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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

COMPLIANCE REPORT

ANDORRA

Adopted by GRECO at its 85th plenary meeting
(Strasbourg, 21-25 September 2020)

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I. INTRODUCTION

1. This compliance report assesses the measures taken by the Andorran authorities to implement the recommendations in the fourth round evaluation report on Andorra, which was adopted by GRECO at its 76th plenary meeting (23 June 2017) and made public on 2 November 2017, following authorisation by Andorra ([GrecoEval4Rep\(2016\)8](#)). GRECO's fourth evaluation round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the Andorran authorities have submitted a situation report on measures taken to implement GRECO's recommendations. This report was received on 17 May 2019 and, together with information supplied subsequently, has served as the basis for the compliance report.
3. GRECO asked Monaco (in respect of parliamentary assemblies) and Luxembourg (in respect of judicial institutions) to appoint rapporteurs for the compliance procedure. The rapporteurs in question are Jean-Marc GUALANDI, on behalf of Monaco and David LENTZ, on behalf of Luxembourg. They were assisted by the GRECO secretariat in drawing up this compliance report.
4. The compliance report considers the response to each recommendation in the evaluation report and offers an overall assessment of the country's level of compliance with these recommendations. Recommendations that have not yet been fully implemented or have not been implemented at all will be assessed on the basis of a further situation report, to be submitted by the authorities 18 months after adoption of this compliance report.

II. ANALYSIS

5. GRECO made 13 recommendations to Andorra in the evaluation report. Compliance with these recommendations is considered below.

Preventing corruption of members of parliament

Recommendation i.

6. *GRECO recommended that consideration be given to the introduction of a public consultation procedure in connection with legislative proceedings.*
7. The Andorran authorities state that the Rules of Procedure of the Andorran parliament (the General Council) were amended on 7 February 2019. In the new version of the Rules of Procedure, Part V, on the transparency of parliamentary activities, has been expanded. In particular, under Rule 142, the public must be informed of all parliamentary initiatives and their state of progress in parliamentary proceedings. In addition, under Rule 141, information must be supplied to the public in a form that is readily amenable to data processing.
8. The authorities also mention a draft law on transparency and access to public information, tabled by parties of the parliamentary majority, and aimed in particular at enhancing public participation "through deliberation and search for consensus (...) in different processes". Finally, the authorities report on the efforts undertaken by parliamentary groups in the General Council to strengthen the participation of citizens in legislative matters, notably through periodic meetings with associations, civil society actors and trade unions, in order to better understand the concerns of different sectors.

9. GRECO notes the amendments to the Andorran parliament's Rules of Procedure which require Parliament (General Council) to publish information on all parliamentary initiatives and their state of progress in parliamentary proceedings, and to do so in a form that facilitates data processing. GRECO also notes the draft law on transparency and access to public information as well as the efforts by parliamentary groups to improve public participation. These efforts for enhanced transparency certainly go in the right direction. However, GRECO notes that the initiated measures do not provide for a formal procedure of public consultation, i.e. of a process in which it is required to consult the public on certain draft laws. GRECO encourages the authorities to implement this recommendation.
10. GRECO concludes that recommendation I has not been implemented.

Recommendation ii.

