms laid down by the standing orders. Popular initiative as regards the submitting of bills which are to be considered by the Basque Parliament shall be regulated by the same, through a law, in accordance with whatever is established by the Organic Law provided for in article 83 of the Constitution.

5. The Laws of Parliament shall be promulgated by the President of the Basque Government, who shall order their publication in the Official Gazette of the Basque Country (Boletín Oficial del País Vasco) within fifteen days of their adoption and in the Official State Gazette (Boletín Oficial del Estado). They shall take effect on the date of their publication in the Official Gazette of the Basque Country.

Article 28.-It is also incumbent on the Basque Parliament:

- a) To appoint the Senators who are to represent the Basque Country, in accordance with the provisions of Article 69.5 of the Constitution, by means of a procedure to be stipulated in a Law adopted by the Basque Parliament itself which shall ensure proper proportional representation.
- b) To request the State Government to adopt a bill or to refer to the Congressional Bureau a proposal for a bill, delegating the members of the Basque Parliament entrusted with the defence of the said bill.
- c) To lodge appeals of unconstitutionality.

CHAPTER II

Concerning the Basque Government and the President or Lendakari

Article 29.-The Basque Government is. the corporate body which exercises the executive and administrative functions of the Basque Country.

Article 30.-The powers of the Government and its organization, based on a President and Councillors, and the Statute of its members, shall be regulated by the Parliament.

Article 31.

1. The Basque Government shall resign after the holding of elections to Parliament, in the event of a loss of parliamentary confidence or upon the resignation or death of its President.

2. The outgoing Government shall remain in office until the new Government takes office.

Article 32.

1. The Government is collectively responsible for its actions to the Basque Parliament, without prejudice to the direct responsibility of each member for the management of his respective area.

2. The President of the Government and its members may not be arrested or detained during their term of office for criminal offences committed in the territorial

area of the Autonomous Community unless taken in the act of committing them. In all cases it shall be incumbent on the High Court of Justice of the Basque Country to decide on their indictment, detention, prosecution and trial. Outside the territorial area of the Basque Country, penal responsibility shall be required in the same terms before the Criminal Division of the Supreme Court.

Article 33.

1. The President of the Government shall be nominated from among the members of the Government and appointed by the King.

2. The President appoints and dismisses the Government Councillors, and directs their activity. He holds the highest representation of the Basque Country and the ordinary representation of the State in this territory.

3. The Basque Parliament shall determine by law the manner of electing the President and his functions and also the relations of the Government with Parliament.

CHAPTER III

Concerning the Administration of Justice in the Basque Country

Article 34.

1. The organization of the Administration of Justice in the Basque Country, at the apex of which there shall be a High Court, with jurisdiction in the whole territory of the Autonomous Community, which shall be the court of last appeal, shall be structured in accordance with the stipulations of the Organic Law of the Judiciary.

The Autonomous Community, in accordance with the provisions of article 152 of the Constitution, shall share in the organization of the judicial demarcations below the provincial level and in deciding on their seat. It shall in all cases fix their boundaries.

2. The President of the High Court of Justice of the Basque Country shall be appointed by the King.

3. In the Autonomous Community, facilities shall be given for the exercise of popular action and for the participation in the Administration of Justice through the

institution of the Jury, in the manner and in respect of those criminal actions as may be determined by procedural law.

Article 35.

1. The appointment of Judges, Magistrates and Secretaries shall be carried out in the manner stipulated in the Organic Laws of the Judiciary and of the General Council of the Judiciary. Knowledge of Traditional Basque Law and of the Basque language («Euskera») shall be qualifications for which preference shall be given. No exception shall be made because of origin or place of residence.

2. At the request of the Autonomous Community, the competent body shall organize competitive examinations to cover vacancies for Magistrates, Judges and Secretaries in the Basque Country, in accordance with whatever the Organic Law of the Judiciary may stipulate. Any vacancies that are not filled by such competitions and examinations shall be filled by the High Court of Justice of the Basque Country, by applying the rules contained for this contingency in the Organic Law of the Judiciary.

3. It shall be incumbent on the Autonomous Community, within its territory, to provide personnel to serve in the Administration of Justice and the material and economic means necessary for its proper functioning, in the same terms as this power is assigned to the Government in the Organic Law of the Judiciary. In the systems for the providing of staff, preference shall be given to persons with knowledge of Traditional Basque Law and of the Basque language.

