

Public Administration in Spain

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1. The Spanish Political System

- Just like all the other members of the European Union, Spain is a democratic country, where equality, justice, liberty, security, and social welfare are basic values. The Law and justice system govern the work of public authorities and how they interact with citizens.
- The basic rule of the Spanish Government is the Constitution enacted on the 6th of December, 1978, which establishes the country's political and administrative system and also the basic principles governing the coexistence of all those living in Spain.
- The Spanish Constitution, as well as the rights and obligations of citizens also establishes the type of government in the country, which is a Constitutional Monarchy; it clearly defines the separation of powers, between legislative, executive and judicial, and determines the country's regional and administrative organisation.
- Spain is a Kingdom, and therefore the Head of State is the King, although his powers are limited to duties assigned to him by the Constitution and law.
- The separation of powers is clearly defined as being, Legislature that is in charge of passing laws, Executive, that is charge of implementing these laws, and Judiciary, that is in charge of making sure the law is enforced.
- Legislative power is vested in the parliament which in the case of Spain is called "Cortes Generales-General Courts". It is a bicameral parliament, the "Congreso de los Diputados- the Congress of Deputies or the lower house" and the "Senado- the Senate - the upper house". Members of both houses are elected by citizens in democratic elections that are held every four years. These elections are called "Elecciones Generales- General Elections" in which only Spanish nationals have the right to vote and be elected. The basic tasks of the Congress of Deputies include passing laws and appointing the Prime minister, who is elected every four years, once the General Elections have been held. Legislative power is shared between the General Courts and the "Comunidades Autónomas-Autonomous Communities" whose Governments also have authority to pass laws.
- Executive Power is vested in the Government. The Government consists of the Prime minister, who, as aforementioned is appointed by the Congress of Deputies, the Vice President, or Vice-presidents, and the Ministers, who are all appointed by the Prime minister. The Government is in charge of public affairs, makes the country's domestic and foreign policy, and is responsible for General State Administration. The Government makes its decisions in the "Consejo de Ministros-Council of Ministers". The Government can make Laws by passing minor regulations (rules and orders) in order to fulfil its functions. As is mentioned hereinafter the Autonomous Community Governments and Local Government entities also have executive duties to carry out.

- The Judiciary is in charge of administering justice. Judges and Magistrates have the power to do so, they judge and enforce judgements. They are completely independent and are only subject to enforcing the Law. Justice is given in the Courts and Tribunals throughout the country, the Supreme Court is the maximum judiciary body of Spain, and a Constitutional Court is responsible for ruling on the Constitutionality of laws, acts, or regulations.

2. The Territorial Organisation of the Spanish State

- The Spanish State is one and indissoluble, yet it is territorially organised into municipalities, provinces and "Comunidades Autónomas- Autonomous Communities". This way of structuring the State enables all the Spanish territory to be well organised, in spite of the political-administrative implications that are mentioned in the next section of this guide.

- Spain is currently divided into 17 Autonomous Communities and two "Ciudades Autónomas- Autonomous Cities" (Ceuta and Melilla). In turn, each Autonomous Community is made up of one or several provinces; there are 50 provinces all together in Spain. And each province is made up of a different number of municipalities; there are over 8.000 municipalities in Spain.



The "Comunitat Valenciana-Valencian Community" is divided into three Provinces: Castellón, Valencia and Alicante. The province of Alicante is made up of 141 municipalities

3. Political-Administrative Organisation of the Spanish State

- Spain is a unitary State, although power is decentralised, both in terms of politics and the administration, which means that public decision making and enforcement of such decisions does not only correspond to the Central Government, but also to the lower levels of authority such as the Autonomous Communities and local entities.

“Comunidades Autónomas- Autonomous Communities”

- The Autonomous Communities have a great deal of freedom, which means that in their own region, and in accordance with the powers granted to them in their “Estatuto de Autonomía- Statute of Autonomy”, they will have extensive legislative and executive authority, with their own parliament, government and administration.

- The Statute of Autonomy is a fundamental and basic rule of each Autonomous Community, which establishes public affairs (health, education, town planning, etc.) that come under their jurisdiction, which means, the Autonomous Community parliament can pass laws on these issues and which their Government and Administration can then enforce and control. This basic rule also determines other important issues such as the institutions of the Autonomous Community, how they are internally organised, the way they interact with citizens or their symbols (flag, coat of arms, anthem, etc.). The Statute of Autonomy is like the Constitution of each Autonomous Community.