11. *GRECO recommended that a code of conduct, accompanied by explanatory comments and/or concrete examples, be adopted for the members of the General Council and that it be brought to the knowledge of the public.*
12. The Andorran authorities report that the General Council's legislative committee has discussed the possibility of introducing a code of conduct but state that these discussions have not led to the drafting of such a code. Nevertheless, the authorities are confident that the current legislature will deal with this subject. The final provision (no. 3) of the General Council's Rules of Procedure, as amended on 7 February 2019, instructs the *Sindicatura*, the Council's governing body, in conjunction with the committee of chairs of parliamentary groups, to draw up and submit to the plenary session of the General Council a code of conduct for members of the General Council, within 18 months of 7 February 2019. The authorities point out that Rule 18 of the General Council's Rules of Procedure requires the *Sindicatura* to apply and ensure compliance with these Rules of Procedure. The authorities maintain that making it a requirement in the parliamentary Rules of Procedure to draw up a code of conduct for members, with a precise deadline, is proof of the commitment to implementing this recommendation as soon as possible.
13. Furthermore, on 8 January 2020, the *Junta de Presidents* (Conference of Presidents) created a working committee with representatives of each parliamentary group to elaborate a code of conduct for parliamentarians. This working committee held three meetings. At the same time, a draft law on transparency is currently under consideration, which may have an impact on the future code of conduct. For that reason, the working committee awaits the completion of the examination of the draft law on transparency.
14. GRECO notes that, according to the General Council's amended rules of procedure, the *Sindicatura* is to draw up and submit to the General Council a code of conduct for members. GRECO also notes that a parliamentary working group has been set up to elaborate a code of conduct. This working group held three meetings and is awaiting the completion of the examination of the draft law on transparency. So far, a draft code of conduct remains to be elaborated. Despite the announced plans, the process is still at its initial stage and it is too soon to conclude that this recommendation has been implemented, even partly.
15. GRECO concludes that recommendation ii has not been implemented.

Recommendation iii.

16. *GRECO recommended the introduction of an obligation to declare any conflict between a general councillor's specific private interests and a matter examined in parliamentary proceedings (plenary session and in committee), irrespective of whether such a conflict could also be identified under a system of public declaration of interests and activities.*
17. The Andorran authorities state that under Rule 8 of the amended parliamentary Rules of Procedure, members of the General Council must present their CVs, and must also declare their occupational activities and any positions held in the public and private sectors, in an approved format. In particular, they must report any incompatible positions or posts held, which they relinquish. They are also required to declare any changes in their situation within one month. Members of the General Council may not rely on or use their parliamentary status to undertake commercial, industrial or professional activities. Furthermore, under Rule 39, the Rules of Procedure provide for a possibility of replacing an MP in a legislative committee by a colleague from the same parliamentary group. The authorities specify that such a possibility would apply to the situations of conflicts of interest.
18. The authorities state that even though the declaration on conflicts of interest requirement is not explicitly laid down, it is inherent in the general obligation to declare other posts or positions that are potentially incompatible with members' parliamentary duties and the obligation not to make use of their parliamentary status for commercial, industrial or professional purposes.
19. Finally, the authorities report that the obligation to declare a conflict of interest will be subject to debates during the preparatory work on the code of conduct for parliamentarians.
20. GRECO notes that members of the General Council must declare any positions held in the public and private sectors, and in particular incompatible positions or posts held, which they relinquish. It also notes the ban on councillors using their parliamentary status for extra-parliamentary occupational activities. GRECO also notes the prohibition for the General Councilors to use their parliamentary functions in the context of their extra-parliamentary professional activities. It appears that an MP can be replaced in a legislative committee by a general councillor of the same parliamentary group. However, this is a possibility that remains too general, even if, as the authorities state, it applies to cases of conflicts of interest. GRECO reiterates that this recommendation concerns the need for a specific obligation for members of the General Council to declare any conflicts of interest arising in connection with particular matters examined by the General Council, over and above any general declarations of interests and activities. Any future rules would clarify for general councillors what is expected from them to prevent conflicts of interest in such situations. This issue could be dealt with in connection with the formulation of the parliamentary code of conduct that was the subject of the previous recommendation. In view of the above, the recommendation remains to be implemented.
21. GRECO concludes that recommendation iii has not been implemented.

Recommendation iv.

