

Adoption: 21 June 2024
Publication: 3 July 2024

Public
GrecoEval5Rep(2023)7

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions)
and law enforcement agencies

EVALUATION REPORT

ANDORRA



Adopted by GRECO
at its 97th Plenary Meeting (Strasbourg, 17-21 June 2024)

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I. SUMMARY

1. This report evaluates the effectiveness of the framework in place in Andorra to prevent corruption among persons with top executive functions (members of the government and high-level officials, special relationship personnel and directors, hereinafter “PTEFs”) and members of the Police Corps. It is intended to encourage reflection in the country as to how to strengthen transparency, integrity and accountability in public life.

2. Appointments of all members of the government and high-level officials and their names, positions, CVs and remuneration are published and easily accessible. Appointments and the positions and remuneration of special relationship personnel are also published in the Official Journal. While this transparency is to be welcomed, rules requiring integrity checks prior to appointments of ministers and all other persons with top executive functions should be adopted in order to detect and manage possible risks of conflicts of interest, and the legal status of special relationship personnel should be better regulated.

3. Andorra does not currently have an overarching anti-corruption public policy document. A co-ordinated strategy to promote integrity among PTEFs should therefore be devised on the basis of a risk analysis. In addition, the Prevention and Anti-Corruption Unit should be given adequate financial and human resources to carry out its tasks effectively and proactively.

4. A Code of Conduct for members of the government and high-level officials was adopted on 15 November 2023. This Code should be supplemented, especially in terms of the rules on gifts and conflicts of interest, should be accompanied by guidelines on its implementation, and should be coupled with a mechanism of supervision and sanctions, and its scope should be extended to all PTEFs. Specific awareness-raising activities and confidential counselling in relation to ethical issues should also be put in place. There has been progress regarding transparency, but measures are needed to ensure an appropriate level of public consultation on government draft legislation. With regard to access to information, greater public awareness of the right of access to information appears to be necessary. In addition, rules should be adopted as to how PTEFs come into contact with lobbyists and other third parties who seek to influence government decision-making. Lastly, rules on post-employment restrictions should be developed.

5. Members of the government and high-level officials all have an obligation to declare their assets. This obligation should be extended to all PTEFs. In addition, PTEFs’ declarations of assets should be accessible to the public and checked regularly. The report also recommends giving the Public Prosecutor’s Office sufficient human resources and powers to conduct effective investigations and prosecutions in relation to corruption-related offences involving PTEFs.

6. With regard to the Police Corps, firstly, the practice of paying fines to police officers directly in cash should be abandoned and a full assessment of corruption risks in policing areas and activities should be conducted in order to identify problems and emerging trends and devise an integrity and anti-corruption strategy for the police. The Code of Ethics of the Police Corps, which was adopted on 29 November 2023, should be supplemented with practical guidelines and specific examples. Ethics and integrity training for police officers should be

strengthened and a mechanism for giving confidential advice to police officers on ethical issues should be put in place.

7. Integrity checks should also be carried out on police officers for the purposes of recruitment and promotion decisions and at regular intervals throughout their careers. Objective and transparent criteria should be developed in order to check the integrity of Police Corps personnel during periodic performance evaluations. In addition, rules should be adopted in order to ensure transparency and limit risks of conflicts of interest when police officers leave the Police Corps to work in other sectors. A more proactive approach should be taken to detecting offences committed by members of the Police Corps by establishing a central unit to conduct internal oversight and investigations. Consideration should be given to centralising the submission of complaints against the Police Corps through one entry point, with clear guidelines on how complaints are passed on and processed. Lastly, whistleblower protection measures should be implemented.

II. INTRODUCTION AND METHODOLOGY

8. After joining GRECO in 2005, Andorra was evaluated within the framework of the First and Second Joint Evaluation Rounds (December 2006), the Third (May 2011) and Fourth (June 2017) Evaluation Rounds. The Evaluation Reports and the corresponding Compliance Reports are available on GRECO's website (www.coe.int/greco). The Fifth Evaluation Round was launched on 1 January 2017.¹

9. The objective of this report is to evaluate the effectiveness of the measures taken by the Andorran authorities to prevent corruption and promote integrity in central government (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It also identifies shortcomings and makes recommendations for improvements. In-keeping with the practice of GRECO, the recommendations are addressed, via the Head of the delegation to GRECO, to the Andorran authorities, who determine which national institutions or bodies must take the required action. Andorra will have to report back within 18 months after this report is adopted on the action taken in response to GRECO's recommendations.

10. To prepare this report, a GRECO evaluation team (hereinafter "GET") carried out an on-site visit to Andorra from 20 to 24 November 2023, and reference was made to Andorra's responses to the Evaluation Questionnaire and other information received. The GET was composed of Mr Vincent FILHOL, Lawyer, Magistrate on a leave of absence, former Head of the French delegation to GRECO (France), Ms Claudine KONSBRUCK, Director, Ministry of Justice (Luxembourg), Ms Catherine BRUNO, Assistant Director, Office of Integrity and Compliance, Federal Bureau of Investigation (United States of America) and Mr Filipe FERRAZ, Inspector, Inspectorate General of Justice (Portugal). The GET was supported by Ms Anne WEBER and Ms Bianca VALENTE of the GRECO Secretariat.

11. During the visit, the GET talked to the Minister of Justice and the Interior, the Secretary of State for Justice and the Interior, the Secretary of State for Equality and Civic Engagement, the Head of the Head of Government's office, the diplomatic advisor to the Head of Government's office, the Secretary General of the Government, the Deputy Police Commissioner, the Ombudsman, the President of the Chamber of Notaries and representatives of all parliamentary groups. It also met representatives of the Prevention and Anti-Corruption Unit, the Transparency Unit, the Financial Intelligence Unit (UIFAND), the Civil Service Department, the Public Accounts Department, the Court of Auditors, the Public Prosecutor's Office and the *Tribunal de Corts*, the Bar Association of Andorra, the Civil Servants' Union (SIPAAG), the Public Education Union (SEP), the Administration of Justice Workers' Union (SIPAAJ), the Police Human Resources Group, the Andorran Police Officers' Collective (CFPA), and journalists and representatives of civil society.

¹ For more details of the methodology, see the evaluation questionnaire, which is available on [GRECO's website](http://www.coe.int/greco).

III. CONTEXT

12. The Principality of Andorra, hereinafter “Andorra”, has been a member of GRECO since 2005 and has been subject to four evaluation rounds focusing on different topics linked to the prevention of and fight against corruption. It has achieved varying results in implementing GRECO’s recommendations. In the First and Second Joint Evaluation Rounds, 61% of the recommendations had been fully implemented. Despite this generally satisfactory situation, GRECO regretted that none of the five key recommendations that the evaluation report had made in relation to anti-corruption measures in the domain of public administration had been fully implemented (in particular with regard to regulation of conflicts of interest and whistleblower protection, two crucial elements of any public policy to prevent corruption, particularly in the context of Andorra). In the Third Evaluation Round, 90% of the recommendations had been fully implemented (the others partly so). Lastly, in the Fourth Evaluation Round concerning members of parliament, judges and prosecutors, in relation to which the follow-up procedure is still under way, 62% of the recommendations were fully implemented, 31% were partly implemented and 8% were not implemented, according to the most recent public report available.²

13. With approximately 85 000 inhabitants (45.8% of whom are Andorran nationals), Andorra is one of GRECO’s smallest member states. Although this characteristic might seem to increase the risks of collusion and favouritism, it also fosters a certain mutual trust due to constant “moral scrutiny” by society. The country has no civil-society organisations that monitor corruption specifically, nor is it covered by any corruption perception indices such as that of Transparency International. In 2022, however, Andorra was given a score of 88.67 (out of 100) for the “control of corruption” indicator developed by the World Bank,³ which is in line with the average. It also received good anti-corruption and transparency scores in the annual Freedom House rankings.⁴

14. There is no investigative journalism in Andorra and a degree of self-censorship appears to prevail among journalists. Although corruption and money laundering scandals do occur, they tend to be exposed by foreign newspapers, particularly Latin American publications. One such example was the BPA (*Banca Privada d’Andorra*) scandal, which was dubbed “Andorragate” by the media. The BPA was compulsorily nationalised by the Andorran authorities in 2015 after a notice classing the BPA as a foreign financial institution of primary money laundering concern was issued by the Financial Crimes Enforcement Network (FinCEN) of the USA’s Department of the Treasury. The scandal led to a complaint of abuse of power and influence peddling against the current Head of Government.

15. Transparency is particularly important in this context, and it has received a further boost since Andorra became a member of the International Monetary Fund (IMF) in October 2020. In 2021, the country passed a law on transparency, access to public information and open government under which public bodies must regularly publish and update relevant information about the running and oversight of their public activities. The names of all holders

² For up-to-date information, see GRECO’s website:

<https://www.coe.int/en/web/greco/evaluations/andorra>. The second Compliance Report (Fourth Evaluation Round) was adopted by GRECO during the 94th plenary meeting (5-9 June 2023).

³ World Bank, Worldwide Governance Indicators: [WGI 2022 Interactive > Interactive Data Access \(worldbank.org\)](https://www.worldbank.org/wgi)

⁴ <https://freedomhouse.org/country/andorra/freedom-world/2023>

of high office must be published along with their position, remuneration, profile and professional background.

16. The Andorran government is currently negotiating an association agreement with the European Union, having transposed almost all of the EU's financial sector regulations under the Monetary Agreement. This agreement provides that Andorra will align its regulations with EU regulations while retaining foreign and fiscal policy autonomy. A politically binding public consultation, through a referendum on the issue, is due to take place during the first half of 2025. In addition, Andorra is considering signing up to the United Nations Convention against Corruption (UNCAC).

17. The GET notes that on the whole, the issue of corruption amongst PTEFs and in the police does not appear to be of particular concern to Andorran society. However, the country's regulatory system and favourable tax regime attract many investors and pose certain economic and financial challenges. This attractiveness has led to a rise in house prices in Andorra, sparking a housing crisis which has been the subject of several public demonstrations in recent years. This housing crisis might particularly affect the police force (see also paragraph 173).

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

18. Andorra is a parliamentary co-principality (Article 1 of the Constitution). The Constitution of Andorra of 14 March 1993 defines the constitutional form of the state. Sovereignty lies with the Andorran people, who exercise it through the various means of participation and institutions established by the Constitution. Andorra is an independent, democratic and social state abiding by the Rule of Law. Uniquely, it has two Co-Princes as heads of state. Legislative power is held by the General Council and executive power is held by the government.

19. The General Council, in which the national population and seven parishes are represented on a mixed and equal basis, represents the Andorran people, exercises legislative authority, approves state budgets, drives the government's political action forwards and scrutinises it (Article 50 of the Constitution). General Councillors (members of parliament) are elected by free, equal, direct and secret universal suffrage for four-year terms. The General Council is made up of a minimum of 28 and a maximum of 42 General Councillors. Half of them are elected in equal numbers by each of the seven parishes, and the other half are elected on the basis of a national constituency (Article 52 of the Constitution).⁵

The Co-Princes

20. According to Andorra's institutional tradition, the Co-Princes are the joint and indivisible head of state and the country's most senior representatives. An institution derived from the *Parcatges* and their historical evolution, they are, in a personal and exclusive capacity, the Bishop of Urgell and the President of the French Republic. They have equal powers which arise out of the Constitution. Each of them swears or vows to exercise their powers in accordance with the Constitution (Article 43 of the Constitution).

21. The Co-Princes are the symbol and guarantors of Andorra's permanence, continuity and independence and of the continuing equality in the country's traditional balanced relationships with the neighbouring countries. They express the Andorran state's honouring of its international commitments in accordance with the Constitution.

22. The Co-Princes act as arbiters and moderators of the running of public authorities and institutions. At the initiative of either of them or the speaker of Parliament (*síndic general*) or Head of Government, they are regularly informed of government business. Except in the situations specified in the Constitution, the Co-Princes assume no responsibility. Responsibility for their decisions lies with the authorities that countersign them (Article 44 of the Constitution). With the countersignature of the Head of Government or the *síndic general*, who assume political responsibility for the following things, the Co-Princes: a) call general elections; b) call referenda; c) appoint Head of Governments; d) sign decrees dissolving the General Council; e) accredit overseas diplomatic representatives of Andorra, and foreign

⁵ For more details, see the Fourth Round [Evaluation Report](#) on Andorra, especially paragraphs 19-22.

representatives in Andorra are accredited with each of them; f) appoint tenured members of staff of other state institutions; g) assent to and enact laws; h) express the state's agreement to international treaties, and i) undertake other actions that the Constitution assigns to them explicitly.

23. The decisions mentioned in g) and h) above are submitted to both Co-Princes simultaneously so that they can give assent to and enact them or express the state's consent to them, as applicable, and order publication of them within eight to 15 days. During this period, the Co-Princes can jointly or separately send a reasoned message to the Constitutional Court asking the latter to express an opinion as to whether the decision is constitutional. If the court declares it compliant with the Constitution, assent can be given to the decision by at least one of the Co-Princes by signing it (Article 45 of the Constitution).

24. The Co-Princes also freely take decisions on: a) the joint exercise of the prerogative of mercy; b) the creation and organisation of departments that they believe are necessary to the performance of their institutional functions, the appointment of tenured staff of them and the accreditation of these staff members for all purposes; c) the appointment of members of the High Council of Justice; d) the appointment of members of the Constitutional Court; e) requests for preliminary opinions on the unconstitutionality of laws; f) requests for opinions on the unconstitutionality of international treaties prior to ratification; g) referrals to the Constitutional Court in the event of a dispute over jurisdiction, where their institutional powers are concerned; h) their agreement to the adoption of international treaties prior to approval during parliamentary sessions (Article 46 of the Constitution).

25. The decisions referred to in Articles 45 and 46 are taken by the Co-Princes personally, except those mentioned in parts e), f), g) and h) of Article 46, which can be taken by explicit delegation.

26. As agreed by GRECO, a head of state would be covered in the Fifth Evaluation Round under "central governments (top executive functions)" when he/she actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure and taking decisions on the appointment of individuals to top executive functions.

27. In the case of Andorra, the Co-Princes do not actively participate on a regular basis in the development and/or execution of governmental functions. The Co-Princes have a symbolic, representative and honorary role. The Constitution does not confer any independent executive powers on them; all of their decisions must be countersigned by the government/responsible minister or, where applicable, the *síndic general*, which means that the Co-Princes cannot exercise discretionary executive powers. Accordingly, the Co-Princes are not regarded as PTEFs for the purposes of this evaluation.

The government

28. The government is made up of the Head of Government and ministers, the number of whom is set by law. The Head of Government steers Andorra's national and international

policy. He/she also leads the government and exercises regulatory power through decrees and orders.

29. The Head of Government (*cap de govern*) is appointed by the Co-Princes after being elected by the General Council as provided in the Constitution (Article 73 of the Constitution). The Head of Government or, as applicable, the responsible minister countersigns the decisions of the Co-Princes referred to in Article 45 (Article 75 of the Constitution). With the agreement of a majority of the General Council, the Head of Government can ask the Co-Princes to hold a referendum on political matters (Article 76 of the Constitution).

30. After taking office, the Head of Government appoints ministers, who must swear an oath or make a vow before the Head of Government on taking office. The make-up and mode of operation of the government are governed by the Law on the Government of 15 December 2000 (hereinafter “LG”), which takes up the relevant constitutional principles and regulates the composition and functions of the government as the supreme collective authority which, under the authority of its head, directs the policy and general running of the state and organises support for the government and its operation. The law limits the number of ministers to a maximum of 12 and a minimum of six, and regulates the functions of ministers and high-level officials (*alts càrrecs*). The LG also regulates the way in which the government functions by specifying the structure of meetings, allowing the creation of delegated sector-specific committees and explaining its internal operation, how its meetings are documented, how its decisions are formalised, and how functions are delegated.

31. The current government took office in May 2023. In addition to the Head of Government, it is made up of 11 ministers⁶, including six women and five men. Gender equality is thus respected, as per Article 45 of Law 6/2022 of 31 March 2022 on the application in practice of the right to equal treatment and opportunities and non-discrimination between women and men, which provides that “Public authorities must respect the principle of balanced presence of women and men in the distribution of political power”. This ratio is also in line with [Recommendation Rec\(2003\)3](#) of the Committee of Ministers on balanced participation of women and men in political and public decision making, which stipulates that balanced participation of women and men is taken to mean that the representation of either sex in any decision-making body in political or public life should not fall below 40%.

32. The Head of Government represents the government and directs its activity. He/she also co-ordinates ministers’ functions, without prejudice to the power and direct responsibility of the latter in the discharge of their duties. He/she can directly take charge of one or more ministries, except those with financial functions. In general, the Head of Government’s duties are: a) to represent the government; b) to decide the government’s political programme and authorise the national and international policy directives adopted by it; c) to move confidence votes; d) to call extraordinary assemblies of the General Council on the basis laid down in its Regulations; e) to ask the Co-Princes, after deliberating with the government, to dissolve the General Council early; f) to ask the Co-Princes, with the agreement of a majority of the General Council, to call a referendum on a political issue; g) to

⁶ Minister of the President’s Office, the Economy, Work and Housing, Minister of Institutional Relations, Education and Universities, Minister of Tourism and Trade, Minister of Finance, Minister of Foreign Affairs, Minister of Justice and the Interior, Minister of Land Use and Urban Planning, Minister of Social Affairs and the Civil Service, Minister of Health, Minister of the Environment, Agriculture and Livestock Rearing and Spokesperson of the Government, Minister of Culture, Youth and Sport.

bring actions of unconstitutionality against laws and legislative decrees and demand preliminary opinions as to unconstitutionality in relation to international treaties; h) to set the agenda for, call and chair meetings of the government; i) to resolve conflicts of powers that may arise between ministers; j) to countersign decisions of the Co-Princes, where appropriate; k) to create, change and abolish ministries and inform the General Council; l) to appoint and dismiss ministers and inform the General Council; m) to exercise all other powers conferred on him/her by the Constitution and laws.