- Spanish citizens living in each Autonomous Community will elect the members of the Autonomous Parliament every four years in elections known as “Elecciones Autonómicas- Regional Elections”, and this parliament will then elect the President of the Regional Government. The President will freely appoint the “Consejeros- Ministers”, who then form the regional government together. This regional government will be in charge of the Autonomous Community’s political activities and its Administration. As you can see, the constitution procedure for the regional government is similar to that of the central government.

- The Autonomous Communities have their own Government and administrative structure at the disposal of citizens; they have their own civil servants, budget and taxes which they are directly in charge of.

- With regard to the Valencian Community all the regional institutions within it (Parliament, Government, Ombudsman, etc.) are classified as the “Generalitat Valenciana- Valencian Autonomous Government”; the parliament “Corts Valencianes-”; the Governing Council “Consell”; the president “President”; and the counsellors “Consellers”.

Local entities

The Municipality

- The main local entities in Spain are the Municipalities and the Provinces. The Constitution guarantees them autonomy to manage their own affairs
- The City Council is in charge of the Municipality's government and administration. Those living in the Municipality will elect the Councillors in the Municipal Elections, both Spanish nationals and also any EU citizen who has residence in Spain and who wants to can vote in these elections. Citizens from other countries that have an agreement with Spain allowing their citizens to vote and who are also residents can vote too.
- Once the Councillors have been elected, they then elect the Mayor from the list of Councillors that have been appointed by their political party.
- The City Councils have numerous public duties or services that must be provided, and they have complete autonomy to do so, with their own taxes and power to pass certain rules (municipal regulations and by-laws). Although such rules are not laws, they are binding for citizens living within the municipality.

The Province

- A Province is a local entity that has its own legal personality, determined by all the municipalities within it. Each Province has a Governmental and Administrative body called the, "Diputación Provincial- County Council" although these institutions can be also be called, "Cabildos -municipal council".
- Once all the municipal Councillors in the Province have been elected in the municipal elections, the political parties will then nominate the County Councillors from all the Councillors. Elections for the President, the Governing Body and the Provincial Council Plenary Session are similar to the municipal elections.
- The County Council is basically in charge of helping the municipalities throughout the Province, especially the smaller ones, so that they can provide the services that they have been legally assigned with properly. In certain cases, the County Councils directly provide services to citizens, although usually it is the City councils that are responsible for this.
- The County Councils have their own financial, human and material resources, to be used to fulfil their objectives; they act as an intermediate Administration working between the Autonomous Communities and the Municipalities.

- Nevertheless the County Council is not the immediate superior of the City Councils, nor does it check on their work, nor can it enforce a certain type of conduct or behaviour, as the City Councils are autonomous and their actions can only be reviewed by the Courts of Justice.

- The Distinguished County Council of Alicante within the Province of Alicante is the Government and Administrative body that is in charge of organising the services provided by the Alicante city councils, it gives assistance and technical cooperation to the municipalities, especially those with less resources, and provides certain supra-municipal services (fire-fighters, tax formalities, emergencies, etc.). It helps out with economic and social development in Alicante and promotes the interests of the Province.

4. Public Administration in Spain

What is the Public Administration?

- Public Administration is an organisation of material, economic, technical and human resources that the State uses to properly identify the needs of society and to be able to satisfy them by offering public goods and services.

- The Administration in Spain is part of the Executive branch it is a decentralised country, and is organised into three levels:

- The General Administration of the State.
- The Administrations of the Autonomous Communities
- The local entities that are part of the Local Administration.
- Furthermore, any public entity connected to or dependant on any of the aforesaid Public Administrations is also considered as being part of the Public Administration.

The General State Administration

- This is the part of the Administration that depends on the Central Government and therefore it has authority over the whole country, even administrative work abroad.

- The General State Administration is made up of the Ministries that are located in the capital of Spain, Madrid. Each one is in charge of one or various sectors of administrative activity and it is the Prime minister who decides how many Ministers are needed and what their titles and authority should be.

- Then there is the Territorial Administration, which represents the general State Administration throughout the country. This is where Government delegates and or sub delegates work.

- The Government delegate represents the Central Government in each one of the Autonomous Communities and is in charge of the General State Administration within aforesaid Autonomous Community. The Sub-delegate does the same thing in each province.

Autonomous Administration

- Autonomous Administration is the second administrative level and is made up of the human, economic, material and technical resources that are used by the regional Governments to fulfil their duties that they have legally been entrusted with, in their sphere of influence which is limited to their own autonomous region.

