

PhD Programme in Business & Law University of Brescia

Chair: Prof. Saverio Regasto (Department of Law – University of Brescia)

Speaker: Prof. Adrián García Ortiz, PhD

Profesor Ayudante Doctor of Constitutional Law

Universidad de Alicante

<https://cvnet.cpd.ua.es/curriculum-breve/en/garcia-ortiz-adrian/46970>

SEMINARS

Representativeness and Direct Citizen Participation in the Spanish Constitution

April 13th – 11:15 – Room A5 – S. Chiara Building

Representativeness, that is, the exercise of popular sovereignty through representatives, has been accepted as the most appropriate means of making the democratic principle effective. However, the Spanish constitutional text also contemplates a series of mechanisms for direct citizen participation in public affairs. The aim of the seminar is to analyse how the Spanish constitutional system combines both models of political participation. Specifically, it will analyse the institution of the referendum, whose scarce presence in the Spanish Constitution is due to its use as a plebiscite during the Franco dictatorship, as well as the popular legislative initiative, which allows the initiation of the legislative procedure, with notable exceptions, at the request of the citizens.

Parliamentarism in Supranational Organisations: The Case of the European Union

April 14th – 14:30 – Room A5 – S. Chiara Building

The European Union is a unique *sui generis* reality in the world. The progressive transfer of competences by the member states to the supranational level of the exercise of power forces us to reflect on whether this assumption of state sovereignty has been accompanied by the corresponding mechanisms of democratic counterbalance. Parliament thus emerges as the main institution capable of channelling the democratic legitimacy of the European project. The seminar will address the political and legal viability of the existence in the international sphere of an institution built under state paradigms and, specifically, the configuration and functions of the European Parliament within the Union's institutional system.

Limitations and Mechanisms for Environmental Protection in the Spanish Decentralised State

April 17th – 14:30 – Room A1 – S. Chiara Building

The acceleration of climate change due to the greenhouse effect, which manifests itself in symptoms such as desertification, melting ice, rising global temperatures and the destruction of ecosystems, requires a common effort on the part of all centres of power. The state has shown signs of exhaustion as a space in which to circumscribe political and regulatory efforts in the face of challenges that have no borders. That is why it is essential that environmental protection comes from both supranational level such as the European Union and infra-state level, that which is closest to the citizens: federated states, Länder, regions or autonomous communities. The aim of the seminar is to discuss

how the Spanish autonomous communities can meet environmental challenges, i.e. what limitations they face and what protection mechanisms are available to them.

The Protection of the Environment in the Spanish and Italian Constitutions in a Comparative Perspective

April 19th – 11:15 – Room A2 – S. Chiara Building

Climate change is already an evident reality that should not remain alien to Constitutional Law studies, as a discipline called upon to analyse the challenges facing society and to articulate responses from the paradigms of controlling power and guaranteeing rights. Constitutionalism can approach this problem from an anthropocentric or ecocentric perspective: the former conceives of nature as an object for human use and enjoyment or worthy of protection; the latter postulates the defence of nature as an end in itself, with no relation of benefit or utility. The seminar will analyse, using the method of legal comparison, the Spanish and Italian constitutional texts in the light of the above parameters, taking into account the change of paradigm established since the recent reform of the Italian constitution of 2022.