33. The government's duties are: a) to initiate the law-making process, in accordance with the Constitution, by approving draft laws and tabling them before the General Council; b) to approve legislative decrees; c) to decide whether cases of extreme urgency and need exist with a view to following the procedure referred to in paragraph 1 of Article 60 of the Constitution; d) to approve draft general budget laws and submit them for approval to the General Council; e) to exercise regulatory power; f) to declare states of alarm and emergency as provided in Article 42 of the Constitution; g) to submit international treaties and agreements to the General Council for approval or information, in accordance with Article 64 of the Constitution; h) to appoint and dismiss the relevant members of Andorran delegations for the purposes of negotiating treaties under Article 66 of the Constitution; i) to ask the Co-Princes to participate in the negotiation of treaties under Article 67 of the Constitution; j) to exercise all other powers conferred on it by the Constitution and laws.

34. It is clear from these provisions that the Head of Government and ministers are directly involved in the exercise of executive functions and must, as PTEFs, be covered by this report.

Other persons exercising top executive functions

35. In addition to members of the government, there are various other categories of political functions. Without prejudice to the functions of ministers, each ministry can have one or more secretaries of state, whose functions are specified in the LG and to whom one or more departments taking the form of lower units established by government decree are attached. Each such department is run by a director, unless a secretary of state is appointed to and takes on this role. The institutional structure of each ministry is established by government decree (Articles 3 and 5 LG).

36. Secretaries of state provide direct support to the Head of Government or ministers with management and co-ordination functions in relation to the specific activity of the Secretariat of State; they always act under the direction of the Head of Government or the minister in charge of the ministry to which they belong (Article 8 LG). Since they work closely together with ministers to decide government policies in specific fields, the GET considers that secretaries of state are PTEFs for the purposes of this evaluation.

37. The Secretariat General of the Government is the body that provides technical support to the government by assisting it with the preparations for and holding of government meetings. In institutional terms, it is connected with the ministry to which Head of Governmential support functions are assigned (Article 10 LG). Its head, the Secretary General of the Government, helps the Head of Government and, where appropriate, ministers to prepare for government meetings; he/she sends out government meeting notices and agendas, takes minutes of government meetings, implements orders to publish provisions, rules and agreements adopted by the government which are to be published in the Official

Journal of the Principality of Andorra, and sends documents concerning provisions, regulations and agreements adopted by the government to the General Council when the government orders him/her to do so.

38. Lastly, the Head of Government's Office, which is run by the Head of the Head of Government's Office, is the body that provides political and technical support to the Head of Government and takes care of, among other things, secretarial work, protocol and public relations for the Head of Government and tasks requiring trust and special advisory duties which he/she assigns to him/her (Article 9 LG). The Head of Government's Office also has a Chief of Protocol.

39. The Secretariat General of the Government, the Head of Government's Office and secretariats of state are directly subordinate to the Head of Government, without prejudice to their institutional integration into a ministry (Article 2 LG). Like secretaries of state, the Secretary General of the Government, the Head of the Head of Government's Office and the Chief of Protocol are regarded as high-level officials of the government (Article 6 LG). The GET believes that the functions performed by these high-level officials justify viewing the latter as closely associated with decision-making and hence considering them as PTEFs.

40. Since the new government took office (May 2023), the following appointments of senior government officials have been announced publicly: a secretary general of the government, a Head of the Head of Government's Office, a Chief of Protocol of the government, and four secretaries of state (Secretary of State for Relations with the European Union, Secretary of State for the Energy Transition, Transport and Mobility, Secretary of State for Digital Transformation and Telecommunications, Secretary of State for Equality and Civic Engagement), who are directly subordinate to the Head of Government and who can therefore attend ministerial meetings. An ambassador assigned to the Head of Government's Office as a diplomatic advisor and nine secretaries of state attached to ministries have also been appointed.

41. There is also a category of employment that is left entirely at ministers' discretion: personnel with "special relationship" status (*personal de relació especial*). This trust-based relationship entails free appointment and dismissal under the Law on the Civil Service and the associated regulations (Article 4 of Law 1/2019 of 17 January 2019 on the Civil Service, hereinafter "LFP", and Law 29/2022 of 21 July 2022 amending the LFP). Special relationship personnel temporarily provide, on the basis of free appointment by the Head of Government or a minister, advisory or personal assistance services requiring trust which are not reserved for civil servants (Articles 8 and 115, 116 and 117 LFP). Appointments and the salaries of special relationship personnel are decided directly by the Head of Government or the minister and must be announced publicly in the Official Journal of the Principality of Andorra.⁷

42. During the visit, the GET was informed that there are 12 special relationship posts during the current parliamentary term,⁸ as compared with 15 during the previous one. It notes

⁷ See for instance: https://www.bopa.ad/Documents/Detail?doc=GV20230601_10_34_34

⁸ Including six posts in departments subordinate to the Head of Government, two at the Ministry of Finance, one at the Ministry of Foreign Affairs, two at the Ministry of Health, and one at the Ministry of Culture, Youth and Sport. An additional person has been appointed with special relationship status, and assigned to the Ministry of the President's Office, the Economy, Work and Housing, with effect from 8 May 2024. In total, therefore, there are currently 13 persons with this status.

that there is a certain lack of clarity surrounding this status, which can be used for purely technical functions as well as for political responsibilities. This results in a range of different situations. Three communication specialists currently have this status, as do several advisors attached to the Head of Government's Office or other ministries. These persons' appointments are not subject to any conditions and their salaries are set without criteria; no salary grid is available. They can be civil servants, but they can also be recruited from other sectors. As advisors working directly together with ministers, even if they do not take decisions themselves, the GET considers that special relationship personnel may be closely involved in the decision-making process and contributes regularly to it, and thus will be assimilated to PTEFs, as appropriate.

43. The GET considers that there is a lack of clarity with regard to the precise role of special relationship personnel within the government. Although these appointments are announced publicly in the Official Journal, the GET believes that in order to prevent corruption, this special category of personnel should nonetheless be subject to more precise and transparent regulation, especially with regard to the definition of functions that can be assigned within this framework and the salaries that can be paid. This clarification should also provide an opportunity to make special relationship personnel subject to the highest standards of integrity, including with regard to rules of conduct, conflicts of interest and obligations to declare assets. At present, no such standards are applicable to them. The integrity requirements should be equivalent to those that apply to other persons with top executive functions. Therefore, **GRECO recommends that (i) the legal status of special relationship personnel be better regulated, especially with regard to the functions and remuneration of the persons concerned, and that their obligations be clarified and regulated, to subject them to the same highest standards of integrity as other persons with top executive functions, where appropriate; and (ii) for the sake of greater transparency the names, functions and remuneration of special relationship personnel are disclosed in a way that provides for easy, appropriate public access on-line.**

44. Lastly, the LFP mentions director posts in which the main functions are directing, planning and organising the work of departments and deciding or contributing to the overall direction and development of the department's main objectives. Directors provide technical support to the minister and the secretary of state with whom they are institutionally connected. These posts form part of the General Corps of Andorra's civil service. These appointments are announced publicly in the Official Journal and also appear on the organisational charts on the Transparency Portal (see below). The GET notes that directors perform functions similar to those of a chief of staff, a function which, strictly speaking, does not exist in Andorra, in the absence of any real office at each ministry. It believes that due to their role as experts assisting ministers or secretaries of state, directors perform functions that are closely connected with executive decision-making and must therefore be regarded as PTEFs.

45. There is also a Government Technical Commission which is responsible for analysing and examining provisions and matters to be submitted to the government for approval. It is made up of the Secretary General of the Government and secretaries of state. If no secretary of state is appointed, or in the event of a vacancy, illness or absence, the relevant minister can delegate a departmental director within his/her ministry to attend meetings of the Technical Commission. The Government Technical Commission is presided over by the Secretary General of the Government or the person standing in for him/her, and the government cannot

assign or delegate decision-making functions to it. The rules on the Technical Commission's operation must be laid down by way of a government decision (Article 7 LG).

46. Appointments of ministers and secretaries of state are always publicly announced in the Official Journal of the Principality of Andorra and on the government's official website.⁹ Organisational charts and information about the structure of the government and ministries are also available on the Transparency Portal website.¹⁰

47. Article 4 of Law 33/2021 on transparency, access to public information and open government (hereinafter "LT") concerns the active publication obligations of certain entities (Article 3.1 LT). It provides that these entities must regularly publish and update relevant information concerning the running and oversight of their public activities in order to ensure that their activities are transparent. More specifically, they must at least provide a "list of high-level officials, management posts and posts to which appointment is free, along with descriptions of them and the holders' profiles and professional background". This means that the entities concerned must publish the names of high-level officials. The purpose of this active publication obligation is to ensure that the activities of the entities concerned are transparent by giving the public and stakeholders clear and accessible information about high-level officials and key posts within these entities.¹¹

48. The CVs of members of the government and high-level officials must be posted on the website of the body within which the person concerned is supposed to serve and on the Transparency Portal, although the format, in particular for ministers and high-level officials, is not that of a typical CV but rather a brief explanation of their professional background.¹²

49. The GET notes that appointments of all senior government officials and their names, functions and CVs are publicly announced and easily accessible. Andorra's Transparency Portal is an example of good practice in this regard and increases accountability and confidence in the running of public affairs.

Status and remuneration of persons with top executive functions

Status

50. The Head of Government is appointed by the Co-Princes after being elected by the General Council, as provided by the Constitution (Article 73). Candidates for the post of Head of Government must be proposed by one fifth of members of parliament within five days following the first sitting, and the necessary information about candidates and their agreement to stand must be submitted. Each member of parliament can only support one candidate. Once the admissible proposals have been accepted, the governing body of Parliament officially announces the candidates for the post of Head of Government. Within eight days following the first sitting, a plenary sitting is held in order to elect the Head of

⁹ See for instance: <https://www.govern.ad/ministra-de-cultura-joventut-i-esports>

¹⁰ Also known as the "Open Government platform":

<https://www.transparencia.ad/web/guest/organitzacio-de-l-administracio/cap-de-govern>

¹¹ This information includes the remuneration for each post. See: [Question with written answer](#) from the government with regard to the government's organisational chart and the remuneration of high-level officials, 14 July 2023.

¹² See <https://www.transparencia.ad/web/guest/organitzacio-de-l-administracio/cap-de-govern>

Government, and candidates who are not members of parliament are also called to attend this sitting. If the post of Head of Government is vacant, the aforementioned periods are reckoned from the day when the vacancy arose.

51. The government's term of office ends at the end of the parliamentary term, or if the Head of Government resigns, dies or is permanently incapacitated, or if a motion of no confidence passes, or if the government is defeated on a matter of confidence. In all circumstances, the government remains in office until a new government is formed (Article 77 of the Constitution). When a new Head of Government takes office, the existing government automatically leaves office. A Head of Government cannot serve more than two full consecutive terms of office.

52. The government must appoint and dismiss ministers and inform the General Council when it does so (Article 2.2.I LG). Members of the government must be Andorran nationals, must be of full age and must not have been declared unfit to serve by way of a final judicial decision.

53. Members of the government cannot also be General Councillors and can only perform the public functions that arise out of their membership of the government (Articles 77 and 78 of the Constitution). If they are elected General Councillors, members of the government effectively cease to be members of the government on the day of the first sitting of the General Council.

54. The government as a whole is politically responsible before the General Council. One fifth of General Councillors can table a written and reasoned motion of no confidence in the Head of Government. Following the debate that takes place within three to five days after the motion of no confidence is tabled as provided in the General Council's Rules of Procedure (GCR), a public oral vote takes place. Motions of no confidence are passed by an absolute majority of the General Council. If the motion passes by an absolute majority, the Head of Government leaves office. No motion of no confidence can be tabled within six months after a Head of Government is elected. Councillors who have tabled a motion of no confidence cannot sign another one until a year has passed (Article 69 of the Constitution).

55. The Head of Government can table a motion of confidence in his/her programme, a general policy statement or a decision of particular importance before the General Council. Confidence is granted by a simple majority in a public oral vote. In the event of failure to win a majority of votes, the Head of Government resigns (Article 70 of the Constitution).

56. Secretaries of state are appointed and dismissed by government decree as proposed by the Head of Government or the minister in charge of the ministry with which they are connected. They remain in office for the lifetime of the government (Article 8 LG).

57. The Head of the Head of Government's office and the Chief of Protocol who are attached to the Head of Government's Office are freely appointed and dismissed by decree. In all cases, the Head of the Head of Government's office leaves office when the Head of Government leaves office, whereas the Chief of Protocol remains in post when the government leaves office and until a new government agrees to dismiss him/her or renew his/her appointment. For administrative tasks and all tasks that may entail a relationship of trust, posts within the Head of Government's Office are filled freely by the Head of

Government from among the staff of the civil service, and when appointees are dismissed, they are entitled to return to their original post. The way in which the Head of Government's Office is organised and the ranks of its members of staff must be established in accordance with the rules by decree, within the limits set by the Budget. In all cases, the Head of the Head of Government's office holds the rank of secretary of state (Article 9 LG).

58. The Secretary General of the Government is appointed and dismissed by government decree as proposed by the Head of Government. He/she remains in office for as long as the government does (Article 10 LG).

59. As high-level officials, secretaries of state, the Secretary General of the Government, the Head of the Head of Government's Office and the Chief of Protocol must be Andorran nationals, must be of full age and must not have been declared unfit to serve by way of a final judicial decision (Article 4 LG).

60. Civil servants who are appointed members of the government or appointed to a senior office are entitled to have their post within the relevant department reserved for them for the entire duration of their appointment. When they finish performing their duties, they have up to three months in which to return to their tenured post (Articles 4 and 6 LG). The LFP is not applicable to them for the duration of their appointment.

61. Special relationship personnel are freely appointed and dismissed by the authority they serve and leave office in all cases where the person who appointed them leaves their post. Termination does not give any entitlement to compensation (Article 116 LFP). They cannot undertake professional activities other than those arising out of their status. Where the person appointed with special relationship status is a civil servant, he/she asks for voluntary leave and for his/her job to be reserved for the duration of the special relationship. Upon completion of his/her special relationship duties, the civil servant can be reinstated to the post previously held; the time served is counted as active service for all purposes (Article 117 LFP).

62. Persons chosen to hold a director's post are freely appointed and dismissed by the government as proposed by the head of the ministry to which they are attached, by decree published in the Official Journal of the Principality of Andorra. Appointees must swear an oath before the head of the ministry to which they are attached and must give up their post when the government that appointed them is replaced. Their date of departure from office must be announced publicly in the Official Journal. When a civil servant is appointed to a director's post, his/her original post is reserved for him/her until he/she completes the task, and he/she is given the additional responsibility allowance mentioned in Article 77 LFP. Directors are subject to the same obligations as other civil servants, including the same rules regarding incompatibilities.¹³

63. The GET notes that no integrity criteria intended to prevent conflicts of interest form part of the process of recruiting ministers before they are appointed. The declarations of assets that ministers and high-level government officials are required to fill in after they take

¹³ Article 75 LFP: Actively serving full-time civil servants and public officials cannot undertake professional activities other than those arising out of their status as civil servants or public officials in the public or private sectors with the exception of those listed in this article, which they may undertake provided that they do so outside of their working time.

up their posts are confidential (see below, paragraph 138) and are not checked. The GET considers that integrity checks should be carried out when candidates for ministerial posts are considered by the Head of Government. Such integrity checks would help greatly to prevent corruption by making it possible to detect conflicts of interest affecting potential candidates for a ministerial portfolio. Integrity checks also appear to be important for other categories of PTEFs who are also not recruited by competition but appointed freely by the Head of Government or, where appropriate, a minister or secretary of state, and may influence the political decision-making process. The GET notes that there is a large degree of permeability between these different roles in Andorra, as a minister can become the Head of the Head of Government's office and a secretary of state can be appointed Secretary General of the Government during the following parliamentary term, without any checks being carried out on their integrity at any point. **GRECO recommends that rules be adopted requiring that integrity checks take place prior to the appointment of ministers and all other persons with top executive functions in order to identify and manage possible risks of conflicts of interest.**

Remuneration

64. According to [data from the Department of Statistics](#), the average monthly wage in Andorra was €2.440 in 2023.

65. The remuneration levels of members of the government and high-level officials are published on the Transparency Portal.¹⁴ Currently, they are as follows:

POST	GROSS MONTHLY WAGE	GROSS ANNUAL SALARY
HEAD OF GOVERNMENT	€7.474,88	€97.173,44
MINISTERS <ul style="list-style-type: none"> - President's Office, Economy, Work and Housing - Institutional Relations, Education and Universities - Tourism and Trade - Finance - Foreign Affairs - Justice and the Interior - Land Use and Urban Planning - Social Affairs and the Civil Service - Health - Environment, Agriculture and Livestock Rearing and Spokesperson - Culture, Youth and Sport 	€6.354,85	€82.613,05
SECRETARIES OF STATE WHO ARE MEMBERS OF THE COUNCIL OF MINISTERS <ul style="list-style-type: none"> - Relations with the European Union - Energy Transition, Transport and Mobility - Digital Transformation and Telecommunications 	€5.886,89	€76.529,57
SECRETARIES OF STATE <ul style="list-style-type: none"> - Equality and Civic Engagement - Economy, Work and Housing - Enterprise, Economic Diversification and Innovation - Education and Universities 	€5.420,24	€70.463,12

¹⁴ <https://www.transparencia.ad/web/guest/el-govern>

- International Financial Affairs - Justice and the Interior - Social Affairs - Youth and Sport		
SECRETARY GENERAL	€5.420,24	€70.463,12
HEAD OF THE HEAD OF GOVERNMENT'S OFFICE	€5.886,89	€76.529,57
CHIEF OF PROTOCOL	€5.420,24	€70.463,12

66. The above-mentioned persons are subject to the ordinary social security system. They are given a mobile telephone on request. They can be given an official car for official travel only. Expenses that they incur for the purposes of hospitality and attending official events must be justified on the basis of efficiency criteria. Credit cards are allocated to ministers and their use is subject to administrative checks. All expenditures are checked by the Public Accounts Department (see below, paragraph 113).