- With regards to the Valencian Community, there are certain central bodies, such as the “Consell- Governing Council”, whose main function is to guide the Valencian Public Administration, and the “Consellerias- Departments”, these are like a type of Ministry, but on a regional level, that are in charge of a specific duties entrusted to the Valencian Community. Each province also has Regional Government Offices, representing the departments in the Province in question and which directly provide public services.

- The “President- President” of the Valencian Government decides on the “Consellerias- Departments”, both in terms of quantity, functions and also those governing them, namely the “Consellers -Councillors”. The list of “Consellerias- Departments” can be found on the Valencian Government web site that is listed in the useful addresses section of this guide.

Local Administration

- This is the third administrative level, and is made of up the human and material resources belonging to the City and County Councils used to carry out their functions.

- The administrative structure of the City Councils is organised by “Concejalías- Departments”, which are directed by a councillor. The City Council assigns tasks and missions to each Department. The number of Departments corresponds to the basic jurisdiction of the City Council in question. These departments are usually set up in all the City Councils.

- The administrative structure of the County Councils is very similar to that of the City Councils, although the administrative units are usually called Areas instead of Departments, and are directed by a County Councillor.

- The Honourable Alicante County Council has the following Areas:

Architecture	Social Welfare	Internal System
Water Cycle Management	Contracts	Culture and Education
Sports	Economy and Inland Revenue	Emergencies
Gestión Archiving	Home for the elderly and young children	Infrastructure
Computing	Environment	Modernisation
Women, Young people and European Residents	SAM (Municipal Assistance Service)	Provincial Official Gazette and Press
Patrimonio	Presidency	Mental Health
Museums	Treasury	Vehicle fleet
Tourism	Human Resources	Heritage
General Secretariat		

Public Administration action plans

- The Administrations always have to be objective in their actions, aiming at satisfying general interests and upholding the principles of efficiency, effectiveness, hierarchy, decentralisation, devolution and coordination, and are subject to the Constitution, the Law and Justice. In turn their activities must uphold the principles of good faith and legitimate expectations.

- When the Administrations work together, they must cooperate and collaborate on as many issues as possible.

- In terms of public relations, the public Administrations must act in accordance with the principles of transparency, participation, simplicity, openness and respect towards citizens.

- The work of public authorities must avoid any type of discrimination, and promote equal opportunities for all citizens.

5. Basic Glossary

It is important to understand the concepts related to the Official Institutions and their connections with the Administration and public authorities that have already been mentioned in this guide book and also others that are that appear herein below.

A)

- AA.PP.

Abbreviated form for “Administraciones Públicas”- Public Administrations

- Acta-Minutes

A written report on the proceedings, negotiations or agreements during a committee or meeting.

- Acto Administrativo- Administrative action

A proceeding used by administrative bodies to carry out their functions, create, modify or cancel rights or obligations.

- Alcalde - Mayor

The Mayor is understood as being the nominal head of the Municipal Government who is in charge of the local government, administration and represents the City Council, their powers are conferred to them by Law.

- Apremio (procedimiento o vía de) - Distraint (attachment proceedings or legal means of collection)

Procedures adopted by the Administration to collect money owed by citizens who do not pay their debts on their own free will (taxes, fines, etc).

- Artº.- Article

The abbreviated form of article.

B)

- Beca- Grant

Aid that a student can request from the public authorities in order to study.

- Beneficiario- Beneficiary

Anyone who receives a certain benefit.

- BOE- Official State Gazette

Abbreviated form of “Boletín Oficial del Estado”- the Official State Gazette that contains information on the most important public activities: laws passed, civil servants appointed, etc.

- BOP - Provincial Official Gazette

Abbreviated form of “Boletín Oficial de la Provincia”, the official report that informs citizens about the main public action in the province.

C)

- CC.AA. - Autonomous Community

Abbreviated form of "Comunidades Autónomas" - the Autonomous, self governing Communities.

- CC.LL. - Local Authorities

Abbreviated form of "Corporaciones Locales"- Local Authorities.

- Caducidad - Expiry

Termination or lapse of a period of a formality or procedure established by law.

- Cédula de habitabilidad- Occupancy permit

A document issued by the Authorities to certify that a house is fit for habitation.

- Censo Electoral- Register of electors

List of people who are entitled to vote in certain elections.

- Citación - Summons

Proceedings which summon a person to go before the Administration or the Courts.

- Comarca - County

This is an administrative division comprising of a number of municipalities within the same Autonomous Community.

