



Group of States against Corruption
Groupe d'États contre la corruption



Adoption: 22 November 2024
Publication: 4 December 2024

Public
GrecoRC4(2024)16

FOURTH EVALUATION ROUND

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

ADDENDUM TO THE SECOND COMPLIANCE REPORT

ANDORRA

Adopted by GRECO at its 98th plenary meeting
(Strasbourg, 18 - 22 November 2024)

FOURTH
EVALUATION
ROUND

I. INTRODUCTION

1. This Addendum to the Second Compliance Report assesses the measures taken by the authorities of Andorra to implement the recommendations issued in the Fourth Round Evaluation Report on Andorra (see paragraph 2), dealing with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on Andorra was adopted by GRECO at its 76th plenary meeting (23 June 2017) and made public on 2 November 2017, following authorisation by the Andorran authorities ([GrecoEval4Rep\(2016\)8](#)). The corresponding Compliance Report, adopted by GRECO at its 85th plenary meeting (21-25 September 2020) and made public on 7 October 2020 ([GrecoRC4\(2020\)3](#)), concluded that the low level of compliance with the recommendations was "globally unsatisfactory", within the meaning of Rule 31 revised, paragraph 8.3, of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2.i, in respect of members not in compliance with the recommendations contained in the mutual evaluation report.
3. An Interim Compliance Report was adopted by GRECO at its 89th plenary meeting (3 December 2021) and made public on 9 December 2021, following authorisation by Andorra ([GrecoRC4\(2021\)20](#)). GRECO concluded that the level of compliance with the recommendations was no longer "globally unsatisfactory" and discontinued the application of Rule 32.
4. A Second Compliance Report was adopted by GRECO at its 94th Plenary (9 June 2023) and made public on 14 June 2023, following authorisation by Andorra ([GrecoRC4\(2023\)10](#)). In view of the fact that five out of thirteen recommendations had not yet been implemented, GRECO in accordance with Rule 31 revised, paragraph 9, of its Rules of Procedure asked the Head of the delegation of Andorra to submit additional information regarding the implementation of the outstanding recommendations by 30 June 2024. This report was received on 28 June 2024 and served as a basis for this Addendum to the Second Compliance Report.
5. GRECO asked Monaco (in respect of parliamentary assemblies) and Luxembourg (in respect of judicial institutions) to appoint rapporteurs for the compliance procedure. The rapporteurs appointed were H el ene ZACCABRI for Monaco and Barbara UJLAKI for Luxembourg. They were assisted by GRECO's Secretariat in drawing up this report.

II. ANALYSIS

6. In its Evaluation Report, GRECO addressed thirteen recommendations to Andorra. In its Second Compliance Report, GRECO concluded that recommendations i, iii, v, vi, viii, ix, xi and xii had been implemented satisfactorily or dealt with in a satisfactory manner, recommendations ii, iv, x and xiii had been partly implemented and recommendation vii remained not implemented. The paragraphs below therefore assess compliance with the outstanding recommendations.

Corruption prevention in respect of members of parliament

Recommendation ii

7. *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.*

8. It is recalled that in the Second Compliance Report this recommendation was partly implemented. GRECO welcomed the publication of the Code of Conduct for parliamentarians but noted that it was not accompanied by explanatory comments and/or concrete examples to facilitate its implementation. It also noted that the persons authorised to give external confidential advice had not yet been appointed.
9. The Andorran authorities now state that two legal experts have been appointed by Parliament as legal and ethics advisors under the Code of Conduct for parliamentarians adopted in 2022 and that it is planned to extend this network of advisers. Advisors are tasked with giving opinions on all parliamentary issues, include matters relating to rules on incompatibility, declarations of activities and assets, breaches of ethical rules and application of disciplinary sanctions. They are also expected to provide personal and confidential advice to parliamentarians on the application of the Code of Conduct.
10. The authorities also report that a Guide on the application of the Code of Conduct was adopted on 26 June 2024 and then published. It sets out parliamentarians' professional obligations and the related procedures together with concepts, interpretation criteria and practical examples intended to facilitate implementation of the Code. The authorities also report that in May 2024, a training course on the Code of Conduct was held for all parliamentarians and that further training sessions are scheduled to take place during the current parliamentary term.
11. GRECO welcomes the appointment of external advisors to the Parliament to give confidential advice on issues of ethics and integrity relating to members of parliament, the publication of a Guide designed to facilitate implementation of the Code of Conduct and the establishment of training courses on ethical issues. These measures complement the system to promote the integrity of members of parliament in line with the recommendation.
12. GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iv

13. *GRECO recommended (i) that a system for the public declaration of General Council members' 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 parliamentarians' spouses and dependent family members (on the understanding that this information would not necessarily be made public).*
14. It is recalled that in the previous report, this recommendation was partly implemented. GRECO noted that parliamentarians were required to declare their assets, but these declarations were neither published nor extended to spouses or dependent family members.
15. Since the Andorran authorities have not reported any new developments in relation to the outstanding concerns, GRECO can only conclude that recommendation iv remains partly implemented.

Corruption prevention in respect of judges and prosecutors

Recommendation vii

16. *GRECO recommended that the composition of the High Council of Justice be modified to ensure that there is appropriate representation of judges and prosecutors elected by their peers in its membership.*

17. It is recalled that in the previous report this recommendation was not implemented. GRECO noted the legislative developments which would improve the transparency of the process of appointing the judges and prosecutors who sit on the High Council of Justice (HCJ) and also the HCJ member elected by judges, magistrates and prosecutors but considered that these developments were not sufficient to rebalance the composition of the HCJ to ensure that there was appropriate representation of judges and prosecutors elected by their peers.
18. Since the Andorran authorities provide no evidence of any new measure capable of complementing the implementation of the recommendation, GRECO can only conclude that recommendation vii has still not been implemented.