22. *GRECO recommended (i) that a system for the public declaration of general councillors' assets and interests containing quantitative data on financial and business interests (income, assets and significant debt items) be introduced and (ii) that consideration be given to including information on the parliamentarian's spouse and dependent family members (on the understanding that this information would not necessarily be made public).*
23. The Andorran authorities state that currently there is no legal obligation to declare assets applicable to parliamentarians. However, some political parties make private asset declarations before a notary. The above-mentioned draft law on transparency and access to public information provides for the setting up an asset disclosure system applicable to parliamentarians. MPs would be obliged to declare their assets under oath no later than three months after taking office and after the end of their mandate. The declarations would be made before a notary and filed before the Court of Audit. These declarations would be confidential and accessible only by the parties concerned, the Court of Audit or a competent authority in the context of judicial proceedings. The Court of Audit would publish annually the list of declarants, specifying their names, first names and positions, and indicating whether it is the initial or final declaration of assets and the date of filing it. The authorities consider that the proposed system preserves the specific features of Andorra and considers the need to protect personal data.
24. GRECO notes the information supplied. In connection with part (i) of the recommendation, GRECO notes that the draft law on transparency and access to public information provides for an asset disclosure system covering MPs. However, in accordance with this draft law the declarations would be confidential. Parliament has yet to examine this draft law. While GRECO considers that in itself the requirement for MPs to declare their assets would be a positive development, it emphasises that the transparency of elected members' activities is an important aspect of democracy and is itself a means of forestalling the risk of corruption linked to conflicts of interest of members of parliament. Nearly all GRECO's member states collect and publish information from members of parliament on their assets, income and financial commitments. It recalls that "the part-time status of the majority of general councillors and their various accessory or principal activities, which are legitimate in themselves, necessitate sufficient transparency regarding income, assets and principal debts, ensured by means of easily accessible and regularly updated public declarations" (paragraph 55 of the evaluation report). This part has therefore still not been implemented. Part (ii) of the recommendation is linked to part (i). Currently, the draft law on transparency and access to public information does not provide for including in declarations the information on spouses and dependent family members. It would appear that the authorities have not given any consideration to incorporating in declarations this type of information.
25. GRECO concludes that recommendation iv has not been implemented.

Recommendation v.

26. *GRECO recommended that measures be taken to ensure the appropriate supervision and enforcement of the future obligations concerning disclosure and the standards of conduct of members of parliament.*
27. The Andorran authorities state that this recommendation will have to be considered when the parliamentary code of conduct is approved (see recommendation ii).

28. GRECO notes that, in the absence of any progress, recommendation v has not been implemented.
29. GRECO concludes that recommendation v has not been implemented.

Recommendation vi.

30. *GRECO recommended (i) that training and awareness-raising measures be introduced for members of parliament with regard to the ethical conduct expected of them and the issuance of declarations of interests and (ii) that members of parliament be able to benefit from confidential advice on any issue of ethics or professional conduct.*
31. Regarding the first part of the recommendation, the Andorran authorities refer to the General Council's discussions on establishing an initial training system for new members of parliament. Consideration is also currently being given to an on-line training system based on the future code of conduct (still to be adopted, see recommendation ii), which would include simulations of actual cases (for example on conflicts of interest). The authorities specify that currently the internal service of the Parliament distributes all the necessary documentation (regulations, internal operational standards, procedures for drafting bills, amendments etc.) to newly elected parliamentarians and informs them of the rules applicable in matters of incompatibilities and conflicts of interest. Discussions on the second part appear to be in their infancy.
32. In connection with part (i) of the recommendation, GRECO notes that discussions are under way on initial and continuing training systems for members of the General Council. Currently, the newly elected parliamentarians are informed on incompatibilities and conflicts of interest. These awareness raising measures go in the right direction, but a more comprehensive and systemic approach is required, including a dedicated training for parliamentarians. Furthermore, the handing-out of relevant documentation to MPs in being formalised (for example through signatures) could further raise their awareness on applicable rules (and the future system of confidential counselling) and encourage them to take greater responsibility in this regard. This part can only be considered as partly implemented. Since there is still no system for offering confidential advice to members of parliament on ethical or professional conduct issues, part (ii) of the recommendation has not yet been implemented. GRECO wishes to emphasise that some form of special adviser/officer on ethical or professional conduct matters in the General Council could make a significant contribution in terms of confidential advice, particularly since, as the evaluation report points out, "most members of parliament are not career politicians and continue to engage in accessory activities and maintain many links with Andorran society" (paragraph 64).
33. GRECO concludes that recommendation vi has been partly implemented.