67. The Government has agreed that directors' remuneration should be set at €4.178,55 gross per month,¹⁵ with a supplement of at least €596,95 gross per month, which may be higher if additional duties and responsibilities are taken on. The remuneration earned by special relationship personnel is set freely by the Head of Government or the minister to whose department they are attached. At present, their monthly wages range from €1.469,84 to €7.957,50 (gross). These wages are published along with the names of persons recruited in the special relationship personal appointment decrees that are published in the Official Journal of the Principality of Andorra.

Anti-corruption and integrity policy, regulatory and institutional framework

Anti-corruption and integrity policy

68. Some laws designed to tackle corruption have been passed over the last few years, such as the Law on Transparency of 2021 and the introduction of the obligation for ministers and high-level officials to declare assets. The current government has shown a willingness to strengthen the rules of ethics applicable to members of the government. A Code of Conduct for Members of the Government and high-level officials was adopted by the government on 15 November 2023 (see below, paragraph 73). However, no generic analysis was carried out prior to the adoption of this code in relation to the main corruption risk factors more specifically affecting PTEFs or mechanisms for addressing these risks. There is also no policy on preventing corruption and promoting integrity aimed specifically at PTEFs.

69. Andorra does not currently have a general public policy document on anti-corruption measures. In the GET's view, this is a significant shortcoming which must be rectified. During its visit, the GET noted that there is no analysis of corruption-related risks in Andorra. Andorra's political culture does not appear to regard this issue as central to its agenda. This problem is exacerbated by the fact that civil society is not very actively involved in fighting corruption and by the lack of a whistleblower protection system. The first thing that should be done to address the phenomenon more effectively is to analyse in detail the fields where

¹⁵ Article 11.2 of Law 29/2022 of 21 July 2022, amending Law 1/2019 of 17 January 2019 on the civil service, specifies that directors must be assigned to a functional group and a standard professional post in order to establish their classification level. Once the classification levels of directors have been established, their remuneration will also be published, in the same way as other PTEFs.

there are particularly serious risks of conflicts of interest and corruption. The GET considers that particular attention should be paid to PTEFs in view of their executive powers or proximity to the exercise of these powers, and the specific corruption risks to which they are exposed. Such an analysis would help to make political leaders aware of the added value of an integrity promotion strategy. For this reason, **GRECO recommends that a co-ordinated strategy to promote integrity among persons with top executive functions be drawn up on the basis of a risk analysis, and includes special measures to mitigate the risks thus identified.** This strategy could be based on the recommendations set out in this report and could form a natural part of a broader national anti-corruption strategy which could usefully be considered.

Institutional framework

70. The Prevention and Anti-Corruption Unit is responsible for promoting and co-ordinating the government's efforts to prevent and fight corruption. It was established by the Government Decree of 16 January 2008 as part of the anti-corruption policy that was being implemented at the time, the aim being to centralise and co-ordinate activities relating to local authorities, national organisations and international entities. This unit is currently staffed by two persons who, prior to taking up their roles, were appointed by the government as representatives of Andorra to GRECO as proposed by the Minister of Justice. It was incorporated into the International Legal Relations and Co-operation Department of the Ministry of Justice and the Interior in 2015 and represents Andorra within international anti-corruption institutions, monitors global trends, proposes adjustments to regulations, and implements national policies. Its role also includes promoting codes of ethics, giving advice, providing training and promoting administrative transparency, acting as a mediator where necessary.

71. During its visit, the GET noted that the Prevention and Anti-Corruption Unit – a key body responsible for implementing national policies on the issue – had a staff of just two persons. Furthermore, these two persons have other functions and responsibilities outside the field of corruption prevention.¹⁶ The GET observes that this unit, which should play a central role in corruption prevention activities, does not have the necessary capacity to carry out all of its tasks fully and effectively. In light of the foregoing and with a view to developing an integrity promotion strategy as already recommended (see paragraph 69), **GRECO recommends that the Prevention and Anti-Corruption Unit be provided with sufficient financial and human resources to perform its corruption prevention tasks effectively and proactively with respect to persons with top executive functions.**

Legal framework and rules of conduct

72. The 2021 Law on Transparency sets out certain ethical principles, although they are limited to obligations of transparency, active publication and access to public information. The LT applies to the civil service and bodies run by it, the *comuns* and subordinate bodies, the General Council, the Constitutional Court, the High Council of Justice, the Ombudsman and the Court of Auditors.

¹⁶ These persons' duties include writing legal reports assessing the advisability of ratifying international conventions, co-ordinating human trafficking prevention policy, dealing with cases brought before the European Court of Human Rights and cybercrime-related matters, sending requests for mutual legal assistance, and co-ordinating international judicial co-operation between Andorran and foreign authorities.

73. In addition, a [Code of Conduct for Members of the Government and high-level officials](#) (*Codi de conducta dels membres del Govern i alts càrrecs*) was adopted on 15 November 2023.¹⁷ Drawing on international anti-corruption recommendations and taking existing Andorran laws into account, this code consists of five sections covering general provisions, rules of conduct and ethical principles, conflicts of interest, monitoring tools and the distribution and revision of the code, and a final provision regarding implementation.

74. The code aims to guarantee transparency, integrity and efficiency in the performance of government functions. It sets out rules of conduct in relation to incompatibility of functions, confidentiality, transparency, impartiality, management of resources, gifts and other advantages, and the associated ethical principles. Specific rules to prevent conflicts of interest, including an obligation to declare assets, are included. In addition, the code allows recourse to an ethics expert who is responsible for giving confidential and personalised specific advice on issues related to the code. The government must monitor and oversee compliance with the code and the obligations arising out of it and decide on the necessary measures with regard to prevention or penalties for breaches.

75. The code applies to members of the government, high-level officials (secretaries of state, Secretary General of the Government, Head of the Head of Government's Office and Chief of Protocol), ambassadors and heads of diplomatic missions. Directors are subject to the [Public Administration Code of Conduct](#) (*Codi de conducta per a l'Administració pública*) adopted in 2010¹⁸ and so are not concerned by this new code. Special relationship personnel are not subject to either of these two codes.

76. The GET welcomes the adoption of the Code of Conduct for Members of the Government and high-level officials a few days prior to its visit, as this shows that the Andorran authorities are willing to conform to international standards and practices. The GET notes that this code lays down certain important rules covering issues such as conflicts of interest, the ban on accepting gifts or advantages, the ban on recruiting family members, and incompatibility with other paid functions or activities. The GET underlines that it is important for the code to be kept up to date and supplemented or clarified where necessary. The relevance of any code of ethics lies partly in its open-ended nature and its ability to be adapted to the ethical problems that can arise during a term of office.

77. However, the GET believes that the Code of Conduct for Members of the Government and high-level officials can be improved in several ways. First of all, there are certain gaps in its scope as it does not cover special relationship personnel or directors (who are subject to the Public Administration Code of Conduct, and hence a separate system). In view of these persons' role within the executive, they should be included in the scope of the code so that all PTEFs are made subject to a uniform system. This code could thus become a reference document for ethical standards for all PTEFs. Secondly, the code does not address certain issues such as contact with third parties seeking to influence government policies or post-employment restrictions, and it contains no specific examples giving practical explanations. It should therefore be supplemented and accompanied by a practical guide to its implementation illustrated with examples and containing detailed explanations.

¹⁷ The Code of Conduct was published in the Official Journal of the Principality of Andorra on 16 November 2023 and came into force on 17 November 2023.

¹⁸ This code applies to civil servants and officials of unspecified nature working for the central authorities and partly addresses a GRECO recommendation (First and Second Joint Evaluation Rounds).

78. Lastly, there is no oversight system, since it is for the government to decide the consequences of breaches of the code on a case-by-case basis, without any specific sanctions being envisaged. In the absence of an external oversight mechanism, compliance with the code relies primarily on government members' self-discipline. In line with GRECO's practice, such a code should be accompanied by a mechanism of supervision designed to ensure that PTEFs follow the rules set out in the code and are held to account where they fail to do so.

79. In view of the foregoing, **GRECO recommends (i) that special relationship personnel and directors be included in the scope of the Code of Conduct for Members of the Government and high-level officials; (ii) that this Code be supplemented and accompanied by a practical guide including explanatory comments and specific examples concerning conflicts of interest and other integrity related matters (contact with third parties, post-employment restrictions, acceptance of gifts, etc.); and (iii) that this Code be coupled with an effective mechanism of supervision and proportionate, dissuasive and effective sanctions.**

Awareness

80. The Code of Conduct for Members of the Government and high-level officials adopted in November 2023 provides that mandatory training and awareness sessions must be held for the persons concerned. These sessions must cover fundamental aspects of the code including ethics, incompatibilities and conflicts of interest.¹⁹ These are positive developments. However, the GET believes that training sessions should be held at regular intervals (including if changes are made to the law or in other cases). In addition, all PTEFs should be able to attend such training sessions.

81. In addition, the GET notes that the Code makes provision for the recruitment of a recognised legal and ethics expert to provide confidential counselling to PTEFs.²⁰ However, this post has not yet been filled and there is currently no person from whom PTEFs, and ministers in particular, can obtain ethics-related advice.²¹

82. Therefore, **GRECO recommends (i) that the internal mechanisms for promoting integrity and raising awareness of integrity matters be strengthened, including by providing training at regular intervals for persons with top executive functions, and (ii) that confidential counselling on integrity issues be accessible to them.**

Transparency and oversight of executive activities of government

¹⁹ The GET was informed after the visit that the Prevention and Anti-Corruption Unit had held a first training session on the Code of Conduct on 16 January 2024 with secretaries of state in attendance. Two further sessions were organised, including one on 7 February 2024 for the Head of Government, ministers, the secretaries of state who did not attend the first session, the Secretary General of the Government, the Head of the Head of Government's Office, and the Chief of protocol.

²⁰ Article 7 (b) of the Code of Conduct. Specific and confidential personalised advice can be requested from the expert, through the Secretariat General of the Government, on matters covered by the Code of Conduct, particularly in the event of a potential conflict of interest.

²¹ The GET was informed after the visit that a first request for an opinion had been made (by email to the Secretariat General of the Government) and passed on to the ethics expert, who was appointed on 27 March 2024.

Access to information

83. Andorra has not signed or ratified the [Council of Europe Convention on Access to Public Documents \(CETS No. 205\)](#), also known as the Tromsø Convention, and the GET invites it to do so.

84. However, the Constitution of the Principality of Andorra (Article 72, paragraph 3) explicitly makes public service activities subject to the principle of transparency. The LT, which was adopted in 2021, aims to develop the constitutional principle of transparency in three ways. Firstly, it establishes active publication obligations for public authorities and entities. Secondly, it recognises the right of access to public information and simultaneously specifies the situations in which information can be declared classified. Thirdly, it introduces an obligation for persons with certain functions to submit a declaration of assets at the beginning and end of their term of office (see below, paragraph 138).

85. Title II of the LT regulates the active publication obligation of public entities, requiring them to publish at intervals and update information which is relevant for the purposes of ensuring that their activity is transparent and is connected with the performance and oversight of their public activities. To this end, Article 4 LT establishes minimum information lists that the aforementioned entities must publish and distribute through the Open Government platform²² or their webpages, without waiting for specific requests to be made by members of the public. These exhaustive lists include not only institutional and organisational information, but also a number of items of legal, economic and budgetary information. In addition, to guarantee that the active publication system is effective, information must be published in a way that is accessible, clear, structured, secure and comprehensible. In parallel, Article 5 LT provides that individuals or corporations other than those covered by the scope of the Law who/which receive an annual public subsidy equal to or greater than €10.000 must publish details of the use of the public subsidy that they receive and of the subsidies, assistance or grants that they intend to give for the purpose of developing their field of activity. There are also specific publication rules with regard to public procurement contracts. According to these rules, the processing and publication of the file for administrative contracts of an amount greater than €7.500 are carried out through the public procurement platform,²³ except in cases where this is not possible for technical reasons established in article 63 of the Public Contracting Law (LCP) and for secret or reserved contracts which are regulated in article 30.1 g of the LCP.

86. With regard to government activities, Article 15 LG provides that minutes of government meetings must be taken. However, these minutes are not published. Deliberations during government meetings are always secret and all persons who attend these meetings are obliged to keep these deliberations, the opinions expressed and the way in which all attendees vote secret. These persons cannot disclose documents that they obtain in the course of their work if they have not been published officially. Each week, after the government meeting, there is a press conference at which the minister acting as the government's spokesperson states the most important decisions taken during the ministerial meeting. This press conference is broadcast on Andorran public television.

²² <https://www.transparencia.ad/>

²³ <https://contractacio.govern.ad/>

87. In addition, under Article 16 LG, government decisions taken during plenary sittings must be published in the Official Journal of the Principality of Andorra if they have general legal effects or are aimed at an unspecified group of persons. Decisions of the Head of Government take the form of decrees, while ministers' decisions take the form of ministerial decrees. Regulatory provisions, appointments and other decisions which have legal effects or are aimed at an unspecified group of persons must also be published in the Official Journal. Furthermore, high-level officials can issue instructions and circulars in order to direct the activity of ministries within their respective fields of competence. These instructions and circulars must be published in the Official Journal where their addressees are unspecified, but they in no way constitute a form of exercise of regulatory authority.

88. Article 10 LT guarantees the universal right of access to public information. This right can only be denied or restricted for reasons stipulated by law. Restrictions must be imposed in a limited manner favourable to the right of access,²⁴ and the authority must explain the reasons for imposing them. Restrictions must be justified and proportionate to the objective of protection, taking public and private interests into account.

89. Article 12 concerns personal data protection in the context of access to public information. Where the requested information includes sensitive information or information concerning criminal offences, access is limited, except where the data subject gives explicit consent, for 25 years after the data subject dies or following a judicial decision. In other cases, access is granted, having regard to the public interest and fundamental data protection rights.

90. Article 13 specifies how requests for access to information must be made. The procedure is covered in more detail by Decree 454/2022 of 9 November 2022 approving the rules on the procedure for accessing public information. Responsibility for the technical and administrative management of access to public information held by the Civil Service and bodies subordinate to it lies with the ministry responsible for transparency and access to information. To this end, a Transparency and Access to Public Information Unit (hereinafter UTAIP) has been created within the aforementioned ministry to perform these functions.

91. Requests for access to public information must be submitted through the Applications Service (*Servei de Tràmits*) using the official form in the catalogue of online government services or an alternative form provided by the government, sent by email or filed in person with the UTAIP. The latter logs the request in the Public Information Access Register. Requests must include the applicant's contact details and specify the information requested. Some requests can be refused if they concern information that is in the process of being created, are repeat requests or unreasonable, or if the information has already been published or made subject to special publication rules. Article 14 describes the stages in dealing with requests for access to information. The responsible entity must pass the request on to the competent entity if it does not hold the requested information. Any third parties concerned must be informed and must have a time period in which to submit comments. The final decision on whether or not access is granted must be communicated to the applicant and any third parties concerned within two months. Access to the requested information must be given within 10 working days after the favourable decision is taken (Article 15 LT). Access to information is free of charge, but there can be a charge for issuing copies or transposing information into

²⁴ Article 11 lists the various reasons for which access to public information can be denied. They include defence and national security, international relations, public security, economic policy and environmental protection.

another format. Public authorities must keep a register of access. Decisions on access to public information can be appealed directly to the administrative court (Article 16 LT).

92. Articles 17 to 22 LT set out rules on classified information. The government can only classify information if disclosure of it could be detrimental to one of the following interests: defence and national security, international relations and confidentiality obligations assumed under agreements with international organisations, public safety, relations with the Co-Princes and the departments that serve them, and economic, financial or monetary policy. These articles also set out the procedure for classifying information, the retention and confidentiality obligations, the classification period, and the situations where information can be declassified.

93. In addition, the LT establishes a National Commission for Access and Assessment of Documentation (CNAED).²⁵ The CNAED has advisory and guidance functions, such as adopting criteria for better performance of the obligations set out in the LT with regard to active publication and access to information and advising on the assessment and selection of documentation of public authorities and bodies and entities subordinate to or run by them, or setting general criteria for the implementation of the regulations governing access to public documents. The CNAED also has authority to decide appeals against administrative decisions: in relation to decisions on access to public information taken by the Civil Service or bodies or entities subordinate to it, the person concerned can submit an optional administrative appeal, prior to judicial proceedings, to the CNAED. If a prior administrative appeal is lodged, the CNAED's report is non-binding.

94. The GET welcomes the fact that a right of access to public information is enshrined in the LT and the establishment, in 2022, of a commission responsible for enforcing the obligations set out in the LT. However, the GET notes that this commission – CNAED – has not received any requests or appeals in relation to the right of access to public information to date.²⁶ This casts doubt on the practical effectiveness of the system of access to information created by the LT. According to the authorities, the lack of such requests is due to the fact that a large amount of information is already available, including on the Transparency Portal. However, it appears that the real reason is ignorance of the system recently put in place, as was pointed out by several persons who spoke to the GET during the visit. The public still needs to familiarise itself with the new legislative framework and the opportunity to access administrative documents that it offers.