4. The Autonomous Community and the Ministry of Justice shall maintain the necessary collaboration to ensure the orderly management of the jurisdiction assumed by the Basque Country.

Article 36.-The Basque Autonomous Police Forces, in so far as they act as Judicial Police, shall be in the service of, and dependent on, the Administration of Justice, in the terms laid down by the laws of procedure.

CHAPTER IV

Concerning the Institutions of the Historic Territories

Article 37.

1. The traditional legal institutions of the Historic Territories shall be governed by the judicial regime exclusive to each.

2. The stipulations of this Statute shall not entail any alteration of the nature of the specific legal regime based on Traditional, Regional Law or of the jurisdiction of the particular regimes of each Historic Territory.

3. In all cases they shall have sole jurisdiction within their respective territories in the following matters.

- a)** Organization, regime and functioning of their own institutions.
- b)** Drawing up and approval of their own budgets.
- c)** Territorial demarcations of supra-municipal scope but not exceeding the provincial boundaries.
- d)** System of provincial and municipal property, both public domain and heritage, or their own and Community property.
- e)** Municipal electoral system.
- f)** All matters specified in this Statute or which are transferred to them.

4. They shall also be responsible for the development of regulations and for the implementation within their territory, of the matters entrusted to them by the Basque Parliament.

5. The election of the representative bodies of the Historic Territories shall be effected on the basis of criteria of universal, free, direct and secret suffrage, on the basis of proportional representation and with electoral districts that attempt to secure adequate representation of all areas in each territory.

CHAPTER V

Concerning control over the powers of the Basque Country

Article 38.

1. The laws of the Basque Parliament shall be subjected to control for their Constitutionality by the Constitutional Tribunal only.

2. In the cases provided for in article 150.I of the Constitution, the provisions of the said article shall be followed.

3. The acts and agreements and rules and regulations emanating from the executive and administrative bodies of the Basque Parliament shall be open to appeal before the Administrative Law Courts.

Article 39.-Any conflicts of jurisdiction which may arise between the institutions of the Autonomous Community and those of each of the Historic Territories shall be referred, for a decision, to an arbitration committee, composed of an equal number of representatives freely nominated by the Basque Government and by the Provincial Council of the Territory concerned, and presided over by the President of the High Court of Justice of the Basque Country, in accordance with the procedure to be determined by a Law from the Basque Parliament.

TITLE III

Finance and Property

Article 40.-For the proper exercise and financing of its powers the Basque Country shall have its own Autonomous Treasury.

Article 41.

1. Tax relations between the State and the Basque Country shall be regulated by the traditional system of the Economic Agreement or Conventions.

2. The content of the Agreement regime shall respect and be adapted to the following principles and guidelines:

a) The competent Institutions of the Historic Territories may maintain, establish and regulate, within their own territory, the tax system, bearing in mind the general tax structure of the State, the rules contained in the Economic Agreement itself for co-ordination, fiscal harmonization and collaboration with the State, and those to be issued by the Basque Parliament for the same purposes within the Autonomous Community. The Economic Agreement shall be approved by law.

b) The levying, management, demand, collection and inspection of all taxes, except those included in the Customs Revenue and those currently collected by means of Tax Monopolies, shall be carried out, within each Historic Territory, by the respective Provincial Councils, without prejudice to collaboration with the State and its inspection service.

c) The competent institutions of the Historic Territories shall adopt the relevant agreements, with the object of applying within their respective territories whatever exceptional or provisional tax rules the State may decide to enforce in the ordinary territory. Such rules shall remain in force for the same length of time as in the ordinary territory.

d) The Basque Country's transfer to the State shall consist of an overall quota, made up of the individual quotas of each of its Territories, as a contribution towards all State burdens that are not directly taken up by the Autonomous Community.

e) In order to determine the quotas for each Historic Territory which make up the overall quota referred to previously, a Joint Commission shall be set up, consisting, on the one hand, of one representative of each Provincial Council and a similar number of representatives of the Basque Government, and on the other, of an equal number of representatives of the State Administration. The quota thus agreed on shall be approved by law at intervals to be determined in the Economic Agreement, without prejudice to its annual updating by a procedure likewise to be established in the Agreement.

f) The system of Agreements shall be applied in accordance with the principle of solidarity referred to in articles 138 and 156 of the Constitution.