Preventing corruption of judges

Recommendation vii.

34. *GRECO recommended that the composition of the High Council of Justice be modified to ensure that there was appropriate representation of judges and prosecutors elected by their peers in its membership.*
35. The Andorran authorities state that an amendment to Article 89.2 of the Constitution is required to implement this recommendation. The government, members of the judiciary and the High Council of Justice understand the recommendation and are not

opposed to it. However, given the complexity of the constitutional amendment process, such a revision of the Constitution should be more comprehensive, covering a number of subjects, rather than one specific issue. Under Part IX, Article 105 of the Constitution, constitutional amendments are initiated either by the Co-Princes, acting jointly, or by one-third of the membership of the General Council. Such amendments require the approval of two-thirds of the Council's members, after which they are immediately put to a referendum for ratification.

36. GRECO notes the information provided. It is aware of the various steps that have to be taken to implement this recommendation, which include amending the Andorran Constitution. Nevertheless, it is a well-established principle that at least half the membership of the High Council of Justice should be made up of members of the judiciary elected by their peers. So, in the absence of any progress, this recommendation has still not been implemented.
37. GRECO concludes that recommendation vii has not been implemented.

Recommendation viii.

38. *GRECO recommended that consideration be given to appointing judges for an indefinite term of office.*
39. The Andorran authorities state that this recommendation would require a revision of Article 90 of the Constitution (see the comments on the constitutional amendment process in paragraph 34). They have no plans to alter the present system since they consider that the current safeguards offer judges full protection and raise no concerns about the integrity and independence of the judicial system. The authorities state that none of its members have been excluded from the judiciary since the new system was established under the 1993 Constitution. Those who have left the service have done so for personal or professional reasons. The authorities specify that judges are automatically renewed, except when they resign, are convicted for committing a criminal offence or sanctioned for committing two serious infringements or for committing a very serious misconduct (Article 68.3 of the Justice Act).
40. GRECO takes note of the information supplied. It notes that the legal situation remains unaltered since the adoption of the evaluation report. GRECO recalls that the recommendation required the authorities to consider appointing judges for an indefinite term of office. It points out that the recommendation confined itself to asking the authorities to consider appointing judges for an indefinite term of office. The authorities' position seems to have altered since the evaluation report as they appeared at that time to support such a development whereas the information set out above appears to imply the opposite. In all events, based on the information received, GRECO cannot conclude that the matter has been given formal consideration.
41. GRECO concludes that recommendation viii has not been implemented.

Recommendation ix.

42. *GRECO recommended (I) that the arrangements for determining judges' disciplinary liability be revised by increasing the limitation period for offences and the time-limit for investigations and establishing a specific procedure for disciplinary hearings, and (ii) that steps be taken to ensure that sufficiently detailed information is available about disciplinary proceedings concerning judges, including a possible publication of the relevant case-law, while preserving the anonymity of the persons concerned.*

