Abstracts

REGULATING LOCAL SHARE OF INCOME INTO THE AUTONOMOUS COMMUNITIES: A CONSTITUTIONAL REQUIREMENT

Juan Zornoza Pérez

This work reviews the titles of competence which may permit the State to regulate share of Local Finance Departments in taxation income paid to Autonomous Communities. This resource for local financing is deemed fundamental under article 142 EC and has yet to be fully developed, in that it deals with shared amounts to be provided by the Communities themselves and this work proposes compulsory national legislation in order to ensure basic equality of financing conditions for Local Finance Departments, thereby providing sufficient leeway for intervention on matters affecting Autonomous Community legal powers.

THE USA SUPREME COURT LEGAL POWERS SLOWLY BECOMING MORE DISCRETIONARY AND OBJECTIVISED: CRITERION EMPHASISES APPEAL AND WRIT OF CERTIORIARI

Mario Hernández Ramos

Due to the Supreme Court's caseload almost from the beginning of its work the Congress must to rule Acts that authorized the Court to focus its jurisdiction on the most important topics for the American life. That was made by means of increasing the discretionary jurisdiction of the Supreme Court through the *writ of certiorari* and decreasing its mandatory jurisdiction. Within this legal discretionary power, and also within the mandatory jurisdiction, the Court applied the «importance» of the cases as the main criterion to grant a *writ of certiorari* or to review an *appeal.* This use of the *certiorari* has elimina-

ted the Supreme Court's caseload but also has trigger meaningful criticisms against the political role that the Court sometimes plays through its case selection and agenda setting powers.

THE WAY PARLIAMENTARY COMMITTEES HAVE EVOLVED: THE CREATION OF LEGISLATIVE STANDING COMMITTEES

María Victoria FERNÁNDEZ MERA

Throughout the 19th century and into the 20th century, the system of Parliamentary committees established under legislation approved by the Congress of Deputies and the Senate differentiated between individual or ordinary committees and special committees. The former were deemed prominent but could not always legislate, whereas the second were temporary, and in many cases able to legislate.

The requirements to render Parliament more active and efficient led to amendments to Regulations governing those Chambers in 1918. That reform affected both the way Parliamentary work was organised, with the creation of legislative standing committees and also the procedures for debate, introducing anti-obstructive techniques.

The purpose of adopting the system of legislative standing committees was to try and provide parliament with efficient instruments for developing its legislative role, which had up until that time been dealt with by temporary and special parliamentary bodies. The difficulties afflicting the Spanish Parliamentary institution and Spanish political life in general were nevertheless too great and could not be resolved simply by Parliamentary reform.

The fact that the legislative standing committees were not very active was recorded in the verbatim reports and a study of those reports for the following legislatures up until both Parliamentary Houses were dissolved in 1923 clearly shows the lethargy which befell the great majority of committees that were set up.

CRITICAL NOTES REGARDING THE SPANISH SYSTEM OF COOPERATION AGREEMENTS

Abraham BARRERO ORTEGA

The legal regime established by the Constitution of 1978 and subsequent legislation has provided a positive framework for the development of religious freedom and church-state relations in Spain. The norms regarding religious freedom in the Spanish legal system have earned praise in international forums and serve as a model of relations between the State and religious groups. In particular, to date, the State has established cooperation agreements with the

Catholic Church (1979) and three non-catholic religious groups –the Federation of Evangelical Religious Entities of Spain, the Federation of Jewish Communities of Spain and the Islamic Commission of Spain (1992)–. This article, in the context of the General Act on Religious Freedom (1980) reform, analyzes the advantages and disadvantages of the Spanish model of relations between the state and religious groups.

THE OBLIGATION OF THE SOLVE AND THE REGIME OF COMMUNICATIONS AND ELECTRONIC NOTIFICATIONS

María Jesús GARCÍA

Law 30/92 of the 26 November, of legal regime of the public Administrations and common administrative procedure ties the obligation very closely to solve with having of communication and administered notification to so much of the final resolution that it is adopted in the administrative procedures like on the previous aspects to the resolution related to this obligation, so that the obligation to solve is not understood completes without the opportune notification has practiced (or at least tried).

This general regulation Law 11/2007 affects, of 22 of June of electronic access of the citizens to the services public, regulating among other questions the regime of communications and electronic notifications. The present work analyzes the characteristics of this new form of administrative notification, and its incidence in the legal regime of the obligation to solve established with general character by Law 30/92.

SECURITY AND FREEDOM UNDER GERMAN LEGISLATION OF INFORMATION PROCESSING BY POLICE: THE POSITION OF THE FEDERAL CONSTITUTIONAL COURT

Maribel GONZÁLEZ PASCUAL

Anti terrorism legislation has increased the police powers to compile and store data. These powers often collide with fundamental rights, particularly with the data protection right. Regarding this the acts enacted in the last years by several German *Lander* can be emphasized. This work analyses three decisions ruled by the ***Budesverfassungsgericht*** where the Court points out not only that the anti terrorism legislation must observe fundamental rights but also that the new technologies are a new space which is essential to develop the personality of the people. To this end the Court reminds to the legislator that its duty of protecting citizens does not allow him to disregard the rights to freedom and also the Court adds to the bill of rights the integrity of the informatics systems because of the important role that they play currently in our lives.

SUPREME TRIBUNAL DOCTRINE REGARDING JUDICIAL POWER AND THE EXECUTIVE BODY

Federico De Montalvo Jääskeläinen

The Contentious–administrative Court (Tr: for appeal against government body rulings) sitting at the Supreme Court has been dealing with a case also under the scope of the provisions set down in article 58 and 143.2 of the Constitutional Law governing the Judiciary in relation to contentious--administrative appeals against actions and provisions set down by the General Council for the Judiciary, the constitutional executive body governing Judges and Magistrate-Judges. The former has set down abundant doctrine regarding the nature, purposes and functions of the latter government body governing judges and the Judiciary per se. Said case law doctrine therefore constitutes a perfect instrument for analysing the role of the Judiciary in our constitutional system.