Preliminary Programme as at July 2013*

Catalan Law and Legal Information in a Global Context

University of Barcelona, Barcelona
September 15-19, 2013

* The final programme will appear in the printed Conference Booklet.
Sunday, September 15, 2013
Opening at the University of Barcelona Historic Building

10.30 – 12.30  ☁️ IALL PIL Research Competencies Workshop.
(Please email ruth.bird@bodleian.ox.ac.uk by August 15, 2013, if you
would like to attend).

15:30  🚌 Buses depart from the hotels to the University of Barcelona Historic
Building.

16.00 – 16.30  Registration.

16.30 – 17.00  Welcome address by IALL President, Ms. Petal Kinder, and by UB Rector,
Mr. Dídac Ramírez.

17.00 – 17.30  Session 1: From Legal Compilations to Legal Codes: a Catalan Legal
History approach (18th-20th Centuries)
Speaker: Oriol Oleart.

18.00 – 19.30  Visit to the University of Barcelona Rare Book and Manuscript Library.

Traditional Catalan dances and music by the Esbart Català de
Dansaires.


21:00  🚌 Buses depart from the University of Barcelona Historic Building to the
hotels.
Monday, September 16, 2013
Academic sessions at the Faculty of Law and visit to ICAB and Parliament

08.45 – 09:15  Registration.

09.15 – 09.30  **Formal Opening** by IALL President.

09.30 – 10.15  **Session 2: Catalan Law in the Spanish context: Autonomous Communities.**
Speaker: Markus González Beilfuss.

10.15 – 11.00  **Session 3: Catalan Law in the European Context.**
Speaker: Mar Aguilera.

11.00 – 11.30  **Refreshment Break.**

11.30 – 12.15  **Session 4: Law of Successions (I): Intestacy.**
Speaker: Jaume Tarabal.

12.15 – 13.00  **Session 5: Law of Successions (II): Forced share.**
Speaker: Miriam Anderson.

13.00 – 14.00  **Lunch.**

14:10  **Buses depart from the Faculty of Law to the Barcelona Bar Association.**

14.30 – 16.30  **Visit to The Barcelona Bar Association (ICAB).**

16.45  **Buses depart from the Barcelona Bar Association to the Parliament of Catalonia.**

17.15 – 18.30  **Visit to the Parliament of Catalonia.**

18.45  **Buses depart from the Parliament of Catalonia to the hotels.**

*Evening at leisure.*
Tuesday, September 17, 2013
Sessions at the Faculty of Law and visit to the National Library of Catalonia

09.30 – 10.15  Session 6: *Same-sex couples in Spain and Catalonia.*
Speaker: Mónica Navarro-Michel.

10.15 – 11.00  Session 7: *The Effects of Divorce on Children.*
Speaker: Elena Lauroba.

11.00 – 11.30  Refreshment Break.

11.30 – 12.15  Session 8: *Conflicts of Law among Spanish legal systems.*
Speaker: Cristina González Beifuss.

12.15 – 13.00  Session 9: *Could Catalonia become independent?*
Speaker: Josep M. Reniu.

13.00 – 14.00  Lunch.

14.15  *Buses depart from the Faculty of Law to the National Library of Catalonia.*


17.30  *Buses depart from the Biblioteca de Catalunya to the hotels.*

18.00 – 19.30  Investor-State LawGuide (ISLG)’s Reception at Hotel Princesa Sofia.
ISLG invites all IALL attendees to join them for a post-conference reception immediately after the day’s events. Food and refreshments will be served. Morgan Maguire, CEO of ISLG, will provide a brief presentation to overview the database.
Wednesday, September 18, 2013
Sessions at the Faculty of Law and IALL Annual Dinner

09.30 – 10.15  Session 10: *Urban planning.*
Speaker: Juli Ponce.

10.15 – 11.00  Session 11: *Human Right to Environment and its effective protection in Catalonia, Spain and Europe.*
Speaker: Alexandre Peñalver.

11.00 – 11.30  Refreshment Break.

11.30 – 12.15  IALL Annual General Meeting.

12.15 – 13.00  *Developments in International Legal Information.*

13.00 – 14.00  Lunch.