43. The Andorran authorities state that the disciplinary liability system for judges has been entirely revised, following the enactment of final provision 3 of Act 24/2018 of 18 October 2018 on the Code of Civil Procedure, amending the Justice Act of 2 September 1993. The new disciplinary liability system for judges came into force on 15 November 2018.¹
44. In connection with the first part of the recommendation, the authorities state that under the new system, the limitation periods have been doubled for minor misconduct – from three to six months – and quadrupled for serious and very serious misconduct – from six months to two years and one to four years, respectively. They add that disciplinary proceedings are suspended and the limitation period stops running when criminal proceedings relating to the same or closely related circumstances are launched or are in the investigation or trial stages (Section 79 of the Justice Act).
45. According to the authorities, the revised legislation lays down the investigation procedure for disciplinary cases under which the investigating official appointed by the High Council of Justice must examine the case and bring charges within 30 working days of notification to the judge concerned of the opening of proceedings against him or her. The judge concerned and the prosecutor then have ten working days to present their observations and, if appropriate, request consideration of any evidence they consider relevant. The High Council must hand down its disciplinary decision within 15 working days, for cases of minor misconduct, 30 working days for serious misconduct and 45 working days for very serious misconduct, measured from the date it receives the investigating official’s report.
46. The authorities state that the amended legislation has introduced a specific procedure for disciplinary hearings. The President or Vice-President of the High Council of Justice, among other responsibilities, summons the members of the Council and directs the oral hearings. The revised legislation makes it obligatory to give reasons for decisions and to define precisely the nature of the misconduct and the penalties incurred. Disciplinary decisions are approved by a majority of members of the Council, excluding the investigating official. The Council’s decisions are subject to appeal to the High Court of Justice within one month of notification of the decision.
47. Turning to the second part of the recommendation, the authorities state that under the amended legislation, disciplinary penalties are entered in the personal files of judges subjected to disciplinary proceedings, together with the nature of the misconduct. These entries are erased when the relevant limitation periods have elapsed, either automatically or at the request of the judge concerned. The limitation periods are two years for minor misconduct, four years for serious misconduct and six years for very serious misconduct (Section 85.3).
48. The authorities also state that the annual report on the activities and administration of the justice system must henceforth include a list of disciplinary cases against judges and prosecutors opened, investigated and closed. The report must also include complaints lodged and disciplinary decisions handed down, with details of the offences committed and the misconduct penalised. The annual report must append copies of all the disciplinary decisions of the High Council of Justice for the corresponding year. The personal data of the subjects of disciplinary proceedings are protected and their anonymity is safeguarded. Finally, the authorities specify that the

¹ The provisions amending other legislation, such as final provision 3 amending the Justice Act, came into force the day after publication in the Andorran Official Gazette on 14 November 2018. The full body of provisions making up the Code of Civil Procedure and the main body of Act No. 24/2018 came into force on 1 September 2019.

High Council of Justice publishes the annual report online² and distributes it in paper version to all members of the judiciary at the opening of the judicial year.

49. GRECO notes the information supplied. It welcomes the changes to the system for determining judges' disciplinary liability. In connection with part (i) of the recommendation, GRECO welcomes the extension of the limitation periods for disciplinary offences and the detailed regulations, with precise deadlines, on the investigation of disciplinary cases. Finally, it welcomes the fact that there is now a specific and clearly laid down procedure for disciplinary hearings before the High Council of Justice. The first part of the recommendation has therefore been implemented satisfactorily.
50. With respect to part (ii) of the recommendation, GRECO welcomes the steps taken by the authorities to retain detailed information about disciplinary proceedings against judges and prosecutors. The annual report on the activities and administration of the justice system contains a list of disciplinary cases against judges and prosecutors opened, investigated and closed in the course of the year, together with complaints lodged and the resulting disciplinary decisions, specifying the offences committed and the misconduct penalised. It is published online and is distributed in paper version. The publication in the annual report of all the High Council of Justice's disciplinary decisions, while safeguarding the anonymity of those concerned, is also a positive development. The second part of the recommendation has therefore also been implemented satisfactorily.
51. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x.

52. *GRECO recommended (i) that training on various topics relating to ethics and integrity continue to be provided on a regular basis for judges, and (ii) that the possibility for judges to obtain confidential advice on these subjects be placed on a permanent and institutional footing.*
53. In connection with the first part of the recommendation, the Andorran authorities state that in 2019, the High Council of Justice's annual training programme for all the members of the judiciary again included a session on ethical issues. They further point out that members of the judiciary can also opt to take part in various annual training activities provided by the national training bodies of France (the *Ecole Nationale de la Magistrature*) and Spain (the *Servicio de Formación Continua de la Escuela Judicial*). The High Council of Justice intends to continue with this form of training each year and will continue to make ethical and integrity issues compulsory subjects for newly recruited judges. Finally, the authorities explain that the continued judicial education is a right and a duty for all judges and prosecutors. They are required to follow a minimum of the training activities established by the High Council of Justice (Rules of the Statute of members of judicial careers and of prosecutors, Title VIII, Chapter 2).
54. Turning to the second part of the recommendation, the authorities state that the High Council of Justice is currently considering ways of establishing a permanent system to enable judges and prosecutors to obtain confidential advice on ethical matters.
55. Regarding the first part of the recommendation, GRECO notes with satisfaction that the High Council of Justice continues to offer judges regular training on ethical and integrity issues. This part of the recommendation has therefore been implemented satisfactorily.