Article 42.-The revenue of the General Treasury of the Basque Country shall consist of:

a) The sums paid in by the Provincial Councils, as the expression of the contribution of the Historic Territories to the Basque Country's budget

expenditure. A Law of the Basque Parliament shall establish criteria for equitable distribution and the procedure whereby, in accordance with such criteria, the contributions to be made by each Historic Territory shall be agreed upon and paid.

b) The proceeds of the Autonomous Community's own taxes that may be established by the Basque Parliament, in accordance with the provisions of article 157 of the Constitution and as stipulated in the Organic Law on the financing of the Autonomous Communities.

c) Transfers from the Inter-Territorial Clearing Fund and other allocations to be charged to the General State Budgets.

d) Revenues accruing from its own property and private law income.

e) The yield from credit operations and public debt issues.

f) Any other income which may be established by virtue of the stipulations of the Constitution or of this Statute.

Article 43.

1. The rights and property of the State or other public agencies attached to services and functions assumed by the Autonomous Community shall be included in the latter's own resources.

2. The Basque Parliament shall decide to which of the agencies of the Basque Country ownership or use of such property and rights is to be transferred.

3. A Law of the Basque Parliament shall regulate the administration, defence and preservation of the Heritage of the Basque Country.

Article 44.-The General Budgets of the Basque Country shall contain the revenue and expenditure of general public activity, and shall be drawn up by the Basque Government and approved by the Basque Parliament in accordance with the rules it shall itself establish.

Article 45.

1. The Autonomous Community of the Basque Country may issue public debt to finance investment expenditure.

2. The size and characteristics of issues shall be established in accordance with the general planning of credit policy, and in co-ordination with the State.

3. Bonds issued shall be considered for all purposes as public funds.

TITLE IV

Concerning amendments of the Statute

Article 46.

1. Amendments of the Statute shall be effected according to the following procedure:

- a) The right to initiate amendments shall lie with the Basque Parliament, at the proposal of one fifth of its members, with the Basque Government or the Spanish State Parliament.
- b) The proposal must be approved in the Basque Parliament by an absolute majority.
- c) It shall require in any case the approval of the Spanish State Parliament by means of an Organic Law.
- d) Finally, the approval of the electors through a referendum shall be required.

2. The Basque Government may be empowered, by express delegation from the State, to hold the referendums referred to in this article.

Article 47.

1. Notwithstanding the provisions of the previous Article, when the object of the amendment is a mere alteration in the organization of the authorities of the Basque Country and does not affect the relations of the Autonomous Community with the State or the exclusive system based on the Traditional, Regional Law of the Historic Territories, the following procedure may be adopted:

- a) Drawing up of the proposed amendment by the Basque Parliament.
- b) Consultation with the Spanish State Parliament and the Basque Parliament.
- c) If within the space of thirty days after receipt of the consultation, none of the agencies consulted declare themselves to be affected by the amendment, a duly authorized referendum shall be held on the proposed text.

d) Finally, the approval of the Spanish State Parliament, through an Organic Law, shall be required.

e) If within the period laid down in letter c), any of the agencies consulted should claim to be affected by the amendment, the procedure stipulated in article 46 must be adopted. The stages outlined in paragraphs a) and b) of number one of this Article 46 shall be considered to have been completed.

2. In the event of the contingency provided for in Transitory Provision Four of the Constitution arising, the Congress and the Senate, in joint session and following a regulation procedure to be determined by common agreement, shall establish, by absolute majority, which of the requirements laid down in Article 46 are to be applied for the amendment to the Statute. These must, in any case, include the approval of the competent Traditional Institution, approval through an Organic Law by the Spanish State Parliament, and a referendum of the affected territories as a whole.

3. The second paragraph of letter b) in number 6 of Article 17 of the Statute may be suppressed by a three-fifths majority of the Congress and the Senate, and the approval of the Basque Parliament, with a subsequent duly authorized referendum held for this purpose.