- Comisión de Gobierno Municipal- Municipal executive commission

This is the executive body in charge of municipal politics, and is made up of the Mayor, who presides over it, and a number of councillors freely elected by the Mayor, there can be no more than 1/3 of all the councillors in the municipality.

D)

- Días hábiles - Working days

Working days in accordance with the Official calendar. If there is an official holiday in the Municipality or Autonomous Community where the interested party lives or in the seat of the administrative body, or vice versa, it is considered to be an official holiday in any case.

- Día inhábil- Official holiday

A day on which any work that is carried out by the courts or the administration is not considered to be legally binding or valid.

- Días naturales - Calendar days

Every day of the year, including holidays.

- Diputado- Deputy

Member of the Congress of Deputies which is the lower house of Parliament. They are directly elected in the General Elections.

- **Diputado Autonómico- Member of the Autonomous Regional Parliament**

Member of the Autonomous Community Parliament. They are directly elected in the Regional parliament elections.

- **Diputado Provincial- Provincial Councillor**

Member of the County Council. They are appointed by the political parties from the Councillors elected during the Local Elections.

- **DOCV - Official Journal of the Valencian Community**

Abbreviated form of Diari Oficial de la Comunitat Valenciana, an official publication containing information about the most important public activities in the Valencian Community.

- **Domicilio fiscal- Fiscal residence**

Address used by natural person or legal entity for tax purposes.

- **Domicilio social- Business address**

Address of a company.

- **Dominio público - Public domain**

Group of assets owned by the State, Autonomous Communities, Provinces and Municipalities set aside for public use or services.

E)

- **Embargo -Seizure**

Seizure of assets from a debtor ordered by court or the Administration, so that they can be auctioned publicly to pay off the debts.

- **Escritura pública - Public deed**

A document in which a notary public authorises the date of an act, the interested parties and what they declare in their presence.

F)

- **Formulario- Form**

Documents made available to citizens by the Administration to help them make accusations, requests, formal complaints, etc.

I)

- **Impuesto - Tax**

Obligatory tax that is established for a certain individual (direct) or that is levied on certain acts or operations (indirect).

- IPC- CPI

Abbreviated form of “Índice de Precios al Consumo- Consumer Price Index”. The economic index used to adjust the evolution of different amounts of money for the effects of inflation (for example, wages, basis for National Insurance contributions...).

L)

- Legislature- Legislative period

Period of time that a legislative assembly is elected for. In Spain the parliamentary terms, nationally, regionally, and locally are 4 years, at the end of such period new elections are held.

- Litigio - Law suit

Proceedings submitted to the Courts.

M)

- Mancomunidades - Voluntary municipal consortium

These are local territorial entities that form an association to work together or provide certain services that are within their jurisdiction.

- Motivación- Grounds

Written arguments that form the basis of a legal order or proceedings from public authorities.

N)

- NIE

Foreigners Identification Number.

- NIF

Fiscal Identification Number.

- Notario- Notary

A public civil servant who is authorized to legalize contracts and other out-of-court proceedings.

- Notificación- Notification

This is used by the Administration to inform interested parties about certain facts or documents.

P)

- Padrón Municipal de habitantes- Municipal census

This is the municipal register listing the inhabitants within a municipality. It contains reliable details about residence in the municipality and about the inhabitant's normal place of residence.

- **Patrimonio -Wealth**
All the assets and rights belonging to a natural person or a legal entity.
- **Personarse -To be party to suit**
To appear in person for any legal matter or business or physically be present in a certain place.
- **Personas físicas - Natural person**
An individual.
- **Personas jurídicas- Legal entity**
A legally established entity, with rights and obligations, such as associations, companies, etc...
- **Pleno Municipal - Municipal plenary session**
This is the basic decision making body of a City Council and is made up of all the Councillors and is chaired by the Mayor.
- **Prescripción- Limitation period**
The limitation period of a right, action or liability. Not to be mistaken for “Caducidad”, expiry date.
- **Proceso- Proceedings**
Consecutive acts legally governed used by the administration or judiciary to work. Synonym of “procedimiento - procedure”.
- **Prórroga- Extension**
Extension of a time limit.
- **Publicación - Publication**
A way of publicising a legal act normally published in an official gazette.

R)

- **R.D.**
Abbreviated form of “Real Decreto” - Royal Decree, which is a type of regulation that is passed by the Central Government.
- **Recibo - Receipt**
Document signed by a person to acknowledge that they have received something or a certain amount of money.
- **Recurso - Appeal**
This is the document that an individual submits to the Administration when they do not agree with a decision that affects them made by such authority. If the appeal is lodged against the person who made the decision it is called “Reposición- appeal for reversal”, and if it is lodged against their immediate superior it is called “Alzada- appeal”.