² <http://www.justicia.ad/fr/memoria.html>

56. In the case of the second part of the recommendation, GRECO notes that consideration is currently being given to ways of establishing a permanent system for judges and prosecutors to obtain confidential advice on ethical matters. However, these discussions are still at too early a stage to conclude that this part of the recommendation has been even partly implemented.
57. GRECO concludes that recommendation x has been partly implemented.

Preventing corruption of prosecutors

Recommendation xi.

58. *GRECO recommended that decisions to remove a prosecutor from a case be justified in writing.*
59. The Andorran authorities refer to final provision 10 of Act No. 24/2018 on the Code of Civil Procedure, which amends the Public Prosecution Act of 12 December 1996. A sub-paragraph has been added to Section 14 authorising, but not obliging, the principal public prosecutor to allocate proceedings or cases to the various deputy prosecutors. If, however, he or she has assigned proceedings or a case to a specific deputy prosecutor and subsequently decides to transfer it to another deputy prosecutor he/she must do so in writing and reasons must be given for the reassignment. The decision is not subject to appeal. This rule is also inherent in Article 3 (a) of the compendium of ethical obligations and values for judges and prosecutors. The authorities specify that no prosecutor has ever been removed from a case. If this occurred, the recommendation for reassigning the case would be made in writing to the Office of the Prosecutor and all prosecutors would have access to it.
60. GRECO notes with satisfaction that decisions of the principal public prosecutor to remove cases from deputy prosecutors must be issued in writing with reasons given. These provisions improve the transparency of decision making, as the recommendation requires.
61. GRECO concludes that recommendation xi has been implemented satisfactorily.

Recommendation xii.

62. *GRECO recommended (i) that the arrangements for determining prosecutors' disciplinary liability be revised by increasing the limitation period for offences and the time-limit for investigations, establishing a specific procedure for disciplinary hearings and including a provision that the principal public prosecutor must be consulted on any disciplinary action taken against deputy prosecutors, and (ii) that steps be taken to ensure that sufficiently detailed information is available about disciplinary proceedings concerning prosecutors, including a possible publication of the relevant case-law, while preserving the anonymity of the persons concerned.*
63. The Andorran authorities report that the disciplinary liability system for prosecutors, like the one for judges, has been revised, following the enactment of final provision 10 of Act No. 24/2018 of 18 October 2018 on the Code of Civil Procedure, amending the Public Prosecution Act of 12 December 1996. The new disciplinary liability system for prosecutors came into force on 15 November 2018.³

³ The provisions amending other legislation, such as final provision 10 amending the Public Prosecution Act, came into force the day after publication in the Andorran Official Gazette on 14 November 2018. The full body of provisions making up the Code of Civil Procedure and Act No. 24/2018 came into force on 1 September 2019.