95. The GET believes that there needs to be greater awareness with regard to access to information. Training for ministries on the concept of transparency and public information

²⁵ The CNAED is staffed by: a) the person in charge of the Secretariat General of the Government; b) the person in charge of the Andorran Data Protection Agency; c) the person in charge of the National Archives of Andorra; d) a technician from the Government Archives and Document Management Unit; e) a person who has a degree in law with a specialisation in administrative law; f) an economics graduate; g) a person who is qualified in the field of information systems; h) a person who has a degree in history with a specialisation in modern history; i) a person representing the competent ministry, according to the type and characteristics of the public information to which access is requested or the public documentation to be assessed; j) one person representing each *comú*, appointed by each *comú*. The members of CNAED mentioned in d) to h) are appointed by the government. The president of CNAED is the Secretary General of the Government and its secretary is the head of the Transparency Unit.

²⁶ With regard to assessment and retention of documentation, which is another function of the CNAED, 10 requests have been received and seven have been dealt with; no appeals have been lodged to date.

should be provided. Awareness-raising measures should also be implemented with regard to journalists, civil society and the public as a whole in order to encourage greater take-up of the right of access to public information. Therefore, **GRECO recommends that training be provided regularly in order to raise awareness of the legislation on the right of access to public information within the executive and that the general public be made more aware of its right to access information.**

Transparency of the law-making process

96. The right of legislative initiative can be exercised by the General Council – or more specifically, the parliamentary groups or at least three General Councillors – and the government,²⁷ as well as by three parishes acting jointly or by 10% of the electorate (Article 58 of the Constitution and Rule 102 RGC). The General Council’s Rules of Procedure contain an obligation to publish in the Official Gazette of the General Council²⁸ details of all draft laws and legislative proposals, all proposed amendments, reports by legislative committees containing amendments adopted by them, individual opinions to be debated during plenary sittings, and resolutions of the committees and plenary sittings, proposals for resolutions, questions and answers, communications and resolutions forwarded by the government to the General Council, and any other text or document required by the Rules of Procedure or ordered by the speaker of the General Council which is of relevance to parliamentary proceedings (Rule 90 RGC).

97. Draft laws and legislative proposals are published in the Official Gazette of the General Council as soon as they are admitted by the Bureau (Rules 92 and 103 RGC). They are also published on the General Council’s website in the “Legislative initiatives” section. During the current parliamentary term, it has been decided that amendments will also be published on the General Council’s website in order to facilitate public access. It is not possible to table amendments in writing at the last minute (except technical amendments) or orally when a draft law or legislative proposal is examined, except in the case of a proposed compromise on amendments previously tabled in writing. No deliberations or debates about a specific matter can begin if the documentation relating to the matter to be debated or discussed has not been distributed to all General Councillors at least three days in advance (Rule 58 GCR). Urgent matters raised with the government must be published at least 24 hours before the deliberations (Rule 132 RGC).

98. A chapter about “open government” has been included in the LT. It makes provision for different forms of civic engagement and collaboration in devising public policies through: an open government platform to be set up by public administrations; an obligation for the administration to lay down rules for effective civic engagement and collaboration procedures; and a right to civic engagement and to submit proposals for popular regulatory initiatives. Decree 444/2022 of 26 October 2022 laying down the Rules of Civic Engagement has put in place instruments and tools for this civic engagement (participatory processes, civic hearings, digital civic engagement platform, civic engagement master plan, civic engagement directory and other tools) and civic engagement forums and bodies (*Visura Ciutadana* - voluntary civic service, the Operational Commission for Civic Engagement and the Council Representing the Diversity of Associations of Andorra). A Secretariat of State for Equality and Civic Engagement

²⁷ In 2022, 34 draft laws (laws drafted by the government) were passed, as compared with six legislative proposals (laws drafted by the General Council).

²⁸ <https://seu.consellgeneral.ad/normativaMilloradaAnunciPublic/categories/5>

directly subordinate to the Head of Government was also established in 2019 in order to demonstrate the importance attached to these issues.

99. Although the Rules of Civic Engagement do not lay down any specific formal procedure for public consultations during the legislative process, draft laws and legislative proposals can be developed by means of the civic engagement mechanisms governed by the Rules. The authorities underline that a consensus between the parties involved in a legislative proposal and civil society is sought from the stage when the parliamentary groups carry out their work. This process of seeking a consensus takes place not through institutionalised public consultations, but through a number of practical processes: participation in national discussions; petitions from members of the public submitted to those empowered to propose legislation; hearings in committees and in Parliament; participation in the activity of auxiliary bodies and preliminary working groups. In addition, Law 8/2023, which was approved on 30 January 2023 and regulates popular legislative initiatives, aims to encourage greater civic engagement in law-making processes.

100. One important tool in this regard is the digital civic engagement platform,²⁹ which can be used to ascertain the public's opinion on a particular issue or draft law or to build momentum behind a consensus before legislation is proposed. Thus, a draft law on the effective implementation of the right to equality of treatment and opportunity and non-discrimination between women and men was developed with the public through a mixed participatory process. The text of the draft law was initially sent to the parties involved for comment and then posted online for two months on the civic engagement platform in order to obtain comments from civil society.

101. The GET is pleased to note that a digital civic engagement platform has been set up in order to allow for the broadest possible consultation of Andorran society on specific issues or draft laws. In practice, however, the GET has found that this tool, innovative though it is, is underused at present as only one draft law has undergone a broad consultation of this kind. Several interlocutors stressed that the desire for transparency expressed by the government is not always acted upon. They called for more civic engagement and regretted that there is no mechanism requiring the public to be allowed to submit comments on draft laws within a certain period. In fact, Andorran law does not make any provision for a formal public consultation process as part of legislative proceedings,³⁰ and the GET was informed that it was up to the competent minister to decide on a discretionary basis whether a draft law should be posted on the civic engagement platform.

102. The GET notes that the government has wide discretion to decide if and when a public consultation will be launched on a particular draft law. It recalls that transparency of the law-making process is an important component of an anti-corruption policy. In the GET's view, the guiding principle for public consultations is proportionality between the type and scale of the consultation and the potential impact that the proposal or decision might have. Appropriate timelines and modalities should be provided for and respected so as to render the public consultations meaningful. Criteria making it possible to identify which draft laws should be subject to the consultation process through the civic engagement platform would also be desirable. Lastly, an appropriate legislative footprint system making it possible to track all

²⁹ www.visc.ad

³⁰ See also the [Interim Compliance Report – Andorra](#) (Fourth Evaluation Round) adopted by GRECO at its 89th plenary meeting (29 November – 3 December 2021), paragraph 12.

external interventions from the beginning of the law-making process and obtain information about the person(s) behind proposed amendments has yet to be established by way of a law or regulation. Therefore, **GRECO recommends that (i) an appropriate level of consultation be ensured with regard to laws proposed by the government, in particular through the civic engagement platform; and (ii) draft laws presented before the General Council be accompanied by an explanatory note indicating the legislative footprint of the draft law.**

Third parties and lobbyists

103. There are no rules concerning lobbying or regulating interaction between PTEFs and third parties who may influence their activity in Andorra. In particular, no list of discussions with lobbyists and subjects discussed is published.

104. The GET stresses the importance of regulating lobbying activities for avoiding undue influence over PTEFs. PTEFs may sometimes consider their contacts with third parties as purely private, especially in a country the size of Andorra, although they could be informing the decision-making process. For this reason, GRECO has consistently called for proper guidance to be given to PTEFs so as to clearly differentiate what qualifies as strictly private exchanges from meetings that may influence, or may be seen as seeking to influence, the decision-making process. The latter discussions should be duly reported and made accessible to the public.

105. Therefore, **GRECO recommends (i) introducing rules on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence governmental legislative and other work; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

Control mechanisms

106. According to Article 69 of the Andorran Constitution, the government, acting in solidarity, is politically accountable to the General Council (Parliament). The Constitution of Andorra provides for two mechanisms of parliamentary control of the government: motions of no confidence (motion of censure) and motions of confidence.

107. Within the framework of this political accountability, one fifth of General Councillors can table a written and reasoned motion of no confidence in the Head of Government (Article 69 of the Constitution and Rules 126 and 127 GCR, see above, paragraph 54). This mechanism offers General Councillors a means of calling the Head of Government's conduct into question and demanding explanations for his actions. The motion of no confidence must be justified and give compelling reasons for challenging the Head of Government's legitimacy. In addition, Article 70 of the Constitution provides that the Head of Government can table a motion of confidence in the General Council with regard to his/her programme, a general policy statement or a decision of particular importance.³¹ This enables the Head of Government to seek the General Council's support and boost his/her political legitimacy. If the Head of Government wins a majority in the confidence vote, this strengthens his/her political position

³¹ See also Rules 128 and 129 GCR.

and gives him/her a clear mandate to continue with his/her programme. However, if he/she does not win a majority, the Head of Government must resign.

108. The General Council may also appoint study committees or committees of inquiry with regard to any matter of public interest on the basis of a proposal from the President of the Bureau, two parliamentary groups or one-fifth of General Councillors (Rule 48 GCR).³²

109. In addition, General Councillors can put questions to the government about issues of general policy or a specific fact or piece of information. Questions must be submitted in the form of a written document and must clearly indicate whether the answer should be given orally or in writing. The government must give a written answer within 30 days after the question is published. However, if an oral answer is requested, it must be given during a plenary sitting (Rule 130 GCR). Rule 131 GCR provides that during every ordinary parliamentary session, at least four sittings must be devoted to questions with oral answers from the government.

110. Furthermore, at the request of the General Council or a committee or at his/her own initiative, the Head of Government or a minister can appear during a briefing session before the General Council or before a parliamentary committee. During the briefing, the Head of Government or minister makes an oral presentation. General Councillors can ask questions or make comments. The sitting ends with the Head of Government's or minister's response to what the General Councillors say (Rule 137 GCR).

111. Lastly, the General Council also conducts political supervision of the execution of the General Budget. This scrutiny can be conducted through requests and questions put to the government, motions of no confidence or committees of inquiry, or by examining statements of execution of the General Budget, including amendments, as well as cash flow and the cash flow statement. Political supervision following close-out of the General Budget is conducted by examining and, where applicable, approving the general accounts within six months after they have been presented (Article 41 of the General Law on public finances of 19 December 1996). Article 49 of the General Law on public finances provides that every quarter, the minister of finance presents a detailed report to the General Council with regard to the execution of the Civil Service budget, including any amendments to it, and cash flow and the cash flow statement.

112. The government (ministries/departments) and subordinate entities are also subject to oversight by the Public Accounts Department, which performs *ex ante* oversight, and the Court of Auditors, which performs external *ex post* oversight. These two bodies perform their functions independently, in accordance with the law.

113. The Public Accounts Department (or "Office of the Auditor General"), which is attached to the Ministry of Finance, performs budgetary control (Articles 36 et seq. of the General Law on public finances of 19 December 1996). The Auditor General is in charge of the Public Accounts Department and is appointed by the Head of Government on the basis of a proposal from the minister of finance for an indefinite period, but can resign or be dismissed (Article 43 of the General Law on public finances). With the agreement of the minister of finance and

³² A committee of inquiry in relation to the viability of CASS (Andorran Social Security Office) for retirement pensions (2023), a special CASS monitoring and pension viability committee (2022) and a special monitoring and financial risk prevention committee (2015-2019) have been appointed.

on the basis of a proposal from the Auditor General, the Head of Government can appoint deputy auditors to different ministries, departments subordinate to the Head of Government, and parapublic or public-law entities which require such appointments in order to perform audit functions. The Public Accounts Department acts independently of the authorities and entities whose management it scrutinises. Both the Auditor General and deputy auditors can ask to be listened to by any authority in connection with their reasoned requests for data, reports or documentation (Article 44 of the Law on public finances).

114. Budgetary control takes several forms including compliance audits, economic audits, financial audits, efficiency reviews and political supervision. More precisely, the Auditor General's office examines the lawfulness and economic viability of all of the government's budget spending in advance and oversees all stages of execution of the Budget. If an irregularity is found, the planned expenditure must be altered. This department currently has 10 members of staff.

115. The Court of Auditors, which is institutionally linked to the General Council, is an independent technical body which supervises public spending and, in addition to checking the transparency of the economic, financial and accounting management of public authorities, makes sure that they act in accordance with legal regulations. It was established by the Law on the Court of Auditors, which was approved by the General Council during its sitting of 13 April 2000, and was supplemented by the Legislative Decree of 27 September 2017. The Court of Auditors also scrutinises the economic and financial activity of political parties and entities associated with or subordinate to them, electoral alliances and candidates for election.

116. The Court of Auditors has audit, advisory and punishment functions. It presents audit reports on the government's accounts, entities subordinate to the government and the *comuns* by 1 October of the following year, and thus has six months in which to carry out its audits. The financial statements of the government and entities subordinate to it are approved by the General Council after the Court's report has been received. The Court of Auditors writes reports (about 60 a year), records and studies which, once approved during a plenary session of the Court, must be included in an annual report submitted to the General Council (Article 3 of the Law on the Court of Auditors) together with comments and explanations from the entities audited, along with recommendations intended to improve their management and requirements to adhere to the principles of financial viability and budgetary and fiscal stability. All of these reports are public³³ once they have been presented to the General Council. The Court of Auditors documents infringements in its reports and has a duty to notify the Public Prosecutor if evidence of a criminal offence comes to light. It can also carry out audits at its own initiative, and the Plenary Assembly adopts its own work plan at the beginning of each year. No audits have been carried out in relation to allegations of corruption to date.

117. In addition, the Law on the sustainability of public finances and budgetary and fiscal stability, which was adopted on 27 November 2014, requires an audit on the economic management of the government and the Administration to be carried out at the end of each term of office.

118. UIFAND (*Unitat d'Intelligència Financera d'Andorra*, Andorran Financial Intelligence Unit) is the body responsible for encouraging and co-ordinating measures to prevent and

³³ On the Court's website: <https://www.tribunaldecomptes.ad/>

combat money and asset laundering, financing of terrorism and proliferation of weapons of mass destruction. Its responsibilities include conducting a national study of laundering risks.³⁴ In connection with this, it co-ordinates the adoption of appropriate national measures to detect, assess, understand and mitigate money laundering and terrorism financing risks, and it ensures that this assessment is reviewed periodically.

119. Lastly, the *Raonador del Ciutadà* (Ombudsman) carries out oversight of public administration.³⁵ The *Raonador* is appointed by the General Council by a two-thirds majority of votes of its members; his/her term of office lasts for six years and is non-renewable. His/her powers include ensuring that public administration activity in general is in accordance with the fundamental principles of defending and protecting the rights and freedoms enshrined in the Constitution and ensuring that this activity objectively serves the public interest and adheres to the principles of the hierarchy of norms, efficiency, transparency and respect for the Constitution and the law.

120. In order to carry out his/her functions, the *Raonador* receives complaints in relation to dealings between members of the public and all authorities and public institutions (approximately 250 complaints per year), which are dealt with confidentially. Complaints cannot be anonymous and can be made by any individual or corporation who/which cites a legitimate interest. The *Raonador* can prepare, *ex officio*, reports or recommendations with regard to matters of interest to members of the public or society as a whole. He/she also publishes an annual general report which he/she must present to the General Council. In the course of his/her activities, the *Raonador* can give warnings to authorities and civil servants working for public authorities, make recommendations to them and remind them of their legal duties, or make suggestions to adopt new measures. The *Raonador* has access to all necessary administrative information except classified information. In all cases, authorities and civil servants are required to respond in writing within one month. In practice, recommendations and suggestions are binding. In addition, if no response is received and recommendations are not implemented, the *Raonador* can refer the matter to the immediately superior authority. He/she must mention in his/her reports problems that have arisen with the administration. The *Raonador* can look into certain matters *ex officio*. Over the last six years, this has happened in particular in the area of the right to housing, but has never concerned maladministration in relation to acts of corruption.

Conflicts of interest

121. Article 2 of the Code of Conduct for Members of the Government and high-level officials defines a conflict of interest as a situation where a direct or indirect personal interest may have an improper influence on the performance by a person subject to the Code of his/her duties, thereby compromising the required integrity. However, there is no conflict of interest where a person derives a benefit solely from being a member of the public, a specific category or a large group of persons.

³⁴ Two studies have been published, in 2016 and 2020: <https://www.uifand.ad/en/home/nra>

³⁵ The activity of the *Raonador del Ciutadà* is covered by the Law on the creation and operation of the institution of the *Raonador del Ciutadà* of 4 June 1998. See also the legislative proposal on the institution of the *Raonador del Ciutadà*, presented on 7 February 2024: <https://seu.consellgeneral.ad/normativaMilloradaAnunciPublic/showPublicacion/376?cat.id=41>

122. Article 7 of the Code describes various measures to prevent conflicts of interest. Members of the government and high-level officials must ensure that they prevent or suspend any situation where there is a conflict of interest. If they become aware of such a situation or are in any doubt, they must inform the government immediately. If their direct or indirect personal interests clash with matters under consideration, they must indicate, before taking part in discussions or votes, that the conflict of interest exists or could potentially have a bearing on the matter to be dealt with. In addition, they must leave the meeting while the matter in question is being dealt with, and these circumstances must be noted in the official records. Lastly, if there is any doubt, the person concerned by a possible conflict of interest can, in addition to reporting it immediately, seek advice from an ethics expert (see above, paragraph 81).

123. In addition, the Code of Administration,³⁶ which applies to all PTEFs, including directors, contains certain provisions regarding withdrawal of authorities or civil servants. It stipulates that if the authority or civil servant is in one of the situations listed,³⁷ he/she/it must refrain from acting in the proceeding³⁸ and immediately inform his/her/its immediate superior (Article 114). The latter will decide what action to take. Involvement of civil servants to whom these grounds for withdrawal apply does not necessarily invalidate decisions in which they were involved. Higher authorities can order the persons concerned to withdraw completely from the proceeding. Failure to honour the obligation to withdraw where appropriate can be an administrative offence. Article 115 provides that in the aforementioned situations, a challenge can be made at any time during the proceeding against the civil servant concerned or his/her immediate superior. Challenges must be made in writing and must state the grounds on which they are based. The following day, the person challenged must inform his/her immediate superior whether or not the cited ground applies to him/her. If the ground does apply, the superior will immediately take steps to find a replacement. If the ground of the challenge is disputed, the superior will take a decision within three days after obtaining opinions and carrying out the investigations deemed appropriate. Decisions taken with regard to a challenge cannot be appealed. However, it is possible to raise a challenge when appealing to a higher administrative authority or a court against a decision to terminate a proceeding.