14.15 – 15.00  Session 12: *Gender law*
Speaker: Nuria Pumar.

15.00 – 15.45  Session 13: *Copyright Issues related with the implementation of Open Access policies.*
Speaker: Ignasi Labastida.

15.45 – 16.30  Session 14: *Accessing Legal Information in Catalonia: open access to legislation and case-law.*
Speakers: Patricia Sanpera and Montse Morante.

*Free time.*

19.00  *Buses depart from the hotels to Hotel Miramar.*


21.45  *Buses depart from Hotel Miramar to the hotels.*
Thursday, September 19, 2013
Optional day – Visit to Montserrat and Món Sant Benet

09.00 Buses depart from the hotels to Montserrat.

10.00 – 12.15 Visit to Montserrat
Montserrat is a multi-peaked mountain located near the city of Barcelona. It is well known as the site of the Benedictine abbey, Santa Maria de Montserrat, which hosts the Virgin of Montserrat sanctuary.

12.30 Buses depart from Montserrat to Món Sant Benet

13.15 – 14.45 Lunch at Món Sant Benet

15.00 – 17.15 Visit to Món Sant Benet
Món Sant Benet is a cultural, tourist and leisure project of great singularity. Inaugurated in November 2007, it is a unique ensemble where you will find a medieval monastery a few meters away from an innovative international centre dedicated to culinary research, all framed by an unbeatable natural landscape.

17.30 Buses depart from Món Sant Benet to Barcelona.
<table>
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<th>Speakers</th>
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| SESSION 1 // Sunday, September 15 – 17:00 – University of Barcelona Historic Building |
|---------------------------------|------------------------------------------------------------------------------------------------|
| Oriol Oleart | **From Legal Compilations to Legal Codes: a Catalan Legal History approach (18th-20th Centuries)** |
| Oriol Oleart is Ph.D. in Law (Legal History) and Professor at the University of Barcelona Faculty of Law. His main research interests are in the fields of Catalan Legal History, lawmaking processes, and Medieval and Modern Law Compilations. | This contribution deals with the evolution of the traditional Catalan legal system after the end of the Spanish War of Succession (early 18th Century) up to the 20th Century. It shows the way how the traditional Catalan legal system survives and evolves through the end of the Old Regime to the Constitutional 19th Century, and focuses on the traditional Catalan legal system (and law compilations) that survives beside the brand new Spanish Civil Code, along with other Spanish existing regional legal regulations (due to historical surviving legal systems from pre-existing kingdoms). |

| SESSION 2 // Monday, September 16 – 9:30 – Faculty of Law |
|---------------------------------|------------------------------------------------------------------------------------------------|
| Markus González Beilfuss | **Catalan law in the Spanish context: Autonomous Communities** |
| Since 1992 Markus Gonzalez Beilfuss has been a Professor of Constitutional Law at the University of Barcelona. He teaches and researches in the areas of constitutional law, federalism and immigration. He has been Immigration Director General of the Spanish Government (2010-2011) and Legal Adviser of the Spanish Constitutional Court (2005-2010). He has research and advisory experience with a number of international institutions including the United Nations and the Venice Comission of the Council of Europe. | Markus González Beilfuss will give an overview of the constitucional provisions that enable the coexistence of 18 legal systems in Spain, the Spanish legal system and the 17 legal systems of the different Autonomous Communities. He will focus on the competencies of Catalonia that are the basis of the present Catalan Law as well as on the provisions of the Spanish Constitution that regulate the coexistence and potential conflicts between all these legal systems. |
SESSION 3 // Monday, September 16 – 10:15 – Faculty of Law

Mar Aguilera-Vaqués

Mar Aguilera-Vaqués is Professor at the University of Barcelona. She teaches and researches in the areas of constitutional law, environmental law, sustainable development, democracy, freedom of expression and elections. Recently, she has also been teaching Spanish Constitutional Law and Spanish political transition at the University of Lyon 2, France. She has participated as an international observer and legal expert in different European Union and United Nations observation missions in diverse countries such as East Timor, Tunis, Zambia, Sudan, El Salvador and Cambodia. She recently participated in a European Council training programme for judges in Ankara on freedom of expression, political parties and media. Her last two publications deal with Environmental Law at the European Court of Human Rights and with political participation and elections at the European Union.