64. In connection with the first part of the recommendation, the authorities state that Section 25 of the Public Prosecution Act as amended by final provision 10 of Act No. 24/2018, raises the limitation periods for minor misconduct to six months, for serious misconduct to two years and for very serious misconduct to four years. The limitation periods have thereby been doubled for minor misconduct and quadrupled for serious and very serious misconduct. They add that disciplinary proceedings are suspended and the limitation period stops running when criminal proceedings relating to the same or closely related circumstances are initiated or are in the investigation or trial stages (Section 79 of the Justice Act).
65. The authorities also explain that the revised legislation (Section 30 of the Public Prosecution Act) lays down the procedure for investigating disciplinary cases, under which the investigating official appointed by the High Council of Justice must examine the case and draw up charges. The time limits applicable are the same as for judges: see paragraph 42. Section 24 *bis* sets out the rights of prosecutors who are the subject of disciplinary proceedings. The High Council of Justice rules on disciplinary cases either by imposing appropriate penalties or by closing the case. It must hand down its decision within a maximum of 15 working days for minor misconduct, 30 for serious misconduct and 45 for very serious misconduct, calculated from the date it receives the investigating official's report.
66. Finally, the revised legislation provides for a specific procedure for disciplinary hearings. The President or, if the latter stands down, the Vice-President of the High Council of Justice summons the members of the Council and directs the oral hearings.
67. Section 30 *ter* of the revised legislation lays down the time limit and procedure for handing down decisions, the time allowed in the event of removal of a case or recusal, the requirement that reasons be given for decisions, which may not include facts other than those on which the charges are based and reasoned, and the requirement that the misconduct committed, the classification of the conduct in question and the penalties imposed be clearly stated. It also provides that if a member of the prosecution service acknowledges explicitly and in writing the facts imputed to him or her, together with the misconduct committed and the penalty incurred, the investigation may be dispensed with and the decision handed down immediately by the High Council of Justice.
68. Prosecutors concerned by such proceedings may be suspended from duties for preventive purposes for up to six months, if there is evidence of serious misconduct. In such cases, the High Council of Justice orders a reduction in or loss of income, though it must subsequently compensate for lost income if the facts of the case are reclassified. Those concerned may appeal against such measures to the High Court of Justice.
69. With regard to the second part of the recommendation, under the revised legislation disciplinary penalties are entered in the personal files of prosecutors subjected to disciplinary proceedings, together with the nature of the misconduct concerned. These entries are removed when the relevant limitation period has elapsed, either automatically or at the request of the prosecutor concerned. The limitation periods are the same as for judges, namely two years for minor misconduct, four for serious misconduct and six for very serious misconduct.
70. The authorities also state that the annual report on the activities and administration of the justice system must henceforth include a list of disciplinary cases against judges and prosecutors opened, investigated and closed. The report must also include complaints lodged and disciplinary decisions handed down, with details of the offences committed and the misconduct penalised. The annual report must as well append copies of all the disciplinary decisions of the High Council of Justice for the

corresponding year. The personal data of the subjects of disciplinary proceedings are protected and their anonymity is safeguarded. Finally, the authorities specify that the High Council of Justice publishes the annual report online⁴ and distributes it in paper version to all members of the judiciary at the opening of the judicial year.

71. GRECO notes the information supplied. It welcomes the changes to the system for determining prosecutors' disciplinary liability. In connection with part (i) of the recommendation, GRECO welcomes the extension of the limitation periods for disciplinary offences and the detailed regulations, with precise deadlines, on the investigation of disciplinary cases. Finally, it welcomes the fact that there is now a specific and clearly laid down procedure for disciplinary hearings before the High Council of Justice. The first part of the recommendation has therefore been implemented satisfactorily.
72. With respect to part (ii) of the recommendation, GRECO welcomes the steps taken by the authorities to retain detailed information about disciplinary proceedings against judges and prosecutors. The annual report on the activities and administration of the justice system contains a list of disciplinary cases against judges and prosecutors opened, investigated and closed in the course of the year, together with complaints lodged and the resulting disciplinary decisions, specifying the offences committed and the misconduct penalised. The publication in the annual report of all the High Council of Justice's disciplinary decisions, while safeguarding the anonymity of those concerned, is also a positive development. The second part of the recommendation has therefore also been implemented satisfactorily.
73. GRECO concludes that recommendation xii has been implemented satisfactorily.

Recommendation xiii.

