

JOURNAL OF THE CORTES GENERALES

AUTHOR GUIDELINES*

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Introduction

In 1984 the *Journal of the Cortes Generales* was published for the first time with the aim of publishing scientific work from the representative body of national sovereignty. In the spirit of the publication was the understanding that the representative status of Parliament called for its involvement in the legal and political issues of the time, concerning the general interest to society as a whole, as a useful complement to the fulfilment of the specific functions entrusted to the Chambers by the Constitution.

The publication, uninterrupted since then, has maintained its interest throughout these more than thirty years in the subjects of constitutional and parliamentary law, sociology, history and political theory and, in general, in any intellectual reflection that would lead to the understanding of Parliament and its history.

On the occasion of the commemoration of the 40th anniversary of the approval of the Constitution in December 2018, the *Journal* is being revitalised and adapted to the new times.

On the one hand, it is committed to a policy of open access, without restrictions, and free reading of its contents from the moment of publication, with the aim of achieving greater dissemination of knowledge linked to constitutional democracy. On the other hand, adding to the hard copy publication the electronic one —within the electronic Open Journal System (OJS) in which it is integrated— in order to facilitate its use and reading both by people who are more familiar with a more traditional consultation model and by those who prefer the current digital media. As it is known, the OJS system facilitates the editorial processes and guarantees the fulfilment of the highest quality standards. Finally, it has organised its sections into the three that have proved to be of greatest interest to the public from an interdisciplinary point of view —«Articles», «Reviews and brief biographies» and «Reports and Case-law commentaries»—, in which the traditional *Bulletin of Constitutional Case-law* has been integrated. A fourth section has also been added: «Classics of Democracy».

Parliamentary democracy in the 21st century is facing problems and challenges that are characteristic of the evolution of political systems and of the human condition itself: the pages of the *Journal* are open and grateful to those who wish and are able to contribute their thoughts on the subject.

Open access policy

This Journal provides immediate free access to its content in OJS, under the principle that making research freely available fosters greater global knowledge exchange.

The Journal of the Cortes Generales is committed to promoting the dissemination, visibility, and accessibility of its scientific production, and is therefore committed to a policy of open access, which means that all its content from the moment of publication is available free of charge. Users may read, download, copy, distribute, print, search or link the full texts of articles, or use them for any other legal purpose, without the prior authorisation of the editor or their authors. The only limitation on reproduction and distribution is that of proper acknowledgement and citation of the texts. This definition of open access is in accordance with the Budapest Open Access Initiative (BOAI).

Frequency of publication

The Journal of the Cortes Generales has been published every six months since 2019. It publishes two volumes a year, one in June and the second in December.

Anti-plagiarism policy

The Journal of the Cortes Generales declares its commitment to the respect and integrity of the published works. For this reason, plagiarism is strictly forbidden and texts that are identified as plagiarised, or whose content is fraudulent, will be removed from the evaluation process. The Similarity Check tool powered by iThenticate from Crossref is used for this detection.

Policies Section

—Classics of Democracy

The section «Classics of Democracy» will bring together texts by well-known authors on democracy, both national and international.

—Articles

Original research papers will be published in this section.

They will have a maximum length of 60,000 characters (approx. 30 pages) including footnotes, charts, and illustrations and will be adapted to the criteria of the section «Submission of original copies».

They are subject to evaluation by external reviewers in accordance with the following procedure.

Peer review process

The Journal of the Cortes Generales submits for evaluation all the originals that it is sent for publication, using a double-blind system whereby the articles are evaluated by at least two reviewers.

Stages in the evaluation process of an article:

Stage 1: Sending the “blind” original, without personal data.

Stage 2: Blind evaluation of the original copy by the external and internal evaluators, in the corresponding thematic area.

Stage 3: Submission of the result of the evaluation to the Journal’s Editorial Board for its approval.

Stage 4: Communication of the result to the authors:

Acceptance: the article is accepted if the result of the evaluation is positive.

Non-acceptance: the article is rejected if the result of the evaluation is negative.

Acceptance (with modifications): according to the result of the evaluation, the author must introduce modifications to the content of the article before the article is definitively approved.

—Reviews and brief biographies

Papers submitted to the «Reviews and brief biographies» section must be no longer than 9,600 characters (approximately 4 pages) and must meet the criteria laid down in the «Submission of Original copies» section.

They are also subject to evaluation by external reviewers.