Catalan law in the European context

The presentation will provide an overview of the Catalan law at the European context. How the Catalan institutions can engage with the Spanish Government policies and decisions within the European Union and how European Union Law and policies are implemented in a decentralized country such as Spain where Autonomous Communities have their own Governments and Parliaments. I will also examine how this Spanish territorial decentralized structure affects the implementation and management of such EU norms. Finally, I will outline how Catalan institutions manage to engage with the European Union institutions and explain which instruments can guarantee this participation and how the EU responds to them.

SESSION 4 // Monday, September 16 – 11:30 – Faculty of Law

Jaume Tarabal

Dr. Jaume Tarabal Bosch is Professor of Civil Law at the University of Barcelona, and is also part of the research team Study Group of Catalan Civil Law. He teaches and researches in the areas of security rights and the law of succession, with several publications in both fields.

Law of successions (I): Intestacy

The presentation will provide an overview of the legal regulation of intestate succession in Catalonia. In particular, it will explore the last reforms introduced by the Law 10/2008, of 10 July, which, following the codification scheme laid down by Law 29/2002, of 30 December (the so-called first law of the Catalan Civil Code), enacted Book IV of the Catalan Civil Code, on the law of succession.
**SESSION 5 // Monday, September 16 – 12:15 – Faculty of Law**

**Miriam Anderson**

Dr Miriam Anderson is Professor of Civil Law at the University of Barcelona. She has taught at various Spanish and foreign universities, and her research has focused on contract, land law and succession (in English, recently, see Anderson, M.; Arroyo, E. (eds.) *The Law of Succession: Testamentary Freedom*. Groningen: ELP, 2011). She currently co-directs ClinHab, the legal clinic on property and mediation of the UB Law School.

**Law of successions (II): Forced share**

The enactment of Book IV of the Catalan Civil Code in 2008 could have been a golden opportunity to abolish, or at least to carefully rethink, the forced share reserved for descendants or parents, but different mishaps during the parliamentary procedure impeded a full-blown debate on this and other matters. However, the Catalan forced share has always been much less restrictive towards the testator’s freedom than the Spanish, and the 2008 reform has eroded the forced share even further by means, inter alia, of limiting the claw-back effect on donations and through the introduction of a new ground for disinheretance. This presentation aims to provide a general overview of the Catalan forced share system and to highlight those innovations that lessen its impact on the testator’s freedom.

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**SESSION 6 // Tuesday, September 17 – 9:30 – Faculty of Law**

**Mónica Navarro-Michel**

Monica Navarro-Michel is Professor of Civil Law at the University of Barcelona and currently Vice-dean for Research and International Relations. Chair of the Library Commission at the Law Faculty. She is a Member of the Equality Committee at the Faculty of Law (University of Barcelona). She teaches and researches in the areas of Liability and Family law. She has taught in the Summer School Program Sexual Orientation Law organized by Whittier Law School in collaboration with the Williams Institute de la Universidad de California (UCLA). Her recent publications (in Spanish) deal with the new family models and assisted reproduction.

**Same-sex couples in Spain and Catalonia**

The presentation will provide an overview of the legal regulation of same-sex couples in Spain and Catalonia. First, it will present how regulations have evolved, from legal disregard of same-sex couples to the recognition of same-sex marriages by the Spanish Law in 2005, upheld by the Spanish Constitutional Court. Secondly, it will highlight some challenges faced by same-sex couples, such as adoption and access to assisted reproduction.
Elena Lauroba is Professor at the Civil Law Department of the University of Barcelona. She works on Family Law, Property Law and Securities Interests Law. Since 2002, she teaches Family Law and Mediation. She has been member of the Observatory of Private Law of the Generalitat de Catalunya and General Director of Law in the Justice Department of the Generalitat de Catalunya (3/2009-1/2011). She has been too the responsible of the Gender Policies of the University of the Barcelona (2006-2009). She is member of the International Society Family Law, of the Association Henri Capitant des amis de la culture juridique française and of the European Law Institut.