74. *GRECO recommended (i) that training on various topics relating to ethics and integrity continue to be provided on a regular basis for prosecutors, and (ii) that the possibility for prosecutors to obtain confidential advice on these subjects be placed on a permanent and institutional footing.*
75. In connection with the first part of the recommendation, the Andorran authorities state that in 2019, the High Council of Justice's annual training programme for all the members of the judiciary again included a session on ethical issues. They also point out that prosecutors, as well as judges, can take part in training on ethical and integrity issues in France and Spain (see paragraph 50). The High Council of Justice intends to continue with this form of training each year and will continue to make ethical and integrity issues compulsory subjects for newly recruited members of the judiciary. The authorities explain that the continued judicial training is a right and a duty for all prosecutors, as it is for all judges. The prosecutors are required to follow a minimum of the training activities established by the High Council of Justice (Rules of the Statute of members of judicial careers and of prosecutors, Title VIII, Chapter 2).
76. Turning to the second part of the recommendation, the authorities state that the High Council of Justice is currently considering ways of establishing a permanent system to enable judges and prosecutors to obtain confidential advice on ethical matters.
77. Regarding the first part of the recommendation, GRECO notes with satisfaction that the High Council of Justice continues to offer regular training on ethical and integrity issues to all the members of the judiciary, including prosecutors. This part of the recommendation has therefore been implemented satisfactorily.

⁴ <http://www.justicia.ad/fr/memoria.html>

78. In the case of the second part of the recommendation, GRECO notes that consideration is currently being given to ways of establishing a permanent system for judges and prosecutors to obtain confidential advice on ethical matters. However, these discussions are still at too early a stage to conclude that this part of the recommendation has been even partly implemented.
79. GRECO concludes that recommendation xiii has been partly implemented.

III. CONCLUSIONS

80. **In the light of the foregoing, GRECO concludes that Andorra has implemented or dealt satisfactorily with three of the thirteen recommendations in the fourth-round evaluation report.** Of the other recommendations, three have been partly implemented and seven have not been implemented.
81. More specifically, recommendations ix, xi and xii have been implemented satisfactorily, recommendations vi, x and xiii have been partly implemented and recommendations i - v, vii and viii have not been implemented.
82. Little progress has been made regarding members of parliament. GRECO takes note of the amended legislation that requires the General Council to publish information on all parliamentary initiatives and their state of progress, but considers that these measures are insufficient to constitute a public consultation procedure. Even though the General Council's amended rules of procedure provide for a code of conduct for members, and a parliamentary working group has been created for this purpose, the code has still not been drawn up and approved. There is also still no specific obligation for members of parliament to declare conflicts of interest; furthermore, there is no system for publicly declaring members' assets and interests, no specific training for members of parliament nor arrangements for them to seek confidential advice on ethical and integrity issues.
83. In the case of judges, GRECO welcomes the revised system of disciplinary liability. In particular, it expresses satisfaction with the extended limitation periods for disciplinary offences, the introduction of a specific procedure for disciplinary hearings, the availability of detailed information on disciplinary proceedings and the publication of all the High Council of Justice's disciplinary decisions. The fact that the Council continues to provide judges with regular ethical and integrity training is another positive feature. However, there is still no permanent system for offering confidential advice on ethical matters. Above all, the composition of the High Council of Justice still needs to be modified to ensure appropriate representation of members of the judiciary elected by their peers. And finally, the authorities should once more give formal consideration to appointing judges for an indefinite term of office.
84. Finally, GRECO draws attention to the progress that has been made with regard to prosecutors. In particular, it notes with satisfaction that decisions of the principal public prosecutor to remove cases from deputy prosecutors must now be issued in writing. GRECO also welcomes the new arrangements governing prosecutors' disciplinary liability, which extend the limitation periods for disciplinary offences, introduce a specific procedure for disciplinary hearings, make available detailed information on disciplinary proceedings and provide for publication of all disciplinary decisions. The continued provision of regular ethical and integrity training is also a positive feature. However, there is still no permanent system for offering confidential advice on ethical matters.

85. In the light of the foregoing, GRECO considers that the measures taken by Andorra to implement the fourth evaluation round recommendations are very limited. It concludes that the very low level of compliance with the recommendations is is "globally unsatisfactory", within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 concerning members found not to be in compliance with the recommendations in the mutual evaluation report and invites the head of the Andorran delegation to submit a report on progress in implementing the recommendations still pending, namely all the recommendations i-viii, x and xiii, as soon as possible and not later than 30 September 2021.
86. GRECO invites the Andorran authorities to authorise, as soon as possible, publication of the report, to translate it into the national language and to make it public.