—Reports and Case-law commentaries

Only the editors of the Journal may make contributions to this section which, for the first time, brings together commentaries to the most recent judgements of the Constitutional Court—and in some cases of other courts— with constitutional and parliamentary content, in order to facilitate their study and understanding.

The works must have a maximum length of 12,000 characters (approx. 6 pages) and will be adapted to the formal criteria that are included in the edition rules of «Reports and Case-law commentaries».

Submission of original copies

Papers submitted for publication in the Journal of the Cortes Generales must be original and unpublished and not pending its publication in other journals. The author shall be responsible for reporting on the situation regarding copyrights. Any publication violating these rights shall be the sole responsibility of its author.

Original copies can be submitted, throughout the entire year, to the following email address: revistacortes@congreso.es. However, it is strongly recommended for authors to register on the web platform <https://revista.cortesgenerales.es/rcg> in order to submit a proposal by clicking on the button «Register» shown in the upper right corner. Original copies shall be sent in Spanish, English or both of them, written on Microsoft Word or any other compatible format.

There is no cost to authors for processing and submitting articles and other papers to the Journal, as referred to on the Journal's [website](#).

The submission of manuscripts implies, from the authors' side, the acknowledgement, acceptance and compliance with the present instructions. The Directorate and the Editorial Board of the Journal, because of formal, editorial or quality criteria, reserve the right to reject any original manuscript whose previous evaluation is deemed unnecessary.

Format and text structure

Original copies shall comprise a maximum of 60,000 characters (approximately 30 pages) including footnotes, bibliography, figures and illustrations.

The font must be Times New Roman, size 12, single line spacing and indentation in the first line.

For better and easier identification, every page of the paper must be numbered on the bottom right margin.

—Author's data

Original papers shall be headed by the name of the author(s), institutional or academic affiliation and, if available, the [ORCID](#) identifier.

—Title of the paper

Titles must be written both in Spanish and English, in capital letters, Times New Roman, and size 14. In the case that a publication is funded by a private or public entity, it must be indicated by a footnote referenced from the title with an asterisk. Example:

LA ADMINISTRACIÓN PARLAMENTARIA EN ESPAÑA *

PARLAMENTARY ADMINISTRATION IN SPAIN

* This article has been funded by the Funding Agency xxxx (reference no. xxx).

—Abstract and keywords

Papers submitted must include an abstract, in Spanish and English, which can be 150-250-words-long.

Abstracts must be followed by a selection of keywords in Spanish and English. It is advisable to choose between 5 and 10 words. In both languages, keywords shall be written in lower case, separated by commas and ending with a full stop.

Both the abstract and keywords, in Spanish and English, must be written in italics.

RESUMEN

La salida del Reino Unido de la Unión Europea —el Brexit— es un grave problema que condiciona tanto la vida política como la dinámica económica de la Unión, pero también, en particular, la de sus Estados miembros. España, por su especial relación económica, y también humana, con el Reino Unido, es uno de los Estados de la UE que pueden verse más afectados por la salida del Reino Unido. Las Cortes Generales cuentan con un instrumento parlamentario para controlar la actuación del Gobierno en sus relaciones con la UE: la Comisión Mixta para la Unión Europea. Este trabajo pues, analiza con detalle cómo se han producido las relaciones Gobierno-Cortes en lo que se refiere al Brexit, tanto en sus aspectos jurídico-formales, como en sus aspectos materiales y políticos. Relaciones en las que la Comisión Mixta y el pleno del Congreso de los Diputados han tenido un papel fundamental. El trabajo, que cubre las Legislaturas X, XI y XII, incluye también un análisis de tipo cuantitativo y cualitativo de estas relaciones Gobierno-Cortes referidas al Brexit.

Palabras clave: Unión Europea, Reino Unido, Brexit, Comisión Mixta para la Unión Europea, Ponencia para el estudio de las consecuencias derivadas de la salida del Reino Unido de la UE, Gibraltar.

ABSTRACT

The United Kingdom's withdrawal from the European Union —Brexit— is a serious problem that conditions both the political life and the economic dynamics of the Union, but also those of its Member States. Spain, due to its special economic —and also human— relationship with United Kingdom, is one of the EU Member States that might be more dramatically affected by the UK's withdrawal. The Spanish parliament —Cortes Generales— have a parliamentary instrument to supervise the Government's activity concerning the EU: the Joint Committee for the European Union. This article analyzes how the Government-Cortes relationships concerning the Brexit issue have taken place, as much in legal-formal terms as in political and substantial terms. In this Government-Cortes relationship concerning Brexit, the Joint Committee for the EU and also the Congress of Deputies have played a fundamental role. This article, which covers the X, XI and XII legislatures, includes also a quantitative and a qualitative analysis of these Government-Cortes relations concerning Brexit.