The effects of divorce on children

The marriage breakdown should not alter the parental responsibilities towards the children; therefore, they remain joint responsibilities and, where possible, they should be carried out jointly. Consistently with these guidelines, Book II of the Catalan Civil Code’s first option has been for shared custody, not only if the parents agree in this respect, but also if it is down to the judge to establish the concrete performance thereof. However, the court may decide that the best way to protect the minor’s interests is by granting one of the parents custody, and contact or access rights to the other. It is generally understood that an active implication of both parents in the care and education of their children is the best possible outcome for the minor, but this needs to be tested in each individual case, since an automatic rule could lead to negative consequences. In the speech, specific attention is paid to the so-called parenting plan and to the advantages of family mediation, and analyses its regulation in the Catalan Civil Code.
### SESSION 8 // Tuesday, September 17 – 11:30 – Faculty of Law

**Cristina González Beilfuss**

Cristina González Beilfuss is a Full Professor of Private international Law at the University of Barcelona and presently Head of External and Institutional Relations at Escuela Judicial, the Spanish Training Centre for the Judiciary (on secondment). She teaches and researches in the areas of Private international law, Comparative law and European Union law, with a particular focus on Family law. She is a member of the Organizing Committee of the Commission on European Family Law and Spanish contact point in the European judicial network in civil and commercial matters and in IberREd (judicial network between Spanish speaking countries). Before being seconded to the Spanish Judicial school, she chaired the Library Commission at the Law Faculty and was a member of the Library Commission of the University of Barcelona.

**Conflicts of law among Spanish legal systems**

Spanish private law is not unified. The presentation will first provide an overview of the so called Derechos forales and highlight the areas of the law where legislation is diverse. It will particularly focus on the law that applies to the property relationships between spouses in order to illustrate that differences between the different Spanish laws can be far-reaching. It will examine how conflicts of law issues are solved in domestic and international cases. In particular, it will touch on the problem faced in those cases where an international Convention or EU Regulation establishes that Spanish law is applicable. Since there is not one Spanish law, the specific Spanish system that governs must be determined.

### SESSION 9 // Tuesday, September 17 – 12:15 – Faculty of Law

**Josep M. Reniu**

Josep Mª Reniu, Ph. D. in Political Science, is Professor of Political Science at the University of Barcelona, and is also currently the Director of the Political Science studies at the Faculty of Law at the University of Barcelona, and the Director of the Coalition Governments Observatory (OGC). Member of the Electronic Voting Observatori (OVE), his areas of research cover coalition politics and electoral processes, with a focus on ICT’s and elections. His most recent book, *Pactar para gobernar: dinámicas coalicionales en la España multinivel*, has been published by Tirant lo Blanch in April 2013. From March 2013, he has been

**Could Catalonia become independent?**

The presentation will provide an overview of the possibilities for Catalonia to become an independent State. It will be necessary to briefly review the historical relationship of Catalonia and Spain before focussing on a discussion of the different future scenarios. The main argument will focus on a very simple question, the aim of Catalan people to decide on their own future. To support it the presentation will present data on several dimensions covering political, legal, social and economic features that drive the current political process in Catalonia.
appointed by the Catalan government as a Member of the Advisory Council for the National Transition.