124. The GET is pleased to note that the Code of Conduct for Members of the Government and high-level officials gives a definition of conflicts of interest and that there is an obligation to report such situations where they arise (*ad hoc* conflicts of interest) as well as an obligation to withdraw in such circumstances. However, it notes that the definition of conflicts of interest is still rather abstract and reiterates that this concept ought to cover actual, potential and perceived conflicts. GRECO makes reference in this regard to its recommendation regarding the need to supplement the Code of Conduct with clear guidance on conflicts of interest (paragraph 79) and means of resolving them, and reiterates that all PTEFs should be subject

³⁶ See Law 14/2023 of 3 July 2023 publishing the consolidated text of the Code of Administration (not to be confused with the Public Administration Code of Conduct).

³⁷ The reasons for withdrawal listed are as follows: a) having a personal interest in the matter concerned or being a director/manager of a company or entity concerned, or having an interest in another similar matter whose resolution may affect it, or being involved in a dispute with a party concerned; b) being related within the fourth degree by blood or the second degree by marriage to one of the parties concerned, to directors/managers of companies or entities concerned, or to advisors, statutory representatives or agents acting in the proceeding; c) having a close friendship with or manifest enmity in relation to one of the aforementioned persons; d) having acted as an expert or witness in the proceeding in question.

³⁸ See also Article 6 a) of the Code of Conduct for Members of the Government and high-level officials (Withdrawal).

to the same rules. In addition, both the supervision mechanism (paragraph 78) and training (paragraph 82) should lay particular emphasis on preventing conflicts of interest.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

125. The Code of Conduct for Members of Government and high-level officials contains a list of incompatibilities (Article 5 (a)). The functions of members of Government are incompatible with a series of functions and activities (parliamentary mandates, public employment, any other public or private professional activity). As to high-level officials, they may not hold other public posts which do not derive directly from the responsibilities assigned to them. Nor are members of Government or high-level officials authorised to conclude contracts with the public authorities, to occupy management posts or sit on the boards of private companies which have contracts with the authorities or to engage in paid commercial, industrial or professional activities.³⁹

Contracts with state authorities

126. It is prohibited for members of Government or high-level officials to enter into contracts with state authorities, either directly or through participation in a company (see above).

Gifts

127. Under Article 6 (b) of the Code of Conduct, members of Government and high-level officials are not allowed to accept gifts, offers of hospitality, invitations, favours or any other service involving expenditure by third parties, for their own benefit or for that of their families. This does not include protocol gifts of an estimated value lower than €150, invitations to contribute to or take part in events as government representatives or in the performance of their duties, or on behalf of a party, a trade union, a professional organisation, a foundation or an association to which they belong unless there is a direct or indirect conflict of interests because of who it is who has made the invitation or provided the hospitality or service giving rise to the third party expenditure.

128. In addition, Article 16 of the Public Administration Code of Conduct, which applies to directors, specifies that civil servants may not ask for or accept, for themselves, their family or any other persons close to them, any gift, favour, invitation or advantage liable to affect the impartiality with which they are required to perform their functions. The rule does not apply however to gifts offered in the course of usual or customary protocol relations, in the context of which civil servants may accept gifts or invitations which the authorities make as a general rule. Civil servants may also accept gifts or invitations when they are one-off occurrences and do not involve or result in changes to the normal course of the person's duties. If they are in doubt, public officials must ask their superior whether they may accept the gift, invitation or other advantage. Accepted protocol gifts which value exceeds €150 should be returned. If public officials have wrongfully accepted a gift, invitation or advantage which cannot be refused or returned, their superior must be informed in writing of the

³⁹ See also Articles 4 and 6 of the LG.

situation as promptly as possible and, where possible and appropriate, be given the object in question.

129. The GET notes with satisfaction that gifts and other advantages are prohibited in principle. Besides the recurring problem of the application of separate provisions according to the PTEFs concerned (on this point, see paragraph 77), the GET would consider it useful for PTEFs to be given additional advice on the issue of gifts, particularly on the matter of authorised gifts and gifts received in the course of official duties. In this connection, the GET refers to the recommendation in paragraph 79. Furthermore, the value of gifts is estimated by the PTEFs themselves and is not checked. A procedure for evaluating gifts should therefore be introduced.

130. In addition, the GET learned from the on-site meetings that, in practice, gifts received by the Head of Government are entered in a register, managed by protocol and, where appropriate, kept and exhibited. The register is not public. The Code of Conduct for Members of Government and high-level officials does not however require the latter to declare gifts, invitations or advantages received even if such gifts are liable to undermine their impartiality and integrity. Nor is there any requirement to declare gifts, invitations or other advantages received by spouses, civil partners or dependent children of PTEFs. The GET considers that a system for the declaration and registration of gifts made to PTEFs in the performance of their duties should be introduced for the sake of transparency, and be applied to all PTEFs. This should enable the public to be regularly informed of gifts made to PTEFs and the identity of donors. In accordance with its practice, **GRECO recommends that (i) rules on gifts applicable to persons with top executive functions be strengthened; and (ii) information about the receipt of gifts, invitations and other advantages by persons exercising top executive functions be recorded in a central register and be made available to the public in a timely manner.**

Misuse of public resources

131. Under Article 5 (e) of the Code of Conduct, members of Government and high-level officials must manage public resources with restraint and refrain from misusing assets and facilities placed at their disposal because of their office.

132. Furthermore, misappropriation of public assets, dishonest management of public assets and temporary use of public property by the authorities are punished by Articles 388, 389 and 390 of the Criminal Code.

Misuse of confidential information

133. Under Article 5 (b) of the Code of Conduct, members of Government and high-level officials are required to keep confidential activities or decisions secret, in accordance with the Constitution and the laws in force.

134. Illegal access to public documents and the disclosure of secrets by the authorities are punished under Articles 376 and 377 of the Criminal Code. Misuse of privileged information by an authority or a civil servant is punished by Article 393.

Post-employment restrictions

135. Under Article 6 (c) of the Code of Conduct, members of Government and high-level officials are required to refrain from taking measures or decisions which would afford them exclusively any future personal or professional post-employment benefit. Apart from this provision, there are no rules covering the exercise by a public official, following the termination of their duties, of a private-sector activity.

136. The GET has noted that in Andorra, movements between the executive, legislative and judiciary and from the public to the private sector and vice-versa, are very commonplace. Although the pooling of experience acquired in various sectors may be of some benefit, the GET notes the absence of any real consideration by the authorities of the possible risks of conflicts of interest linked with such movements.

137. The GET takes the view that the risks linked with PTEFs who leave public office to work in the private sector (“revolving door”) should be addressed, among other things to prevent conflicts of interests and the misuse of information. Various measures may be contemplated in this respect such as prohibiting officials from looking for a new job whilst still in office, introducing a cooling-off period before being authorised to take up a new post, restrictions on certain types of activity or the introduction of a mechanism through which PTEFs must obtain authorisation or an opinion on new activities following on from a spell in public office. Consequently, **GRECO recommends that (i) rules on post-employment restrictions be developed and applied in respect of all persons with top executive functions, and (ii) an effective enforcement mechanism regarding these rules be set up.**

Declaration of assets, income, liabilities and interests

Declaration requirements

138. Since 2021, a whole series of public office-holders including the Head of Government, ministers, the Head of the Head of Government’s office, the Secretary General of the Government, Secretaries of State, the Chief of Protocol, ambassadors and heads of diplomatic missions and consular offices, have been required to submit a declaration of assets, income, liabilities and interests when they take up and leave office. The declaration must be presented under oath to a public notary authorised to certify the authenticity of such documents within three months of taking up and three months of leaving office.⁴⁰

139. Besides the declarer’s details, the declaration must cover: immovable property, rights in rem to immovable property, securities, vehicles, bank balances, shares in companies including offshore companies, foundations, loans and credit, pensions and life assurance and other rights of claim. The final declaration must reflect changes in assets up to the date of leaving office. Declarations remain confidential.

140. The GET notes that members of Government and high-level officials are all subject to a requirement to declare their own assets but not those of their spouses or dependent family members. Nor are these declarations made public. The GET points out that in the Fourth

⁴⁰ Article 28 of the LT, reproduced in Article 7 (Prevention of conflicts of interest) of the Code of Conduct for Members of Government and high-level officials. The declaration must follow the model provided in an appendix to the LT.

Round Evaluation Report, GRECO recommended that a system for the public declaration of General Councillors' assets and interests be introduced and that consideration should be given to including information on the parliamentarian's spouse and dependent family members.⁴¹ In its most recent compliance report, GRECO concluded that this recommendation had been partly implemented because mandatory declarations of assets had been introduced for General Councillors (by the LT, at the same time as for members of Government and high-level officials) while noting the lack of progress in terms of making these declarations public or considering extending the system to spouses and dependent family members.⁴² During its visit, the GET was informed that some General Councillors, who were in favour of more transparency, had taken the initiative of making their declarations of assets public on their political party's website. This is a minority though, and as things stand, publication of declarations is still left to the discretion of the individuals concerned.

141. Several arguments are made by the authorities to justify preserving confidentiality, particularly the specific features linked to the country's size and the very close ties between its citizens, but also the risk that this may result in reluctance to take on political responsibilities. Several General Councillors said that they already had difficulty in recruiting enough candidates and that the prospect of having to file a public declaration of assets would add to this difficulty.

142. Bearing in mind PTEFs' decisive role in decision-making processes and the need to prevent real or perceived conflicts of interests with the executive, the GET still believes that declarations of assets by members of Government and high-level officials should be made public. The requirement to declare should also be extended to all PTEFs (directors and special relationship personnel). Lastly, the GET notes that declarations of assets do not cover the assets of spouses, partners, children and other dependants. In line with GRECO's well-established position, it is recommended that the authorities consider including the requirement that spouses, partners, children and any dependents of PTEFs declare their assets and interests, even though the latter are not subsequently made public to preserve their privacy. In view of the foregoing, **GRECO recommends (i) that the requirement to declare assets be extended to all persons exercising top executive functions; (ii) that these persons' declarations of assets be made easily accessible to the public; and (iii) that consideration be given to extending the requirement for persons with top executive functions to make declarations of assets to their spouses, partners and dependents (it being understood that such information would not necessarily need to be made public).**

Review mechanisms

143. Declarations of assets are made on honour and simply presented in a sealed envelope to one of the five notaries operating in Andorra, who are responsible only for keeping them and have no right to check them. These declarations are confidential and may be consulted only by the persons concerned or the competent authority during judicial proceedings (Article 28, paragraph 3, LT). The GET was informed however that the judicial authorities have never made such a request. Neither is there any specific body tasked with checking the information declared nor any control or means of verifying that the declaration has indeed been submitted within the statutory deadline. The authorities state that when a new Government is formed,

⁴¹ [Evaluation report - Andorra](#) (Fourth Evaluation Round), paragraph 55.

⁴² [Second Compliance Report - Andorra](#) (Fourth Evaluation Round), adopted by GRECO at the 94th plenary meeting (5-9 June 2023), paragraph 19.

the Cabinet members are reminded to submit a declaration of assets within three months. In practice though, nothing is done to check that declarations have indeed been filed by the various categories of persons concerned.

144. The GET notes that declarations of assets by members of Government and high-level officials are simply registered with a notary. It regrets that this important procedure is still essentially a formality without any real consequences in practice since there is no follow-up to or checks on the content of the declarations. The GET believes strongly that declarations by PTEFs should systematically be assessed in depth. Such checks are essential to properly identify any conflicts of interest, detect any unexplained wealth and preserve public trust in the authorities. The credibility of the system is at stake. For the sake of efficient monitoring and increased transparency, an independent body should be set up to check PTEFs' declarations and be authorised to impose effective, proportionate and dissuasive sanctions to guarantee the accuracy of the information provided and ensure that declarations are actually submitted; it should also have the power to refer cases to the relevant authority to initiate legal proceedings where appropriate. Consequently, **GRECO recommends that declarations of assets submitted by persons with top executive functions be subject to regular substantive checks, with effective, proportionate and dissuasive sanctions in case of breach.**

Accountability and enforcement mechanisms

Criminal proceedings and immunities

145. Members of Government are subject to the same judicial rules as General Councillors. They are not granted any form of immunity, only certain procedural privileges (Article 4 LG). These special judicial rules do not apply to any other PTEFs.

146. The Head of Government and ministers enjoy exemption from jurisdiction under the Constitution (Articles 74 and 53.3), the Qualified Law on Justice (Articles 55 and 78) and the Transitional Law on Judicial Procedures (Article 64). Accordingly, except in cases of flagrante delicto, the full bench of the Tribunal de Corts is the only body authorised to decide on the arrest and indictment of the Head of Government and ministers. A judge at the Tribunal de Corts is tasked with conducting the judicial investigation. As to the power to try the Head of Government and ministers, this lies at first instance with a chamber made up of three judges from the High Court of Justice and, at second instance, with the full bench of the High Court of Justice.

147. Over the last five years, several PTEFs have been prosecuted for corruption or related offences, but none have been convicted as yet.

ARTICLES OF THE CRIMINAL CODE	YEAR	SEX	STATE OF THE PROCEEDINGS	FUNCTIONS OF THE PERSONS CONCERNED
372, 377, 386 (abuse of official authority, disclosure of secrets,	2023	2 men 2 women	Under way: The <i>Tribunal de Corts</i> declared the complaint against the Prime inister and other members of the Government inadmissible (decision of 12/10/2023). The case was referred to the <i>Batllia</i> (court of first instance) to continue the	Head of Government + Minister of Justice and the Interior + Secretary of State + Secretary

influence peddling)			investigation against persons covered by the ordinary judicial system. The investigation is still under way (no conviction).	General of the Government (+ Police Commissioner)
389 (Dishonest management of public assets)	2018	1 woman (and others)	Under way: The investigation is still under way (no conviction).	Minister of Health (+ Director and other civil servants)
372, 386, 389, 390, 391 (abuse of official authority, influence peddling, dishonest management of public assets, temporary use of public property, interference of private interests in public duties)	2022	1 man	Closed: The <i>Tribunal de Corts</i> declared the complaint against the Head of Government inadmissible (decision of 01/12/2022). The investigation has been closed (no conviction).	Head of Government
372,380, 386, 392 (abuse of official authority, corruption, influence peddling, prohibited negotiations)	2019	1 woman (and others)	Closed: After investigation, the case has been closed (no conviction).	Minister of Culture and Sport (+ other private parties)
372 (abuse of official authority)	2019	3 men (+ others)	Closed: The complaint was initially declared admissible (decision of 26/11/2020) then after investigation, it was dropped (decision of 26/01/2023). The investigation has been closed (no conviction).	Head of Government + Minister for Foreign Affairs + Minister of Finance + Secretary General of the Government + Police Commissioner (+ others)
380, 386 (corruption, influence peddling)	2021	1 man	Closed: This case is linked to case 6000154/2021 , in which a General Councillor and a private individual were convicted of corruption. After the investigation the case was temporarily discontinued (decision of 26/07/2021) because of the lack of sufficient incriminating evidence. The investigation has been closed (no conviction).	Minister of Public Administration, Transport and Telecommunications

387 (illegal financing of political parties)	2021	1 man (and others)	Under way: The investigation is still under way (no conviction).	Secretary of State (+ another member of the political party currently in public office + others)
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148. In the light of the foregoing, the procedures applicable to PTEFs, including the exemption from jurisdiction enjoyed by the Head of Government and ministers, does not seem in any way to prevent the relevant authorities from prosecuting acts of corruption. The slow pace of justice, which was already highlighted in the fourth evaluation round,⁴³ is still a major problem however, which the recent emergency action plan for the judiciary is designed among other things to remedy.⁴⁴

149. During the visit, the GET talked to several judges and prosecutors. Currently, three investigating judges are specialists in economic crime (money laundering and corruption). The Public Prosecutor's Office comprises a Principal Public Prosecutor and eight assistant prosecutors. Prosecutors play an active role in the investigating stage and may order preliminary investigations. Since 2018, four prosecutors have dealt mainly with economic and financial cases (two specialise in economic cases and two others give over 20% of their time to financial cases).

150. Although this specialisation is a step in the right direction, several problems were reported by the GET's interlocutors. Firstly, prosecutors have limited powers in the economic and financial field. For example, they cannot apply directly to the Andorran Financial Intelligence Unit, as only judges are entitled to do so, and they do not have access to financial and other types of register. This limits their ability to obtain financial information and gather the necessary evidence to back up their suspicions and refer the case to a court. Likewise, prosecutors have no supervisory power over the criminal and financial police, which itself is often assigned other tasks. The prosecutors whom the GET met also stated that there were not enough assistant prosecutors for them to do their work properly. The GET considers therefore that the prosecutor's office should be given additional resources and powers to investigate PTEFs suspected of committing corruption-related offences. Lastly, several people drew the GET's attention to the need to improve training for prosecutors. Investigations and prosecutions in the field of economic and financial crime often require specific knowledge and good general knowledge about the business world. It is important therefore for targeted training to be set up so that the persons dealing mainly with such cases can gain the necessary qualifications.

151. Consequently, **GRECO recommends that the Public Prosecutor's Office be provided with sufficient human resources and powers to tackle corruption, and that it be ensured that prosecutors benefit of highly specialised training to effectively investigate and prosecute corruption-related offences involving persons with top executive functions.**

⁴³ [Evaluation report - Andorra](#) (Fourth Evaluation Round), paragraph 102.