ADDITIONAL PROVISION

The acceptance of the system of autonomy established in this Statute does not imply that the Basque People waive the rights that as such may have accrued to them in virtue of their history and which may be updated in accordance with the stipulations of the legal system.

TRANSITORY PROVISIONS

First. Once this Statute has been definitively approved, the General Basque Council shall call, within a maximum period of sixty days, elections to the Basque

Parliament, which shall be held within four months of the date of their announcement.

For this purpose, each of the Historic Territories that make up the Autonomous Community shall constitute an electoral district. The political parties, coalitions of parties and electoral groupings may put up candidates in each electoral district in closed block lists. The distribution of seats shall be effected on the system of proportional representation. The number of members of parliament per electoral district shall be twenty.

Once the elections have been held, the General Council of the Basque Country shall convene the Parliament Elect within thirty days so that it may nominate the President of the Basque Government.

The election of the President shall require an absolute majority in the first ballot, and should this not be obtained, a simple majority in the succeeding ballot or ballots.

Should the President of the Government not have been elected within sixty days of the Constitution of Parliament, the Chamber shall be dissolved and fresh elections called.

As a supplementary measure, the rules issued to regulate the general elections of June 15th 1977, and the current Standing Orders of the Congress of Deputies shall be applicable.

Second. A Joint Commission, consisting of an equal number of representatives of the Basque Government and of the State Government, meeting within a maximum period of one month, after the constitution of the former, shall lay down the rules that are to govern the transfer to the Autonomous Community of the powers vested in it by virtue of this Statute and the personnel and material means necessary for their full exercise, and make the appropriate transfers.

On the coming into force of this Statute, the powers and resources that have by that time been transferred to the General Basque Council shall be deemed to have been turned over definitively.

All acquired rights of any kind or nature held at the time of the transfer by civil servants and staff attached to state services or other public institutions due to be transferred shall be respected.

Third.

1. Transfers that are to be made in education matters, whether of property or staff, currently used by the State in the Basque Country to perform its services, shall be effected in accordance with the programmes and schedules to be established by the Joint Transfer Committee set up in the second Transitory Provision.

2. The transfer of education services shall be made to the Autonomous Community or to the Provincial Councils, as the case may be.

Fourth. The Security Council to be set up by virtue of the provisions of article 17, shall decide on the Statute, regulations, staff, numbers and recruitment of the Autonomous Police Forces, whose positions of command shall be appointed from among the Chiefs and Officers of the State Armed Forces and Security Corps who, while serving in these Forces, shall be in the administrative situation to be established in the Law on the Autonomous Communities' Police Forces, or in the situation that the Ministries of Defence and of the Interior may decide, and while in this situation shall be excluded from military law. Licences for arms shall in any case be the responsibility of the State alone.

Fifth. The Joint Transfers Committee to be established for the application of this Statute shall conclude the appropriate agreements whereby the Autonomous Community may assume management of the economic system of the Social Security, whilst respecting its unified nature and the principle of solidarity, in accordance with the procedures, time limits and arrangements contained in such agreements for the sake of orderly management.

Sixth. The co-ordination in execution provided for in Article 19.2 shall be applicable in the event of the State's according to the Autonomous Community, on a concession basis, the use of a new television channel owned by the State and set up specifically for broadcasts within the territorial area of the Basque Country, under the terms to be laid down in the aforesaid concession.

Seventh.

1. Until such time as the Spanish State Parliament draws up the basic or general laws to which this Statute refers and/or the Basque Parliament legislates on the subjects within its jurisdiction, the current State laws referring to such matters shall remain in force, without prejudice to their execution by the Autonomous Community in the cases provided for in this Statute.

2. The stipulations of article 23.1 of this Statute shall be interpreted without prejudice to the peculiarities which certain services of the State Civil Administration, by their very nature, may require, as regards the territorial area of their performance.

Eighth. The first Economic Agreement to be concluded after the approval of this Statute shall draw its inspiration from the material contents of the current Economic Agreement with the province of Alava, without this implying any detriment to the province. State taxation on alcohol shall not be agreed upon therein.

Ninth. Once the Organic Law approving this Statute has been passed, the General Basque Council may agree to assume the title of Provisional Government of the Basque Country, whilst retaining its present functions and legal regime until the provisions of the first Transitory Provision of the same are put into effect.