- Referéndum- Referendum

A way to consult the public about extremely important political decisions.

- Registro Civil- Registry Office

Administrative service that is responsible for recording, publishing and in certain cases training on activities concerning civil status, such as births, adoptions, marriages and deaths.

- Registro de la Propiedad- Property Register

Administrative service that registers sole proprietors, companies as well as any acts or contracts concerning them.

- Registro Mercantil- Trade register

Servicio administrativo en el que se inscriben los empresarios individuales, las sociedades mercantiles y los actos y contratos relativos a los mismos.

- Representación -Representation

A person who acts on behalf of someone else.

- Responsabilidad - Liability

A word that describes all types of obligations to redress anything that has been damaged.

S)

- Sector público- Public Sector

All the Administrations or institutions that depend on the different public administrations and public authorities.

- Silencio administrativo- Administrative silence

When the administration fails to respond within the stipulated time limit to a complaint lodged or a challenge it is called administrative silence. This silence can have positive effects (as the citizen's position or request is considered to have been accepted) or negative (that the citizen's position or request is understood as being rejected) depending on what is established in the law for each specific case.

- Subventions- Subsidies

Subsidies are considered to be a sum of money given to natural persons or legal entities to promote a certain activity or project that is of public or social interest.

T)

- Tasa- Fee

Type of tax that is established in return for a service or work provided by Public Law.

6. Legislative references

- Law 50/1997, dated the 27th of November, on the Government.
- Law 6/1997, dated the 14th of April, on the Organisation and Operations of the General State Administration.
- Law 30/1992, dated the 26th of November on the Public Administration Legal System and that of the Common Administrative Procedure.
- Law 7/1985, dated the 2nd of April, on the basis of the Local Regulatory System.
- Organic Law 6/1985, from the 1st of July, on the Judiciary.
- Organic Law 5/1985, dated the 19th of June, on the General Election System.
- Law 5/1983, dated the 30th of December, on the Consell- Council.
- Organic Law 5/1982, dated the 1st of July, on the Statute of Autonomy of the Valencian Community. Modified by the Organic Law 1/2006, dated the 10th of April.
- Organic Law 2/1979, dated the 3rd of October, on the Constitutional Court.
- The Spanish Constitution of 1978.

7. Useful addresses and web sites

- Excelentísima Diputación Provincial de Alicante.

Honourable County Council of Alicante.

Avda. de la Estación, 5. 03005 Alicante.

Tel: 965.988.900 - Fax: 965.988.949

www.ladipu.com

- Subdelegación del Gobierno de España en Alicante.

Central Government Delegation in Alicante.

Pl. de La Montanyeta, 6. 03001 Alicante.

Tel.: 965.019.000 - Fax: 965.019.160

www.map.es

- Delegación del Consell (Gobierno de la Comunidad valenciana) en Alicante.

Valencian Government Council Delegation in Alicante.

Avd. Doctor Gadea, 10. 03001 Alicante.

Tel.: 012 - Fax.: 965.935.417

www.gva.es

- PROP Offices.

These are offices belonging to the Valencian Government operating in the different municipalities in the Valencian Community. They are intended to bring the Administration closer to the citizens. They provide citizens with information. They help them with formalities and presenting documents. Citizens can find out where their local PROP office is by phoning 112.

- Official web site of the Generalitat Valenciana.

Citizens can find information concerning the Valencian Government on this Web site (telephone number, addresses, laws, notifications for aid, etc.)

www.gva.es

- 060 Service (Information on the State).

Web site containing information for citizens concerning the General State Administration (telephone number, addresses, laws, notifications for aid, etc.). This information can also be obtained by phoning the 060 number.

www.060.es

- 012 Service (Information on the Valencian Autonomous Government).

Telephone service providing citizens with information about the Valencian Government Administration (telephone numbers, addresses, notifications for aid, etc.)

- 010 Service (Municipal Information).

Telephone service providing citizens with information about their local town or city councils (telephone numbers, addresses, notifications for aid, etc.).

- CIVIS: Information on the City or Town Councils of Alicante.

Web site providing citizens with basic information about all the Town and City Councils of the Valencian Community (telephone numbers, addresses, web sites, etc).

http://www.civis.gva.es/civis/es/index_menu.htm