⁴⁴ Procedures have got even slower in recent years because of an increase in the volume and complexity of cases to be dealt with by the justice system as a result of social and economic changes. This has prompted the High Council of Justice to present an emergency action plan intended to provide the judicial authorities with necessary resources to guarantee citizens proper judicial protection. The plan was implemented by Qualified Law 38/2022 of 1 December 2022, amending the Qualified Law on Justice. The law came into force on 23 December 2022.

Non-criminal enforcement mechanisms

152. Civil servants and public officials, including directors, are subject to the LFP and its disciplinary rules.⁴⁵ The Public Administration Code of Conduct provides that infringements thereof are subject to disciplinary proceedings such as those set out in the LFP (for example in cases of incompatibility, abuse of authority or absenteeism). The Law 31/2018 on Employment Relations details the disciplinary regime for employees (Articles 95 to 100) and applies to special relationship personnel. It is not possible to initiate disciplinary proceedings against other PTEFs. However, government ministers, the Secretary General of the Government, the Head of the Head of Government's office and the Chief of Protocol all act under the authority of the Head of Government, who may dismiss them if they commit an offence (Articles 2 et 3 LG). Secretaries of State act under the authority of the Head of Government or the ministers who have appointed them and these authorities may remove them from post in the event of an offence.

153. Besides political responsibility in the context of parliamentary and public oversight, there is no non-criminal enforcement procedure which applies directly to members of Government and high-level officials. The GET refers back to the recommendation issued in paragraph 79, according to which the code of conduct for PTEFs should be combined with an effective mechanism of supervision and sanction so as to ensure the credibility of the system.

⁴⁵ Disciplinary offences committed by civil servants and public officials are classed as very serious, serious or simple (Article 98 LFP) and are subject to penalties set out in Article 103, which range from a simple written warning to permanent dismissal.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

154. Andorra has only one law enforcement service, namely the Police Corps of the Principality of Andorra. The Police Corps is a part of the Police Department, which is attached to the Ministry of Justice and the Interior.

155. The Police Corps' main task is to protect the freedom and safety of Andorra's citizens and its functions therefore range from protecting people and property to maintaining law and order. The Police Corps' duties include policing citizen security, administrative policing and criminal policing. It is an armed civilian institution.

156. The Police Corps has its own structure and hierarchy and its members must obey orders and instructions from their managers and superiors. Under Article 2 of the Legislative Decree of 24 May 2017 relating to the publication of the revised text of Law 8/2004 of 27 May 2004 on the Police Corps (the Police Law), the Government, through the Head of Government, is responsible for the supreme command of the police. This command is exercised through the head of the Ministry of the Interior. The Police Corps is managed by a commissioner and three deputy commissioners at most, who are appointed and dismissed freely by the Government on the proposal of the Minister of the Interior through a decree published in the Official Journal of the Principality of Andorra (Article 33 of the Police Law, see paragraph 169). Operationally therefore the Andorran Police is entirely independent as the members of the Police Corps receive their orders from the Police Commissioner.

157. In the context of criminal policing, the Public Prosecutor's Office "directs police activities to detect facts which may constitute a criminal offence, may order investigations to gather evidence and may decide on the advisability and the length of any periods of detention by the Government. For this purpose, it shall present instructions to the Police Commissioner, who shall appoint the officers tasked with carrying them out and see to it that they are executed" (Article 3 of the Law on the Public Prosecutor's Office of 12 December 1996).

158. On 23 June 2023, the staff of the Andorran Police were as follows:

	Total	Total men	Total women	% of men	% of women
Commissioner	1	1	0	100%	0%
Deputy Commissioner	1	1	0	100%	0%
Chief Superintendents	3	2	1	66.67%	33.33%
Superintendents	0	0	0	0%	0%
Chief Inspectors	6	6	0	100%	0%
Inspectors	0	0	0	0%	0%
Chief Sergeants	8	8	0	100%	0%
Sergeants	25	23	2	92%	8%
Constables	208	187	21	89.90%	10.10%
Cadets	9	6	3	66.67%	33.33%
TOTAL	261	234	27	89.66%	10.34%

159. The Police Corps also employs other categories of civil servant (administrative staff, technicians, financial analysts, etc.), who belong to the General Corps of the public administration and are attached to the Police Department but do not have police status.

Access to information

160. With regard to access to documents held by the law enforcement agencies, Article 41 of the Code of Administration provides that access to public information “shall be governed by the Law on transparency, access to public information and open government and the specific regulations which apply”. Article 9 of the Code of Ethics of the Police Corps (see below, paragraph 179) also provides that members of the Police Corps must provide citizens with as full and detailed information as possible on the causes and the aim of all the information they have, in accordance with the regulations in force on transparency.

161. The LT aims among other things to extend and enhance the transparency of the authorities’ work as well as regulating and guaranteeing the right of access to public information and documents. As a result, the Police, like any other public authority, is subject to the LT (Article 3). Restrictions may apply for reasons including defence and national security and the prevention, detection and punishment of criminal, administrative or disciplinary offences (Article 11 of the LT; see also the section on PTEFs above).

162. Consequently, persons directly affected by police activities have access to information concerning them when their case file is in police possession (administrative file). All access to police databases must be registered, identifying the user, the date and time and the reasons for the request.

163. The Police regularly publishes information on its activities on its official website⁴⁶ and has a press office, which manages its social networks and communications between the Police and the press. The annual police report is also posted online on the Transparency Portal. This describes the Police Corps’ official activities and its budgetary management over the preceding year and includes an assessment of that year’s police work. The Directorate of Government Statistics also requires statistics on offences committed to be published annually.⁴⁷

Public trust in law enforcement authorities

164. In an opinion survey by [World Values](#) conducted in 2018, 76.2% of the respondents said they placed great or relative trust in the Police, making the Andorran Police one of the most trusted institutions in the country. The GET notes in this respect that a more recent and more detailed survey could prove useful.

Trade unions and professional associations

165. The Andorran Police Corps has only one trade union, the *Col·lectiu de Funcionaris de la Policia d’Andorra* (CFPA). It has 121 members (93 men and 28 women). There are also two

⁴⁶ www.policia.ad

⁴⁷ See [Estadística de seguretat: Infraccions \(govern.ad\)](#)

police associations, the ASPA (the Andorran Police Solidarity Association) and the Association of Retired Police Personnel.

166. Articles 81 et seq. of the Police Law set out the rules on police trade union rights. In practice, the law provides that members of the Police Corps have the right to form trade unions to defend their interests and to join them and take part actively in them, but they may only be affiliated to trade unions made up exclusively of members of the force (Article 82 of the Police Law).

167. The exercise of trade union rights is governed by Article 83 of the Police Law (limits, prohibition on the right to strike or action obtaining to this right or liable to affect the ordinary running of services, prohibition on demonstrating publicly using fire arms, authorised means of constraint and coercion, regulatory insignia, uniforms, operational equipment or vehicles). Likewise, the legislation provides that legally constituted trade unions are entitled to make proposals and submit reports or petitions to relevant state bodies and to represent their members before public authorities (Article 85 of the Police Law). To engage in union activity, the trade unions have the right to premises, which must be provided and decided on by the Police Commissioner, while trade union representatives must be given the necessary time and conditions to take part in activities deriving from their duties (Article 87).

168. The Police Council is the joint representative body of the Government and the Police Corps, chaired by the Minister of the Interior or the senior civil servant to which he or she delegates this function. The Police Council is made up of a minimum of three and a maximum of five representatives of the Government, appointed by the Minister of the Interior, and a minimum of three and a maximum of five representatives of the Police Corps. It carries out mediation and conciliation tasks in the event of collective disputes and helps to establish the service conditions of civil servants, prepare motions and consultations on matters relating to professional status and draw up reports in disciplinary proceedings against members of the force for very serious offences and in all disciplinary proceedings against trade union representatives (Article 89 of the Police Law).

Anti-corruption and integrity policy

Legislative and regulatory framework

169. The members of the Police Corps are subject to Legislative Decree of 24 May 2017 relating to the publication of the revised text of Law 8/2004 of 27 May 2004 on the Police Corps (the Police Law).

170. The LFP applies directly to police personnel and details the rights and obligations of state civil servants (see the section on PTEFs). It lays down the rule that all civil servants must perform their duties with dignity, impartiality, integrity and probity.

Institutional framework

171. There is no police body specifically dedicated to the prevention and investigation of cases of corruption or other related offences.

Anti-corruption and integrity policy, risk management measures for corruption prone areas

172. The Police Corps does not have a specific anti-corruption and integrity policy. However, as members of the civil service, members of the Police Corps are subject to the general rules to prevent corruption and promote integrity within the public administration, particularly the principles of legality, political neutrality, impartiality, dignity and integrity (Article 5 of the Police Law). No mapping of corruption risks within the Police Corps has recently been carried out. According to the authorities, corruption risks are limited in any case in Andorra by the fact that there is a certain degree of social scrutiny.

173. In the light of the interviews carried out during the visit, the GET was able to identify two major risks in terms of corruption prevention. Firstly, Andorra is undergoing a severe housing crisis as a result of inflation and property speculation. It was reported that, because of their low wages, particularly at the beginning of their careers, and a general increase in living costs, some police officers could be facing problems finding somewhere to live or paying their rent, and this could lead them to try to supplement their salaries. Several options are being considered to address this crisis such as lifting the obligation to reside in Andorra (so that police officers could live in France or Spain, where rents are lower). The GET was also surprised to hear that some fines, particularly those for traffic offences by non-residents, must be paid directly in cash to police officers. The GET is of the strong opinion that this practice should cease as there are several possible alternative means of payment.

174. For these reasons, the GET considers that measures are needed to better assess risks of corruption and breaches of integrity in the profession and increase the willingness and ability to meet the challenges in this area. Such a corruption risk analysis in the police should lead to the development of a targeted integrity policy, either as a stand-alone strategy or as part of a future general anti-corruption strategy. Bearing in mind the foregoing, **GRECO recommends (i) that the practice of paying fines directly in cash to police officers be abandoned; and (ii) that a comprehensive risk assessment of corruption prone areas and activities be undertaken in the police, to identify problems and emerging trends, and that the data is used to develop an integrity and anti-corruption strategy for the police.**

Handling undercover operations and contacts with informants and witnesses

175. Under Article 122 ter of the Code of Criminal Procedure, “investigating judges or, where necessary, duty judges, may authorise the active participation, at the Police Commissioner’s request, of an undercover officer in offences linked to drugs, firearms, counterfeit money, procuring, terrorism, child trafficking, prostitution or pornography, organ trafficking, laundering of money or securities or the underlying crimes giving rise to this, and lesser crimes of corruption or influence trading. Such undercover officers shall necessarily be police officers carrying out police investigation duties.”

176. However, although they are included in the Code of Criminal Procedure, the functions of undercover officer and informant have never been implemented in practice, mainly because of the country’s particular features as Andorra’s small size considerably limits these investigation techniques.

177. The close social links and proximity of individuals to one another in Andorran society make it difficult, not to say impossible, to preserve the anonymity needed for an undercover

officer to operate properly or for the identity of an informer to be protected. The efficiency of an undercover officer often depends on their ability to blend in in an unknown environment and establish ties without arousing suspicions. In a small community where people are closely interconnected, such a task is extremely difficult to carry out. Furthermore, the need to preserve the confidentiality and the security of persons working with the authorities may be undermined.

Ethical principles and rules of conduct

178. The members of the Police Corps are subject to the principles of Article 5 (principles of action) and to the obligations listed in Article 5 bis of the Police Law.⁴⁸ Among other things they must act with integrity and dignity and always object to any act of corruption.

179. Shortly after the evaluation visit, a [Code of Ethics of the Police Corps](#) (*Codi deontològic del Cos de Policia d'Andorra*), which was being finalised during the visit, was adopted. Its purpose is to define and promote the ethical principles, values and rules of conduct which must guide the work of the members of the Police Corps when they are performing their duties. The Code has been published in the Official Journal⁴⁹ and under Article 36, it must be disseminated on the Police Corps website and brought to the attention of Police Corps members so that it is properly applied. Article 34 of the Code (on the effective application of the Code) provides that failure to comply with the provisions of the Code which are identified as disciplinary offences in the Police Law will be punished under the disciplinary rules laid down in this law, notwithstanding other criminal measures which may be applicable at the same time. Furthermore, any member of the Police Corps who agrees to, covers up or incites others to engage in conduct subject to penalties will also be liable to disciplinary measures and therefore must communicate any infringement of the Code of Ethics to their superiors.

180. Civil servants who work for the General Corps of Administration and are attached to the Police Department are not subject to the new Code of Ethics but to the Public Administration Code of Conduct (see above, paragraph 75). Breaches of the provisions of this code are listed as punishable conduct under the LFP by the system of sanctions laid down therein.

181. The GET welcomes the new Code of Ethics for the police which has been adopted recently and made public. It notes that this Code is worded in somewhat general terms and that, although breaches are subject to sanctions, the Code merely refers to the Police Law in this respect. It covers a number of ethical principles and issues related to integrity such as conflicts of interest, gifts and advantages, incompatibilities and confidential information. To guarantee high standards of professional conduct, the Code should be accompanied by practical guidance in order to link the principles contained in the code to the daily work of police officers and more prevalent risks. These practical examples should also draw on real cases of infringements by police officers, as they are likely to point to issues where corruption risks are higher. Consequently, **GRECO recommends that the Code of Ethics of the Police Corps be supplemented with practical guidance illustrating all relevant integrity matters (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of confidential information) drawing on practical examples.**

⁴⁸ Some of the obligations listed in Article 5 bis also apply when police officers leave the Corps.

⁴⁹ The Code of Ethics was adopted on 29 November 2023 and published in the Official Journal of the Principality of Andorra on 6 December 2023.

Advice, training and awareness

182. All the members of the Police Corps are given training in ethics and professional conduct on entering the police. This training forms part of their compulsory initial training and has three components: integration into the Police Corps, professional ethics/conduct, the corporate image of the police. It is dispensed by the Training Team (Administrative Police Department) and lasts 14 hours. It is delivered every year to new cadets.⁵⁰

183. In general, members of the Police Corps are authorised to attend or dispense in-service training courses on Andorran territory on subjects in which they have expertise or which are related to their work, subject to the prior authorisation of the Police Commissioner. By decision of the Minister of the Interior or another competent authority or in accordance with the provisions of international conventions or agreements in force, members of the Police Corps may also take part in training courses outside Andorra on matters for which they have responsibility or which are related to their work.

184. The Code of Ethics of the Police Force, adopted in November 2023, states that “the Police Corps shall undertake to provide in-service training for its members alongside high-quality specialised training that is receptive to new technologies and new social and cultural circumstances”, but it makes no explicit reference to questions linked to the integrity of police officers.

185. Members of the Police Corps may obtain information on applicable ethical rules from their direct superiors or from the police human resources department.

186. The GET notes that while initial training for law enforcement officers (LEOs) seems satisfactory, there are not currently any in-service training courses on professional ethics. Such training should be given to police officers at regular intervals throughout their career, particularly for high-ranking police officers. The new Code of Ethics should be integrated into this through practical discussions, workshops and case studies. Where ethical dilemmas or questions arise, police officers may turn to their hierarchical superiors or the human resources department if they want advice on how to proceed. The GET considers that it would be more appropriate for a specialised authority or counsellors who are independent from the police chain of command to be tasked with providing confidential advice on ethical issues. This type of advice amounts to something more than simply asking for instructions from a superior.

187. In light of the above, **GRECO recommends (i) strengthening initial and in-service training on ethics and integrity for police officers, based on the practical guidance to be adopted for the Code of Ethics of the Police Corps; and (ii) introducing a mechanism for providing confidential counselling to police officers on ethics and matters of professional conduct.**

Recruitment, career and conditions of service

Employment rules

⁵⁰ For the past four years, there has been a new entry of cadets every year, averaging 16 per year.

188. The Police Department is made up of members of the Police Corps and civil servants who belong to the General Corps of Administration and perform administrative, technical or support tasks which are not reserved for the Police Corps members (Article 3bis of the Police Law). All members of the Police Fore (police officers) have civil servant status and are therefore employed permanently. As a result, they are subject to the general principles of the civil service set out in the Constitution and to the requirements of the various laws governing public services.

189. Persons who do not have the status of police officer and work for the Police Department have various employment regimes, in accordance with the LFP. Currently of the 63 non-police personnel working for the Police Department, 60 are civil servants and therefore have permanent contracts, and three are interim staff on temporary contracts.

190. The hierarchical structure of the Police Corps, provided for in Article 37 of the Police Law, is as follows:

Rank	Type of professional activity	Professional category		Post / Professional title
		Functional group	Grade	
Superior	Commissioner			Commissioner
	Superintendent	A	A1	Police superintendent - first class / Chief superintendent
			A2	Police superintendent
Executive	Senior officer	B	B1	Senior police officer – first class / Chief police inspector
			B2	Senior police officer / Police inspector
Intermediate	Junior officer		B3	Junior police officer – first class / Police sergeant major
			B4	Junior police officer / Police sergeant
Basic	Constable	C	C1	Police constable

Appointment and promotion procedure

191. The Government is responsible for the appointment and promotion of LEOs and heads of department through decisions taken at Cabinet meetings, attended by all ministers and the Head of Government. Decisions on mobility (change of department, unit or group), are taken by the Minister of the Interior.

192. The post of commissioner is filled through free appointment among civil servants of Andorran nationality holding posts in group A or group B of the civil service staff-grading system or in the intermediate, executive or superior ranks of the Police Corps. A person who is not a civil servant but of Andorran nationality may be appointed Police Corps Commissioner as a member of the special relationship personnel regulated by the LFP. The post of deputy

commissioner is filled through free appointment among civil servants of Andorran nationality holding posts in the intermediate, executive or superior ranks of the Police Corps (Article 44 of the Police Law).

193. Article 50 of the Police Law states that vacant or newly established Police Corps posts must be filled through competitions, which must observe the principles of objectivity, public notification, equality and fair competition so as to select those candidates most suited to the posts to be filled according to their qualifications, merits and experience.