Recommendation x

19. *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 about these subjects be placed on a permanent and institutional footing.*
20. It is recalled that in the previous report this recommendation was partly implemented. More specifically, GRECO noted the training plan for judges and the fact that the law required the HCJ to adopt codes of ethics for its members and for judges and prosecutors. However, it called for the possibility for judges to seek confidential advice on matters relating to ethics and integrity to be placed on an institutional footing.
21. The Andorran authorities now state that a Judicial Code of Ethics was adopted by the HCJ in May 2024 covering judges, prosecutors and members of the HCJ.¹ It includes a requirement for the HCJ to provide training on integrity and ethics for members of the judiciary, the prosecution service and the CSJ. It also set up an Ethics Committee, composed of a maximum of three members appointed by the HCJ from among highly qualified persons from the academic or philosophical world and offering guarantees of independence. This Committee is an advisory body tasked with giving opinions on matters of ethics in the justice system at the request of the HCJ and members of the judiciary and the prosecution service. The Committee gives its personalised, confidential opinions on ethics through a "contact person", whose functions are also outlined. However, the authorities indicate that the Committee has not yet been constituted, due to a lack of candidates. Therefore, the HCJ is considering a modification of the current provision and proposes to review the composition of the Committee to include judges and prosecutors, which, given the specificities of the procedure to be implemented, will take some time.
22. GRECO notes that the new Judicial Code of Ethics establishes a requirement for the HCJ to provide regular training in integrity and ethics for judges and places the possibility for the latter to seek confidential advice on the subject on an institutional footing, in accordance with the aims of the recommendation. However, it notes that the Ethics Committee set up to perpetuate such councils has not yet been created and urges the authorities to set it up as soon as possible in order to make this institutional framework operational.²
23. GRECO concludes that recommendation x remains partly implemented.

¹ Agreement of 22 May 2024 of the High Council of Justice approving the Regulation establishing the Judicial Code of Ethics.

² On 13 November 2024, the HCJ changed the composition of the Ethics Committee, which will be composed of three members from the judicial career and the public prosecutor's office, including an active magistrate, an active judge and an active prosecutor. They are to be appointed soon.

Corruption prevention in respect of prosecutors

Recommendation xiii

24. 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.
25. It is recalled that in the previous report this recommendation was partly implemented. The first part of the recommendation had been deemed to have been implemented because the HCJ provided training for prosecutors. With regard to the second part of the recommendation, GRECO noted the lack of any measures to put the possibility for prosecutors to seek confidential advice on matters of ethics and integrity on an institutional footing.
26. The Andorran authorities now state that the new Judicial Code of Ethics, which applies to prosecutors, provides for confidential advice, but that this is not yet operational (see para. 21 above).
27. GRECO notes that the new Judicial Code of Ethics puts the possibility for prosecutors to seek confidential advice on matters of ethics and integrity on an institutional footing through a "contact person" appointed by the Ethics Committee. However, as this Committee is not yet operational, GRECO cannot, at present, consider that the recommendation has been fully implemented.
28. GRECO concludes that recommendation xiii remains partly implemented.

III. CONCLUSIONS

29. **In the light of the foregoing, GRECO concludes that Andorra has now satisfactorily implemented or dealt with in a satisfactory manner nine of the thirteen recommendations in the Fourth Round Evaluation Report.** Three recommendations remain partly implemented and another has still not been implemented.
30. More specifically, recommendations i, ii, iii, v, vi, viii, ix, xi and xii have been implemented satisfactorily or dealt with in a satisfactory manner, recommendations iv, x and xiii have been partly implemented and recommendation vii remains not implemented.
31. With regard to corruption prevention in respect of parliamentarians, a Code of Conduct is now in force, accompanied by a guide to help with its application. It sets out the principles of integrity to be applied to parliamentarians, lays down a requirement to declare conflicts of interest including during terms of office and establishes the procedures needed to ensure its effective implementation (training of parliamentarians, possibility to seek confidential advice, checks and sanctions). A declaration of assets is now required but it is not made public and does not cover members of the parliamentarian's household, which is regrettable. Measures designed to improve the transparency of the legislative process have been introduced, including an online civic engagement platform.
32. With regard to judges and prosecutors, the amendment of the Justice Act provides for automatic renewal of judges' terms of office except in the event of disciplinary

liability. The rules on judges' and prosecutors' disciplinary liability have been revised to provide more procedural safeguards, public disclosure and transparency. Ethics and integrity training for judges and prosecutors has been set up and a system of confidential advice on ethical issues remains to be institutionalised. Decisions to remove prosecutors from cases must now be issued in writing with reasons given. GRECO regrets however that the composition of the High Council of Justice fails to afford appropriate representation of members of the judiciary elected by their peers.

33. The adoption of this Addendum to the Second Compliance Report terminates the Fourth Round compliance procedure in respect of Andorra. The Andorran authorities may, however, wish to inform GRECO of further developments in the implementation of the outstanding recommendations (iv, vii, x and xiii).
34. GRECO invites the Andorran authorities to authorise the publication of this report at their earliest convenience, translate it into the national language and make this translation publicly available.