Keywords: European Union, United Kingdom, Brexit, Joint Committee for the European Union, Subcommittee for the study of the consequences of the United Kingdom's withdrawal from the EU, Gibraltar.

—Key articles and related decisions

In the case of commented parliamentary case-law, apart from the rules above, the papers must include key articles and related decisions. Both in the language of the text and in English, these elements must be written in lower case, separated by commas, in italics and with a full stop. Example:

Artículos clave: arts. 10, 14, 18.1, 23.1 y 23.2 CE.

Resoluciones relacionadas: STC 169/2009 y STC 151/2017.

Key articles: arts. 10, 14, 18.1, 23.1 and 23.2 of the Spanish Constitution.

Related decisions: STC 169/2009 and STC 151/2017.

—Contents Summary

At the beginning of the paper, a summary shall be included, allowing for the identification of its sections and sub-sections. The headings of the main sections will be written in capital letters, and numbered as follows: I., II., III., etc.; the headings of the second-level subsections in lower case italics; and in lower case rounded for the following: 1., 1.1., 1.2., 1.2.a., 1.2.b., 2., etc. Example:

SUMMARY: I. INTRODUCTION. II. THE EUROPEAN UNION: ORIGIN AND INSTITUTIONS. 1. *Origin of the European Union.* 2. *Institutions of the European Union.* 2.1. The European Council. 2.1.a. *Origins.* 2.1.b. *Composition.* 2.1.c. *Functions.* 2.2. The European Parliament. 2.3. The Commission. III. TREATIES OF THE EUROPEAN UNION. 1. *Constitutive treaties.* 2. *Modifications to the Treaties.* 3. *Treaty of Lisbon.* 4. *The current Treaties.* BIBLIOGRAPHY.

—Literal Quotes

The literal quotations included in the text are indicated by quotation marks (a). If they are more than three lines long, they shall be written in font size 10, normal style (round), justified with double indentation, with an additional one in the first line when these begin with a capital letter because it is the beginning of the paragraph (b). For reviews and commentaries on case law these quotations must be

limited to ten lines. In the notes, literal quotations shall be always written in latin quotation marks and in normal style (c). Examples:

a) No obstante, es evidente que las Cortes Generales gozan de un amplio margen de libertad para tomar su decisión cuyo único límite sería velar, sea cual sea la decisión, para que se adopte «la forma que más convenga a los intereses de España».

b) Max Aub, rozando la hipérbole, analiza el verismo histórico de Galdós y dice concretamente de la novela Doña Perfecta (1876) que es una de las obras galdosianas mejor compuestas, con personajes reales; en ella

todo es natural: el curso de la historia, las reacciones de los personajes, su mundo... Ahí esta completa, viva, real, la vida de la nación durante los cien años (...) Y aún más: le dejaría en la gloria novelera de su tiempo mano a mano con Tolstoi (...) Galdós ha hecho más por extender el conocimiento de España por los españoles –por el pueblo español– que todos los historiadores juntos (Aub: 2000).

En todos los Episodios se comprueba el gran interés del autor en plasmar el decisivo momento histórico en que cifra la trama novelesca y sus problemas, los cuales son percibidos sin esfuerzo por el lector a través de los comentarios y de las reflexiones de sus personajes. Véanse un par de muestras:

Cuando llegué a la isla... la multitud se agolpaba para ver una procesión... clamaban a voz en grito las campanas y gritaba el pueblo y se estrujaban hombres y mujeres contra las paredes y la chiquillería trepaba por las rejas y los soldados formaban en dos filas... por dejar paso franco a la comitiva... No era una procesión de santas imágenes ni de reyes ni de príncipes... era el sencillo desfile de un centenar de hombres vestidos de negro, jóvenes unos, otros viejos, algunos sacerdotes, se-glares los más...

c) ¹ «Y mandamos que antes que las Cortes se acaben se responda a todos los capítulos generales y especiales que por parte del reyno se dieren».

—Citation rules

Bibliographic citations

Preferentially, they shall appear within the body of the text. Each of them must correspond with one of the references of the final bibliography. Self-citations must be restricted to exceptional and indispensable cases.