194. The Technical Selection Board is the collegiate body tasked with the process of selecting LEOs (setting recruitment conditions, organising all tests, assessing candidates and proposing post allocations). It is made up of two police representatives, appointed by the Police Commissioner among officers belonging at least to the grade immediately superior in the same scale or the superior scale to the post it is intended to fill, and by two representatives of the Ministry of the Interior. One of the ministry representatives chairs the board and one of the police representatives acts as secretary.

195. Following the selection procedure, the Technical Selection Board must present the Minister of the Interior with the candidates who have achieved the best overall mark in the tests sat. The Minister of the Interior then proposes that the Government should appoint one or more of the candidates with the best mark. Depending on the post to be filled, the officer is appointed by the Government to the corresponding grade and scale during the training period. Candidates proposed by the Technical Selection Board may not be rejected without justification by the Government. A candidate who has not been selected may dispute the result of the selection by lodging an appeal in accordance with the provisions of the Code of Administration.

196. Article 49 of the Police Law states that in addition to the general requirements laid down by the LFP, candidates must meet the following requirements:

- possess Andorran nationality;
- lie within the age bracket specified in each call for candidates, in accordance with the requirements of the post;
- not have any convictions for intentional or negligent offences linked to the performance of a public duty, unless the statutory period for the expiry of the sentence or the removal of the conviction from the criminal record has run;
- not be disqualified or suspended from the occupation of a post or a function by a final judicial ruling;
- not be disqualified from providing services in a public facility or suspended from their duties or from the occupation of a post by a final disciplinary ruling;
- be declared physically and mentally able in accordance with tests set up for the selection process for the post.

197. Persons wishing to apply for a post in the Police Corps must also fill the following conditions:

- not have been prosecuted for intentional or negligent offences when performing a public duty unless the criminal case has been closed;
- not be subject to current disciplinary proceedings for a very serious offence or have been punished by a final disciplinary ruling for a serious or very serious disciplinary

offence unless the disciplinary proceedings have been closed or the penalties recorded have been set aside.

198. Accordingly, candidates' criminal records are checked so as to identify those who have been convicted for intentional or negligent offences when performing a public duty. According to the authorities this makes it possible to ensure that only persons whose conduct is honest and law-abiding are selected. The requirement for there to be no disciplinary sanctions against candidates is also intended to guarantee that only individuals whose professional conduct is irreproachable and who observe ethical standards are considered to occupy a post within the Police Corps. Lastly, physical and mental aptitude tests make it possible to select individuals who are capable of meeting the physical and psychological demands of police work. All candidates must also undergo an eliminatory psychometric test.

199. There are not however any targeted or random integrity tests during the career of Police Corps members. According to the authorities, the conduct and integrity of police officers is monitored permanently by their direct superiors and by the police human resources department. The performance evaluation system is also supposed to check LEOs' conduct and integrity. In the event of breaches of the rules on conduct and/or integrity, disciplinary rules apply (see below, paragraph 225).

200. The GET notes that, although an in-depth check takes place when LEOs are recruited (criminal record, absence of ongoing disciplinary proceedings, aptitude for public duties), this does not cover the candidates' integrity. Furthermore, no checks on the integrity of candidates are carried out on promotion, or more generally during police officers' careers. The GET considers this a shortcoming in terms of corruption prevention. Risks of breaches of police officers' integrity and/or attempts at corruption can also arise after recruitment in the course of their daily work and it is important that these risks are taken into account. The GET also notes that integrity checks as interpreted by GRECO is about possible conflicts of interest linked to a person's individual situation, that may affect police activities in general. The GET therefore considers that such checks should be put in place to assess LEOs' vulnerability to corruption, not only upon recruitment but also at regular intervals thereafter. In addition, the GET points out that personal circumstances are likely to change over time and, in some cases, make a person more vulnerable to possible corruption risks (financial problems deriving for example from a mortgage or consumer loan, a divorce, an illness in the family, a spouse going bankrupt, etc.). Therefore **GRECO recommends that integrity checks take place prior to the appointments and promotions of police officers, including at the managerial level, and at regular intervals throughout their career.**

201. With regard to promotion, Article 52 of the Police Law states that, for vacant or newly created posts in the Police Corps assigned through internal promotion, the following qualities must be assessed:

- work experience and career trajectory in posts occupied within the Police Corps or other public services;
- training acquired during higher education or training courses for purposes of professional development or specialisation among others, provided that they relate to subjects linked to the posts to be filled or they are of interest, use or need for the posts concerned;

- results of performance evaluations, distinctions and awards and the absence of firm disciplinary sanctions during the candidate's career or any immediately preceding period set in the terms and conditions of the call for candidates;
- length of service in the Corps.

202. The selection process is designed to afford equal opportunities to women and men. Among other things the Government has devised a plan focusing on gender equality intended to make job offers in the public services more appealing to women, with the support of the Women's Institute. The plan pays particular attention to special forces such as fire brigades, prison staff and LEOs. Accordingly, every time a public-service job offer is published, the post descriptions and selection criteria are reviewed to make the language more inclusive and notices more appealing to women so as to encourage them to apply. The aim is to create a more inclusive environment, highlighting the work opportunities and specific benefits that a career in these special services can offer to women. In adopting this approach, the Government aims to increase women's representation in these sectors which have been traditionally dominated by men and to promote equal opportunities in job recruitment and promotion.⁵¹

203. During its visit, the GET was informed about various measures taken to make the profession more attractive and promote the recruitment of women into the Police Corps. Currently, only 10.34% of the force are women. The GET is aware that the Police Corps is currently facing difficulties in recruiting staff and that this relates especially to women, with on average only one woman candidate for recruitment competitions for every three or four men. However, the GET encourages the authorities to continue their efforts in this area to increase women's representation at all levels of the Police Corps, particularly in higher grades.

Performance evaluation

204. Although the legislation provides for a system of performance evaluation (Articles 58 et seq. of the Police Law), it has been suspended since 2015 (along with that of civil servants) and is currently being revised. The authorities state that the aim of the revision is to establish a sound and transparent system for the evaluation of civil servants' performances.

205. In the context of the revision of the evaluation system, the GET considers that for periodic performance evaluations to be credible and effective, it would be imperative for them to be grounded on carefully devised criteria for assessing the ethical dimension of the conduct of Police Corps personnel, primarily based on the applicable Code of Ethics. This approach would allow for a fully objective and comprehensive analysis of their performance and its evolution over time as well as early detection of any inclination towards unethical behaviour. **GRECO recommends that objective and transparent criteria be elaborated to review the integrity of Police Corps personnel and that these form part of periodic performance evaluations.**

Rotation and mobility

206. There is no predetermined system of regular staff rotation. In practice however, rotation of police officers is possible according to the department's needs. Police officers may

⁵¹ See also Law 6/2022 of 31 March 2022 on the application in practice of the right to equal treatment and opportunities and non-discrimination between women and men, Article 51.

be moved to different assignments or duties at their request and in the interests of the department. The GET encourages the authorities to consider introducing rotation for certain at-risk posts, which could appear in the context of the corruption risks assessment of areas and activities of the police recommended in this report (paragraph 174).

Termination of service and dismissal from office

207. Dismissal is a disciplinary sanction. LEOs may be dismissed for very serious offences or suspended temporarily from office (Article 101 of the Police Law). The sanction of temporary suspension from office entails: prohibition from performing one’s duties; prohibition from holding, carrying or using authorised arms or firearms; prohibition from using the official police insignia, uniform and identification badge; loss of corresponding pay and, where necessary, prohibition from entering Police Corps premises without the authorisation of the Police Commissioner.

Salaries and benefits

208. LEOs’ gross annual salaries vary according to their group, their function and their length of service in their grade and in the corps. The following table shows the annual pay in euros of Police Corps members (for the year 2024) and is set out in Appendix 6 to the LFP:

Annual pay table		A	B	Lower limit A+B	Supplement C	Upper limit A+B+C
Functional group	Grade	Basic salary	Special allowance	Basic minimum	Maximum career supplement	Absolute maximum
Groupe A	A1	54.205,31	3.991,60	58.196,90	29.098,45	87.295,36
	A2	47.687,80	6.133,95	53.821,75	26.910,87	80.732,62
Groupe B	B1	41.917,46	6.133,95	48.051,41	24.025,70	72.077,11
	B2	37.617,76	6.133,95	43.751,71	21.875,85	65.627,56
	B3	33.924,22	6.133,95	40.058,17	20.029,08	60.087,25
	B4	30.152,98	6.133,95	36.286,83	18.143,46	54.430,39
Groupe C	C1	21.538,87	6.133,95	27.672,82	13.836,41	41.509,23

209. Therefore, the gross annual salary of police officers at the beginning of their career is €27.672,82. In addition, all Andorran civil servants are paid a three-yearly length-of-service allowance (the LFP has been amended to replace the three-yearly allowance by a five-yearly one, but the change has not yet come into force). The oldest Police Corps members also receive an additional length-of-service allowance which is specific to the police and a special supplement amounting to one-twelfth of their salary when they have been in the force for 20 years (for members who entered the force before the entry into force of the Police Law). Lastly, police officers receive allowances depending on their specific duties. The GET was told that salaries, particularly at the beginning of careers, had not been reviewed recently and were still not very attractive, resulting in difficulties recruiting. Low salaries are also a risk (see above, paragraph 173), in view of the increasing cost of living and the housing crisis in Andorra. The GET encourages the authorities to deal with the question of salary levels as part of the corruption risks assessment of areas and activities of the police recommended in this report (paragraph 174).

210. As to supplementary benefits, police officers receive daily subsistence allowances (for breakfast, lunch and dinner) depending on their working hours.

211. In addition, the Regulation on police decorations, distinctions, recognitions and congratulations provides for an award of €600 for Police Corps members who are awarded the gold police merit decoration. Likewise, persons who receive congratulations (in recognition of police work or conduct demonstrating major professionalism) may be awarded a financial bonus.

Conflicts of interest

212. According to Article 8 of the Code of Ethics, a conflict of interest arises from a situation in which a member of the Police Corps has a personal interest capable of influencing or seeming to influence the impartial and objective performance of their official duties. Members of the Police Corps must avoid allowing their private interests to come into conflict with their public duties. They must therefore avoid any intervention, participation or influence in matters in which they have a particular or personal interest or in which their family members to the fourth degree by blood or to the second degree by marriage have an interest. Consequently, they must report the existence any such link and, at all events, disclose it when asked to by a superior. Where police personnel are faced with such a conflict, they must withdraw from the case in question or agree to do so at their superior's request. Police officers have a responsibility to avoid such conflicts, whether actual, potential or liable to exist as such.

213. As to mechanisms intended to prevent conflicts of interest and procedures to identify and resolve conflicts of interest, the Code of Administration applies (Articles 114 and 115) and the rules described in the section on PTEFs are also relevant to the circumstances of LEOs.

214. In the event of violation of the rules relating to conflicts of interest contained in the Code of Ethics of the Police Corps, the disciplinary regime of the Police Law applies. Concretely, a violation of these rules could constitute the offenses provided for in Articles 98.s), 99.n) or 99.t). No infringement of the rules on conflicts of interest has however been reported in the last five years.

215. The GET welcomes the existence of rules on conflicts of interest within the police. It considers that this area should be covered by the practical guidance to be adopted to complement the Code of Ethics of the Police Corps (see recommendation, paragraph 181), with practical examples of day-to-day situations in which the police may be faced with conflicts of interest and the internal measures and mechanisms which could be adopted to deal with them.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

216. Under Article 5 of the Police Law, acting or suspended members of the Police Corps are subject to the rules on incompatibilities of civil servants in the General Corps of Administration,⁵² together with certain specific requirements. They may not occupy another

⁵² The rules on general incompatibilities for civil servants are set out in the LFP (Article 75), and the specific requirements which apply to the Police Corps in Article 33 of the Code of Ethics.

public office, whether elected or appointed. As to work within a family business, they may take part in this, provided that they do not receive any pay for it and they are not in direct contact with the public. Lastly, they may work as volunteers for non-profit making associations or foundations.

217. Civil servants may carry out tasks outside their working hours which are authorised by the legislation in force. Where there is any doubt about the compatibility of an activity, the public official must put the question to their superior and, where appropriate, obtain prior authorisation. Failure to comply with these requirements is liable to disciplinary sanctions under Articles 97 (c) and 98 (p) of the Police Law.

218. Within the public administration, the Technical Organisation and Management Board is responsible for preparing reports on requests to engage in other professional activities and checking that there are no problems of incompatibility and that the relevant requirements have been met. The decision to authorise the activity is signed by the Secretary of State for the Civil Service and forwarded to the requesting employee.

219. Over the last three years, seven authorisations to carry out secondary activities have been issued to police officers.⁵³

220. There are no specific regulations on holding financial interests.

Gifts

221. Gifts and other advantages are prohibited in principle under Article 7 of the Code of Ethics, which provides that under no circumstances can members of the Police Corps ask for or accept, for themselves, their families or their close friends, a gift, a favour, an invitation or any other benefit whose acceptance could compromise their honesty or work performance or could affect or seem to affect the impartiality with which they perform their duties.

222. This prohibition does not cover gifts given in the context of customary or traditional protocol relations with an estimated value lower than €150. In such cases, the objects received by the Police Corps member on behalf of the Police Department belong to the department unless they are directly intended for the officer, having been inscribed specifically with his or her name. On a personal level, Police Corps members may only accept courtesy gifts or invitations if they are given on a one-off basis and provided that they do not entail or result in a change in the normal course of their duties.

223. The Code of Ethics also provides that where a gift was obtained inappropriately, Police Corps members must inform their superiors immediately of this in writing and, where possible, pass on the object in question. Where they are in any doubt, they must ask their superior in writing whether they should accept a gift, invitation or any other benefit.

224. Persons who fail to comply with these prohibitions are liable to disciplinary sanctions (Articles 98 (s) and 99 (n) of the Police Law).

⁵³ Requests for authorisation have related to the following activities: refereeing for the Andorran Football Federation, acting as a futsal monitor, representing a football team, playing football, playing futsal, training children for the Andorran Football Federation. All requests were granted.

225. The GET noted that in practice, the principle that gifts are prohibited seems to have been understood by all the persons it met on site and does not give rise to any particular problems. The GET considers however that it is important for the practical guidance to be drawn up to supplement the Code of Ethics of the Police Corps to include specific and sufficiently detailed examples in this respect. Furthermore, the applicable rules should be clarified in some respects, for instance as to who determines the value of a gift. A description of the procedure to be followed to declare gifts and the holding of a register of gifts would also be welcome steps.

Misuse of public resources

226. Reference is made on this point to the section on PTEFs relating to the offence of misappropriation of public funds, dishonest management of public assets and temporary use of public property (Articles 388, 389 and 390 of the Criminal Code).

227. In addition, under Article 8 of the Public Administration Code of Conduct, public servants responsible for staff, equipment, financial resources and/or other types of means must ensure that their use, storage and management are carried out usefully, efficiently and economically. These means or resources may not be used for private or personal purposes unless appropriate prior authorisation is given. Persons who fail to comply with these prohibitions are liable to disciplinary sanctions under Articles 97 (n) and 98 (bb) of the Police Law.

Contacts with third parties, confidential information

228. Under Article 5 bis of the Police Law, combined with Article 20 of the Code of Ethics (professional secrecy and discretion), Police Corps members are required to keep all data, information and evidence they encounter in the performance of their duties completely secret and may only communicate them through official channels without revealing their sources unless they are required to do so through a court injunction, the exercise of their duties or the applicable regulations.⁵⁴ They are not permitted to make public statements concerning data, information and evidence covered by professional secrecy, unless given express, written authorisation by the Police Commissioner. Pursuant to this requirement, members of the Police Corps must protect confidential information covered by professional secrecy when passing on information to the media and to social networks. This also applies after officers have left the Police Corps.

229. Persons making use of confidential data are liable to disciplinary sanctions under Articles 97 (cc), 97 (dd), 98 (gg) and 98 (hh) of the Police Law.

230. Illegal access to public documents and disclosure of secrets by public officials are punished by Articles 376 and 377 of the Criminal Code. Likewise misuse of privileged information by an authority or a civil servant is punished by Article 393 of the Criminal Code.

⁵⁴ See also Article 32 of the Code of Ethics on the management of information: Police Corps members must preserve information acquired for the purposes of their profession and that they deem pertinent to complete the tasks assigned to them with the best possible safeguards, while respecting the duty of confidentiality imposed by the Police Law. The duty of discretion to which civil servants are subject continues to apply even after their employment relationship with the Administration has been terminated (Article 13 of the Public Administration Code of Conduct).

231. Furthermore, with a view to preventing corruption and promoting integrity within the police, Circular C005 of 30 September 2020 on access to and control of police information introduced control mechanisms designed to guarantee that all information available within the Police Department is used thoroughly and exclusively within the framework of the specific tasks assigned to each police officer, with complete respect for the principle of confidentiality. More specifically, a control system called the “broken glass” (*vidre trencat*) has been set up. Under this system, police officers must set out the reasons for their request to access information before being able to consult it during an investigation. To enable the application of these measures to be verified and to guarantee that they are complied with and that they are compatible with the relevant legislation, a quarterly audit of the computer registers is carried out.

232. In addition, Circular 628/17 of 8 June 2017 regulates the use of police cameras for audio and video recording. LEOs are required to record operations which could lead to a subsequent arrest and those linked to breaches of the peace in public spaces or the collective areas of buildings, the aim being to promote transparency and responsibility, to gather tangible evidence and to deter unacceptable behaviour. Police Corps members are also required to fill in a form for each operation carried out, in which they must enter all the relevant information (date, time, place, nature of the operation, persons involved, measures taken, etc.).

Post-employment restrictions

233. There are no restrictions on the occupation of certain positions/functions or the exercise of other activities, whether paid or not, after a person has left the Police Corps.

