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3 May 2021

ENGLISH only



**Govern d'Andorra**  
Missió Permanent d'Andorra a l'OSCE  
i als altres organismes internacionals amb seu a Viena

### NOTE VERBALE

The Permanent Mission of the Principality of Andorra to the Organization for Security and Co-operation in Europe presents its compliments to the Permanent Missions of the participating States to the OSCE and to the OSCE Conflict Prevention Centre and, in accordance with the decision FSC.DEC/2/09 of the Forum for Security Co-operation, has the honor to transmit herewith the Andorra's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security, valid as of 3 May 2021.

The Permanent Mission of the Principality of Andorra to the OSCE avails itself of this opportunity to renew to the Permanent Missions of the participating States to the OSCE and to the OSCE Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 3 May 2021

**Permanent Missions of the OSCE participating States**  
**OSCE Conflict Prevention Centre**  
**Vienna**

## **ANDORRA'S RESPONSE TO THE QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY\***

\*Please note that the Principality of Andorra has no armed forces, paramilitary forces, internal security forces or intelligence services. Therefore, Andorra cannot give a response to questions regarding military, paramilitary and security forces, in particular to Section I (Chapter 1.3, 2 and 3) and Section II (Chapter 1, 2.2, 2.3, 3 and 4).

### **Section I: Inter-State elements**

#### **1. Account of measures to prevent and combat terrorism**

##### **1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

See attachment: List of International Agreements and Arrangements

##### **1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

Andorra continually improves its laws to adapt them to international standards, especially following evaluations of international organizations. For instance, Law 21/2019, of 28 November, amending Law 14/2017, of 22 June, on the prevention and fight against money laundering and terrorist financing, introduced amendments not only in Law 14/2017 but also in the Criminal Code and the Criminal Procedure Code. These amendments are aimed at further aligning the Andorran AML/CFT legal framework with the EU and the FATF Recommendations by amending, amongst others, the definition of funds (article 366 bis of the Criminal Code) or extending the secrecy period in judicial proceedings.

##### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

As Andorra has no armed force, the National Police force is the sole armed authority and is responsible for fighting terrorism. The Criminal Police Division is in charge of these tasks and it is the National Focal Point for the Counter-Terrorism Network to the OSCE and for the CODEXTER at the Council of Europe. Respecting the recommendations of the United Nations Security Council, as well as the recommendations of the INTERPOL organization, Interpol channels are used to transmit urgent and/or relevant information related to terrorism.

##### **1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

###### **Financing of terrorism:**

It is worth mentioning, that Andorra has in place a Permanent Committee for the prevention and fight against money laundering and terrorist financing that deals with issues related to TF. This Commission meets, at least, every three months.

In 2020 it issued Resolution 1/2020 in order to include in the list of the persons and entities linked to terrorist activities, the financing of same, and the proliferation of weapons of mass destruction and the financing of same, established in Article 48 of the Law 14/2017 (hereafter the "List"):

- the persons and entities which appear in the consolidated list of sanctions of the United Nations Security Council,

- the designated persons and entities which appear in the consolidated list of sanctions of the European Union contained in the Annex of the Decision 2020/1132 of the Council, of 30 July 2020, updating the list of persons, groups and entities to which are applicable the Articles 2, 3, and 4 of the Common Position 2001/931/PESC, on the application of specific measures to fight against terrorism, considering that there exist reasonable grounds for suspecting or believing that same are terrorists, finance terrorism or belong to organizations devoted to such end according to the information provided by the Judicial Police and Criminal Investigation Area
- Other specifically designated persons and entities

Nevertheless, a new Resolution 1/2021 has been recently adopted, which substitutes Resolution 1/2020.

**– Any specific changes in national legislation or policy, strategy development;**

Over the last years the Principality of Andorra has implemented significant legislative amendments according to the recommendations made by the MONEYVAL evaluation team and the commitments taken under the Monetary Agreement with the European Union, which was approved by the Andorran Parliament on 24 November 2011 and published in the Official Gazette (BOPA) on 22 December 2011.