<p>| SESSION 10 // Wednesday, September 18 – 9:30 – Faculty of Law |</p>
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<tr>
<th>Juli Ponce</th>
<th>Urban planning</th>
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<td>Juli Ponce is a Law Professor a former Assistant Dean at the University of Barcelona School of Law, a former Director of the Public Administration School of Catalonia, and a frequent speaker on administrative law, zoning and urban planning and housing law.</td>
<td>My presentation will provide several general and brief ideas about how land use law works in Spain. The explanation will focus on very general trends, sometimes comparing the Spanish situation with American and other European land use laws. I will emphasize some common problems and legal solutions (e.g. discrimination and use of law, affordable housing, etc).</td>
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<p>| SESSION 11 // Wednesday, September 18 – 10:15 – Faculty of Law |</p>
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<th>Alexandre Peñalver</th>
<th>Human Right to Environment and its effective protection in Catalonia, Spain and Europe.</th>
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<td>Alex Peñalver is Professor of Administrative Law, Professor of “Environmental Law” in Law Degree, coordinator of “Legal protection of the environment and sustainable development” in Master of Law at the School of Law (UB) and co-coordinator of the Pro Bonus Environmental Clinic at this School of Law. His main fields of research are: access to justice, public interest litigation, environmental citizen enforcement, public participation, access to environmental information and local law.</td>
<td>I will give a brief description of Human Right to Environment in Statute of Autonomy of Catalonia and in Spanish Constitution and also in Aarhus Convention (United Nations). Then I will analyze if an effective protection of this Human Right to Environment is provided for. In order to answer this question, the three “pillars” of Aarhus Convention (free access to environmental information, public participation and access to justice) are seen in Catalan and Spanish Environmental Law.</td>
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Núria Pumar is Professor of Labor Law at the University of Barcelona (UB). She currently lectures on Labour Law and Social Security at Law and Labour Relations studies. Her main research interests concern the issue of equality and affirmative action in labour law and social protection as well as employment policies referring to its international and European legislation. She has written books and several articles in specialized journals on these issues. Núria Pumar is a member of the group "Law with the women" of the Faculty of Law at UB and is involved in organizing the seminar on "Feminist Analysis of Law" that next year will make its seventh edition. Currently she chairs the Equality Commission of the Faculty of Law at UB. In 2010 she led the research project "The Review of the Protection of single-parent families by the Social Security" which has been awarded the FIPROS award 2009 by the Ministry of Labour and Immigration.

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<th>Gender law</th>
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<td>Taking as a starting point the influence of European gender Law on Spanish legislation, I will outline the main features of the Spanish sex equality law. In addition I will focus the presentation on two legal policies concerning gender topics which have a great impact on women’s rights and represent major barriers to achieving women’s empowerment:</td>
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<td>a) first, I will describe the main key aspects of the Spanish legislation against gender violence, in particular its main goals as a legal tool for providing integral protection to the victim,</td>
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<td>b) and secondly, I will make some remarks about women’s situation in the Spanish labour market. More particularly, I will refer to the topic of reconciling work and family connected with recent Spanish labour and social protection reforms in a context of economic crisis.</td>
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<td>Ignasi Labastida</td>
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<td>Ignasi Labastida has a PhD in Physics and he is currently the Head of the Research Unit at the CRAI (Learning and Research Resource Center) at the University of Barcelona. He is also the Public Leader of Creative Commons Spain, a project hosted at the University of Barcelona through the Office for Knowledge Dissemination (<a href="http://www.ub.edu/odc">http://www.ub.edu/odc</a>). He is a member of the OCW Consortium (<a href="http://www.ocwconsortium.org/">http://www.ocwconsortium.org/</a>) Board of Directors on behalf of Creative Commons and a member of the Administrative Council of Communia (<a href="http://www.communia-association.org/">http://www.communia-association.org/</a>), an International Association on the Public Domain. He has led different projects related with Open Educational Resources, Open Access and Open Data within its own institution and partnering with external institutions.</td>
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<td>The presentation will provide an overview of the copyright issues related with the implementation of Open Access policies. It will focus on the need to obtain permission to reproduce and disseminate a copy of any published paper taking into account any copyright transfer signed by authors. This permission is needed to implement Green Open Access policies through repositories. Moreover it will explore the use of open content licenses in repositories and journals to move to the Gold Open Access model that offers not only free access to full text but full reuse of contributions.</td>
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### Patrícia Sanpera

Patrícia Sanpera is the co-manager of the Library of the Barcelona Bar Association since 2006. From the beginning of her professional life she has been involved in law libraries and she works at the Library of the Barcelona Bar Association since 1985. She holds a Degree in Librarianship and Documentation and a Master in Online Documentation.

### Montse Morante

Montse Morante has worked in academic libraries in the field of Social Sciences since she finished her degree in Librarianship and Documentation. In 2005 she joined the team of the University of Barcelona Law Library, where she is responsible for the Constitutional Law and Political Science section and for the research support of the Faculty members. She teaches training courses on legal information sources to students, researchers and professors.

### Accessing legal information in Catalonia: open access to legislation and case-law

The session 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. We will consider how the Spanish and Catalan governments, in their attempt to promote equal access to case law and legislation, cover the different jurisdictions. We will also mention the resources used to conduct historical legal research about legislation and case law.