234. A recent high-profile case concerns a former police commissioner, who, having retired, joined a private security firm as its director of institutional relations.⁵⁵ This gave rise to calls for new legislation in the area.

235. The GET recognises that police officers may bring certain specialised skills and knowledge to the private sector. For instance, many former police officers move into the security sector. At the same time however, departures of specialised police officers to the private sector do entail a number of risks such as the unlawful use of information gathered in the performance of their duties, conduct dictated by the expectation of a future job or exploiting contacts with former colleagues to give their new employers an unfair advantage. The GET points out that [Recommendation No. R\(2000\)10](#) of the Council of Europe on codes of conduct for public officials includes guidelines relating specifically to persons leaving public service (Article 26). **GRECO recommends that rules be adopted to ensure transparency and limit the risks of conflicts of interest when police officers leave the Police Corps to work in other sectors.**

Declaration of assets, income, liabilities and interests

236. The only LEOs to whom the rules on declarations of assets provided for by the LT apply are Police Commissioners. The declaration forms are identical to those described in the

⁵⁵ [Jordi Moreno es passa a la seguretat privada](#), *Altaveu*, 4 September 2023.

section on PTEFs. They are not made public and are not checked. No other LEOs are subject to the least obligation to make a declaration of assets or interests save for tax purposes.

Oversight mechanisms

Internal oversight and control

237. Internal control in the police is carried out primarily by the human resources department, which is in charge of applying disciplinary rules. Controls are also carried out by senior members of the Police Corps in positions of responsibility. All officers in charge of units or groups must ensure that their subordinates and all the members of the Police Corps in general observe the ethical principles and rules of good conduct set out in the Police Law and in the Code of Conduct. Where a member of the police detects that another may have committed an act of corruption or any other related type of activity or offence, he or she is duty bound to report this to the police executive so that appropriate measures can be taken. If this is an administrative offence, the corresponding disciplinary file is investigated internally. If the case is liable to constitute a criminal offence, it is referred to the courts and the prosecutor's office so that the corresponding proceedings can be prepared and opened.

238. Where it is suspected that misconduct or an offence has been committed, it is for the Police Commissioner to open an inquiry and appoint an investigator. The investigator must come from another department, be at a higher grade and have been recruited in a different year to the LEO concerned. There is no internal audit unit within the Police Corps.

239. The GET has reservations about the police's approach to internal control. The Police Corps does not have a specialised unit, an inspectorate or specific staff tasked with detecting internal cases of professional misconduct or overseeing operations and procedures within the organisation. The Police Corps seems to have adopted a reactive approach to such offences, relying mainly on senior staff to report them. They are then dealt with under the authority of the Police Commissioner through an internal administrative inquiry. The impartiality and objectivity of the investigating police officers may however be questionable in view of the fact that they work on a daily basis with their colleagues and may lack the necessary distance in making decisions on their conduct.

240. In the GET's opinion, a more proactive approach should be adopted in the detection of offences committed by members of the Police Corps. Bearing in mind the highly sensitive nature of this type of investigation and the need to protect information, the creation or designation of a central unit specifically tasked with the active detection and processing of such offences would seem to be a better option. Qualified investigators should be tasked not only with investigating complaints and allegations of misconduct but also carrying out routine audits and proactive reviews to ensure the organisation's overall integrity. Any internal control system of this type should be equipped with adequate guarantees of autonomy and independence in its operation, and sufficient resources and expertise to enable it to play an effective, proactive and prominent role in internal integrity, risk management and oversight policies. Consequently, **GRECO recommends setting up or designating within the Police Corps a central unit tasked with internal oversight and investigations, using a proactive approach.**

External oversight and control

241. Alongside judicial oversight, oversight is also exercised by parliament through the vote on the budget, questions addressed to the Government and parliamentary committees of inquiry. The Court of Auditors also presents audit reports on public accounts (see the section concerning PTEFs). As to the Public Accounts Department, it carries out a preliminary check on the lawfulness and economic expediency of all expenditure provided for in the budget.

242. In addition, the *Raonador del Ciutadà* (Ombudsman), as the body with oversight over public administration, may deal with complaints concerning citizens' contacts with the police. No warning or recommendation has been issued by the Ombudsman to the LEOs however in the last five years.

Public/civil society oversight

243. Public/civil society oversight over LEOs relies on the Ombudsman, the police trade union, the media and citizens. Citizens may also report misconduct (through the complaints system described below). The police trade union can act as a control and oversight body when it receives complaints from its members or affiliates about police failings. It may also turn to the administrative authorities (in addition to the Police Council) or to the judicial authorities.

Complaints system

244. Any citizen may make a complaint by submitting a report to the police, submitting an application to the appropriate court, filing a complaint with the prosecutor's office or the Ombudsman or sending a letter to the police authorities. The law also provides for an electronic mailbox for suggestions and complaints to the authorities (Article 141.7 of the Code of Administration).

245. Complaints may be submitted free of charge but may not be made by telephone. There are no helplines to assist with complaints. Anonymous complaints are accepted and processed.

246. Complaints are initially investigated by the police authorities. If necessary, depending on the type of offence, the Minister of the Interior is informed. Lastly, if the facts constitute a criminal offence, the courts and the prosecutor's office are informed so that they can make the necessary investigations and take appropriate measures.

247. The GET notes that there are several means of submitting a complaint against a police officer in Andorra (to the Ombudsman, courts, prosecutor's office, or directly to the police authorities). It fears however that citizens may be confused when they wish to make such a complaint as, when faced with such a variety of complaint mechanisms, they may not know which is the most appropriate authority to examine their request. Nor is there any standardised process as each authority follows its own internal procedures when dealing with complaints and can open its own inquiry, which may affect the efficiency of the system.

248. The GET therefore considers that a clearly identified centralised mechanism should be set up to collect and process citizens' complaints about alleged misconduct by Police Corps members. Such a mechanism, specifically dedicated to complaints against Police Corps members, should help to guarantee independent and effective investigations into these complaints as well as a sufficient level of transparency, and should be accompanied by a

system for monitoring the handling of complaints. For this purpose, **GRECO recommends considering centralising the lodging of complaints against the Police Corps through one entry point, with clear guidelines on how complaints are passed on and processed.**

Reporting obligations and whistleblower protection

Reporting obligations

249. All LEOs are required to report any infringement of the law by their colleagues. The Police Law considers it an offence to hide, encourage, co-operate in or agree to the commission of a serious or a very serious offence (Articles 97 (hh) and 98 (jj)).⁵⁶ Offences should be reported to a superior, who will refer the matter to the Commissioner and to the Minister of the Interior. When facts are liable to constitute criminal offences, the courts and the prosecutor's office are informed. Where officers fail to report an offence, sanctions for serious offences apply (Article 101 of the Police Law). In practice, no such reporting has occurred.

250. The Criminal Code also punishes the concealment of a crime (Article 406).

Protection of whistleblowers

251. Andorra does not have any legislation on the protection of whistleblowers. Some of the GET's interlocutors expressed doubts as to the benefits of such a mechanism, considering that numerous controls were already in place and "everyone knows everyone and everything" in Andorra. It was also pointed out that there was a risk that such a mechanism would be misused for unfounded anonymous denunciations. As things stand, only the Andorran Financial Intelligence Unit (UIFAND) has an internal mechanism for whistleblowers. A mailbox intended for anonymous denunciations, whatever the offence involved, was set up once within the police but no longer operates.

252. The GET is pleased to note that the Code of Ethics establishes an obligation, which applies to all police officers, to report any disciplinary or criminal offences which come to their attention. However, the GET also notes that where it comes to the protection of whistleblowers, there is no general legislation on the subject nor any specific legislation covering the police. The GET underlines that protecting whistleblowers is particularly important in hierarchical organisations such as the police, where an informal "law of silence" sometimes prevails. If police officers decide to report an offence, they sometimes prefer to remain anonymous. The GET points out that a recommendation to set up a whistleblower protection system was made in the Joint Evaluation of the First and Second Rounds.⁵⁷ This recommendation was not implemented.⁵⁸ However, a proper system facilitating statements by whistleblowers within the police and affording them appropriate protection could prove an effective means of detecting conduct that potentially undermines officers' integrity.

⁵⁶ See also Article 34 of the Code of Ethics of the Police Corps.

⁵⁷ See the [Joint Evaluation Report on the First and Second Rounds](#) in Andorra, Recommendation xv, paragraph 150. The European Commission for Democracy through Law (Venice Commission) also recalled that the Ombudsman "shall give particular attention and protection to whistleblowers within the public sector" – see Andorra - Opinion on the Law on the creation and functioning of the Ombudsman, adopted by the Venice Commission at its 132nd Plenary Session (Venice, 21-22 October 2022), [CDL-AD\(2022\)033-e](#).

⁵⁸ See the [Addendum to the Compliance Report on Andorra](#), 1 April 2011, paragraph 44.

253. The GET considers that in the light of the progress that has been made in most of GRECO's member states, the moment has come for Andorra to fill this legal gap and set up such protection, in accordance with [Recommendation CM/Rec\(2014\)7](#) of the Committee of Ministers of the Council of Europe on the protection of whistleblowers. Accordingly, **GRECO recommends establishing reporting channels and whistleblower protection measures within the Police Corps.**

Enforcement procedure and sanctions

Disciplinary proceedings

254. If police officers infringe ethical rules, rules on conflicts of interest or any other related prohibition, the sanctions provided for by the Police Law apply. If the offence is not expressly provided for by the Police Law but is to be found in the LFP, police officers, as civil servants, are also subject to it.

255. Disciplinary offences committed by members of the Police Corps are divided into the categories of simple offence, serious offence and very serious offence (Articles 97, 98 and 99). Simple offences become time-barred after six months, serious offences after two years and very serious offences after four years. These periods begin to run from the date of the causal event or the day on which it should have been known. A sliding scale of punishments is applied, ranging from temporary suspension, through dismissal and a temporary or permanent bar on performing any paid task within the general public services for a very serious offence or a compulsory change in assignment for a serious offence, to a written warning for a simple offence.

256. Disciplinary proceedings are provided for in Articles 103 et seq. of the Police Law. Proceedings are initiated automatically by the immediate superior of the member of the Police Corps concerned for conduct resulting from a simple offence or by the Deputy Police Commissioner or the Police Commissioner for conduct arising from a serious offence. In the case of conduct deemed a very serious offence, the Police Commissioner must refer the case through a written report to the Minister of the Interior so that he or she can initiate the proceedings. Enforcement of sanctions is the responsibility of the Police Commissioner for sanctions for simple offences, of an official from the Ministry of the Interior for sanctions for serious offences and of the Government for sanctions for very serious offences.

257. The disciplinary ruling must be communicated to the Secretariat of State for the Civil Service of the Ministry for Social Affairs and the Civil Service and may be disputed through an administrative complaint through the procedure set out in the Code of Administration. Once this remedy has been exhausted, an appeal may be lodged with the administrative section of the *Batllia* (court of first instance).

Criminal proceedings and immunities

258. LEOs do not enjoy any immunities or procedural privileges. The criminal proceedings to which they are subject are no different to those applicable to other citizens. They are subject to the ordinary criminal courts.

Statistics

259. Disciplinary sanctions are not disclosed to the public. Between January 2018 and February 2023, 65 disciplinary proceedings were initiated against LEOs (constables, sergeants, sergeant majors and inspectors), 20 of which were for very serious offences. Ten LEOs were suspended for periods ranging from two days to three weeks.

260. Criminal penalties and second instance court rulings are published on the Justice website⁵⁹ but are anonymised.

261. Over the last five years, eight criminal proceedings were initiated in relation to allegations of corruption or the offences described above against LEOs.

CRIME	ARTICLES OF THE CRIMINAL CODE	YEAR	SEX	STATE OF THE PROCEEDINGS
Disclosure of secrets	377	2021	Man	Closed
Disclosure of secrets	377	2021	Man	Temporarily suspended
Abuse of official authority, Disclosure of secrets, Influence peddling	372, 377, 386	2023	Man	Pending
Abuse of official authority	372	2020	Man	Closed
Abuse of official authority, Suppression of documentary evidence	372, 374	2021	Woman	Closed
Abuse of official authority	372	2023	Man	Pending
Abuse of official authority	372	2022	Man and woman	Closed
Corruption, Influence peddling	380, 386	2019	Man	Suspended

⁵⁹ <https://www.justicia.ad/jurisprudencia/>

VI. RECOMMENDATIONS AND FOLLOW-UP

262. In view of the findings of the present report, GRECO addresses the following recommendations to Andorra:

Regarding central governments (top executive functions)

- i. that (i) the legal status of special relationship personnel be better regulated, especially with regard to the functions and remuneration of the persons concerned, and that their obligations be clarified and regulated, to subject them to the same highest standards of integrity as other persons with top executive functions, where appropriate; and (ii) for the sake of greater transparency the names, functions and remuneration of special relationship personnel are disclosed in a way that provides for easy, appropriate public access on-line (paragraph 43);**
- ii. that rules be adopted requiring that integrity checks take place prior to the appointment of ministers and all other persons with top executive functions in order to identify and manage possible risks of conflicts of interest (paragraph 63);**
- iii. that a co-ordinated strategy to promote integrity among persons with top executive functions be drawn up on the basis of a risk analysis, and includes special measures to mitigate the risks thus identified (paragraph 69);**
- iv. that the Prevention and Anti-Corruption Unit be provided with sufficient financial and human resources to perform its corruption prevention tasks effectively and proactively with respect to persons with top executive functions (paragraph 71);**
- v. (i) that special relationship personnel and directors be included in the scope of the Code of Conduct for Members of the Government and high-level officials; (ii) that this Code be supplemented and accompanied by a practical guide including explanatory comments and specific examples concerning conflicts of interest and other integrity related matters (contact with third parties, post-employment restrictions, acceptance of gifts, etc.); and (iii) that this Code be coupled with an effective mechanism of supervision and proportionate, dissuasive and effective sanctions (paragraph 79);**
- vi. (i) that the internal mechanisms for promoting integrity and raising awareness of integrity matters be strengthened, including by providing training at regular intervals for persons with top executive functions, and (ii) that confidential counselling on integrity issues be accessible to them (paragraph 82);**
- vii. that training be provided regularly in order to raise awareness of the legislation on the right of access to public information within the executive and that the general public be made more aware of its right to access information (paragraph 95);**
- viii. that (i) an appropriate level of consultation be ensured with regard to laws proposed by the government, in particular through the civic engagement platform; and (ii)**

draft laws presented before the General Council be accompanied by an explanatory note indicating the legislative footprint of the draft law (paragraph 102);

- ix. (i) introducing rules on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence governmental legislative and other work; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 105);**
- x. that (i) rules on gifts applicable to persons with top executive functions be strengthened; and (ii) information about the receipt of gifts, invitations and other advantages by persons exercising top executive functions be recorded in a central register and be made available to the public in a timely manner (paragraph 130);**
- xi. that (i) rules on post-employment restrictions be developed and applied in respect of all persons with top executive functions, and (ii) an effective enforcement mechanism regarding these rules be set up (paragraph 137);**
- xii. (i) that the requirement to declare assets be extended to all persons exercising top executive functions; (ii) that these persons' declarations of assets be made easily accessible to the public; and (iii) that consideration be given to extending the requirement for persons with top executive functions to make declarations of assets to their spouses, partners and dependents (it being understood that such information would not necessarily need to be made public) (paragraph 142);**
- xiii. that declarations of assets submitted by persons with top executive functions be subject to regular substantive checks, with effective, proportionate and dissuasive sanctions in case of breach (paragraph 144);**
- xiv. that the Public Prosecutor's Office be provided with sufficient human resources and powers to tackle corruption, and that it be ensured that prosecutors benefit of highly specialised training to effectively investigate and prosecute corruption-related offences involving persons with top executive functions (paragraph 151);**

Regarding law enforcement agencies

- xv. (i) that the practice of paying fines directly in cash to police officers be abandoned; and (ii) that a comprehensive risk assessment of corruption prone areas and activities be undertaken in the police, to identify problems and emerging trends, and that the data is used to develop an integrity and anti-corruption strategy for the police (paragraph 174);**
- xvi. that the Code of Ethics of the Police Corps be supplemented with practical guidance illustrating all relevant integrity matters (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of confidential information) drawing on practical examples (paragraph 181);**

- xvii. (i) strengthening initial and in-service training on ethics and integrity for police officers, based on the practical guidance to be adopted for the Code of Ethics of the Police Corps; and (ii) introducing a mechanism for providing confidential counselling to police officers on ethics and matters of professional conduct (paragraph 187);**
- xviii. that integrity checks take place prior to the appointments and promotions of police officers, including at the managerial level, and at regular intervals throughout their career (paragraph 200);**
- xix. that objective and transparent criteria be elaborated to review the integrity of Police Corps personnel and that these form part of periodic performance evaluations (paragraph 205);**
- xx. that rules be adopted to ensure transparency and limit the risks of conflicts of interest when police officers leave the Police Corps to work in other sectors (paragraph 235);**
- xxi. setting up or designating within the Police Corps a central unit tasked with internal oversight and investigations, using a proactive approach (paragraph 240);**
- xxii. considering centralising the lodging of complaints against the Police Corps through one entry point, with clear guidelines on how complaints are passed on and processed (paragraph 248);**
- xxiii. establishing reporting channels and whistleblower protection measures within the Police Corps (paragraph 253).**

263. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the Andorran authorities to submit a report on the measures taken to implement the above-mentioned recommendations by 31 December 2025. These measures will be assessed by GRECO through its specific compliance procedure.

264. GRECO invites the Andorran authorities to authorise publication of this report as soon as possible, to translate it into the national language and to make that translation available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe’s anti-corruption instruments. GRECO’s monitoring comprises an “evaluation procedure” which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment (“compliance procedure”) which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.