The correct format is the following: (author, year: page). Example:

(García-Pelayo, 1981: 28)

In the case of co-authored papers, they shall be cited with their surnames and the conjunction «and». Example:

(Fernández and García de Enterría, 2017: 58)

If the paper is co-authored by three or more people, it is enough to cite the first author followed by et al. Example:

(Kelsen *et al.*, 1966: 35)

When it is necessary to refer to several papers of the same author, the year must be followed by a, b, c, etc., after the year. Example:

(Schmitt, 1975a: 32)

If the surname of the author is embedded in the text, it is not necessary to repeat it in the citation. In this case, only the year of the cited article and the corresponding page must be added into brackets. Example:

As Jellinek (2009: 47) asserts...

Notes

Footnotes must be written in Times New Roman, size 10, and numbered correlatively with Arabic numerals and superscript.

They must only comprise additional text, and if they include bibliographic references, it shall be done following the rules mentioned above, given that complete references must be written at the end of the article.

—Bibliography

Bibliographical references should be located at the end of the text following the alphabetical order of authors. Only references cited in the text will be included, without the possibility of including additional references.

The APA (American Psychological Association) system, commonly used for social sciences and law, will be followed.

Monographs

- 1st. Surname(s) and initials of the author.
- 2nd. Year of publication in brackets.
- 3rd. Title of the book in italics.
- 4th. Publisher.

Example:

García de Enterría, E. (2017). *Curso de Derecho Administrativo*. Civitas.

Articles from scientific journals

- 1st. Surname(s) and initials of the author.
- 2nd. Year of publication in brackets. If there is more than one paper belonging to the author published that same year, it should be added a, b, c, etc., after the number.
- 3rd. Title of the article.
- 4th. Name of the journal in italics, volume, number in brackets and pages (separated by a comma).

Example:

García de Enterría, E. (2017). La posición jurídica del Tribunal Constitucional. *Revista española de derecho constitucional*, 34 (100), pp. 39-131.

Chapters of monographs

- 1st. Surname(s) and initials of the author.
- 2nd. Year of publication in brackets.
- 3rd. Title of the chapter followed by dot and the preposition «In».
- 4th. Title of the collective paper in italics, next to the pages covered by the chapter in brackets.
- 5th. Publisher.

Example:

Bayón y Chacón, G. (1999). El respeto de los compromisos internacionales, la revisión de los tratados y de las situaciones internacionales. En *El derecho de disolución del parlamento y otros estudios* (pp. 340-384). Congreso de los Diputados.

Reports

- 1st. Name of the physical or institutional author that endorses the report.
- 2nd. Year of publication in brackets.
- 3rd. Title in italics.
- 4th. If it is a paper publication, it will be identified as if it were a book. In the cases in which it is an electronic publication, the URL where it is available will also be provided.

Example:

Defensor del Pueblo (2019). *Informe anual 2018. Actividades y actuaciones llevadas a cabo a lo largo del año 2018*. Defensor del Pueblo. <https://www.defensordelpueblo.es/informe-anual/informe-anual-2018/>

Congresses

The way to cite a presentation or a communication made at a congress is the following:

- 1st. Surname(s) and initials of the author.
- 2nd. Year of publication in brackets.
- 3rd. Title of the presentation or communication, followed by a dot and the «In» preposition.
- 4th. Title of the congress records in italics, together with the pages that encompass the lecture between brackets.
- 5th. Publisher. In case it is an electronic publication, the URL of the page where it is available should be added.

Example:

Rubio Llorente, F. (1984). El Parlamento y la representación política. En *I Jornadas de Derecho parlamentario (Madrid 21-23 de marzo de 1984)* (pp. 145-170). Congreso de los Diputados.

Electronic publications

As in any book or journal, taking into account, additionally, that:

- Every electronic document containing DOI (Digital Object Identifier) shall be cited by using this locator at the expense of its URL address, and without indicating the data of consultation.

Example:

René Garcia, J., Rolland, D. y Vermeren, P. (2015). *Les Amériques, des constitutions aux démocraties: Philosophie du droit des Amériques*. Éditions de la Maison des sciences de l'homme. <https://doi.org/10.4000/books.editionsmsh.10649>

– The electronic documents not containing DOI shall be cited with the mention of its URL address.

Example:

Consejo General del Poder Judicial (2019). *Memoria sobre el estado, funcionamiento y actividades del Consejo General del Poder Judicial y de los juzgados y tribunales en el año 2018*. Consejo General del Poder Judicial. <http://www.poderjudicial.es/cgpj/es/Poder-Judicial/Consejo-General-del-Poder-Judicial/Actividad-del-CGPJ/Memorias/Memoria-anual-2019--correspondiente-al-ejercicio-2018->