



# labour

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## **THE SUPREME COURT SETS ASIDE ROYAL DECREE 1707/2011, REGULATING EXTERNAL ACADEMIC INTERNSHIPS FOR UNIVERSITY STUDENTS**

In its judgment of May 21, 2013, the Supreme Court upheld the appeal for judicial review filed by the labor union *Comisiones Obreras*, finding Royal Decree 1707/2011, regulating external academic internships for university students, null and void *ipso jure*.

Without entering into the merits of the case, the Court upheld the appeal, holding that the process of drafting, considering and approving the Royal Decree suffered from a formal defect in the shape of the failure to observe the requirement established for the drafting of executive legislation, namely, that of previously submitting the Royal Decree to the Council of State. Specifically, the Court ruled that, since additional provision no. 1 (excluding university students on external internships under the Royal Decree from the scope of application of the social security system) was added to the Royal Decree after the text had already been sent to the Council of State for its mandatory nonbinding opinion, the Council of State would again have to deliver another opinion, since the addition constituted a material modification that should also have been examined for reasons of legal certainty.

Consequently, the Supreme Court ordered that the procedure for drafting the Royal Decree be rolled back to an earlier moment in time so that the Council of State could render a mandatory, albeit nonbinding, opinion on the issue dealt with under additional provision no. 1, setting aside the existing Royal Decree.

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