The main legislative improvement of 2020 is Law 21/2019, and its most relevant legal amendments are the following ones:

- The scope of the Law 14/2017, of 22 June, on prevention and the fight against the laundering of money or assets and terrorist financing is widened in order to include trustees or persons who hold an equivalent position in legal structures similar to trust in a non-professional way as obligated parties.
- The definition of “Service providers to companies and trusts” in Law 14/2017 is also widened to include more services such as acting as a nominee shareholder.
- A definition of gambling services and Non-profit organizations in line with international standards is provided.
- Include as a due diligence measure the assessment, understanding, and the procurement of information to identify the origin of the funds.
- Relating to the cross-border transportation of cash, Customs officials can seizure all funds that are not been declared correctly or there are suspicions that the cash is related to money laundering or terrorist financing, including the EUR 1,000 exception in concept of minimum survival amount (with the new regulation, Customs officials can decide whether or not to grant this exception depending on the circumstances).
- The sanctions to financial parties for serious, repeated or systematic infringements of the Law 14/2017 are higher.
- The Criminal Procedure Code is amended in order to extend the term of secrecy of the actions for criminal investigations.
- The Criminal Code, as explained above, is amended in order to modify definition of funds contained in article 366 bis related to terrorist financing, in order to include interest, dividends or any other benefit accrued from or generated by the other defined assets or funds. Law 14/2017 also adopts this definition of funds.

Finally, in the context of the commitments taken under the Monetary Agreement with the European Union, Andorra is currently working on the implementation of the following legal provisions, according with 2019 updated annex:

- Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives

2009/138/EC and 2013/36/EU (5th Directive), with a transposition deadline of 31 December 2020.

- Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries. The deadline being 31 December 2020.
- Regulation (EU) 2018/1672 of the European Parliament and of the Council of 23 October 2018 on controls on cash entering or leaving the Union and repealing Regulation. The deadline is 31 December 2021.
- Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law. It must be implemented before 31 December 2021.
- Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA. The deadline is 31 December 2023.

## **National Risk Assessment**

The Principality of Andorra has conducted in 2020 a comprehensive National ML/TF Risk Assessment (NRA) in order to identify, assess and understand the ML/TF risks for the country. This NRA has been conducted under the methodology of the World Bank and is expected to be published in May 2021.

The 2020 NRA also includes an Action Plan with actions to be developed in the near future, including CFT-related measures. Within this framework, a specific additional study aimed at identifying the subset of NPOs that present a higher risk to be abused for TF purposes has been concluded.

Likewise, please note that in the context of the elaboration of the NRA, a specific study has been carried out on the use of non-profit organisations (NPOs) for the financing of terrorism in order to duly implement Recommendation no. 8, on NPOs.

### **– Implementation of relevant international standards in this field (Moneyval, FATF, etc.);**

The Principality of Andorra is a member of the Moneyval Committee of experts, and all its AML/CFT system is duly reviewed by this Committee. Therefore, the Principality is following the course laid out by the rules of procedure established by Moneyval and it finds itself at this time in a very advanced stage of the Fifth-Round process.

After the adoption of the 5th Mutual Evaluation Report on September 2017, and the 1<sup>st</sup> Enhanced Follow-up Report adopted on December 2018, Andorra was proposed to report back on September 2019.

As a result, on December 2019, the 2<sup>nd</sup> Enhanced Follow-up Report<sup>1</sup> on Andorra was adopted by the MONEYVAL Committee at its 59<sup>th</sup> Plenary Session, in which an upward re-rating was achieved of three more FATF Recommendations, situating us in an excellent position. To sum up this position in terms of technical compliance, we may point out that for 37 of the 40 Recommendations, Andorra currently has a rating of Largely Compliant (LC) or Compliant (C).

Andorra submitted on 30 March 2021 a progress report to Moneyval in order to conduct its assessment.

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<sup>1</sup> <https://rm.coe.int/anti-money-laundering-and-counter-terrorist-financing-measures-andorra/1680998aab>

The resulting the 3<sup>rd</sup> Enhanced Follow-up Report will be discussed in the context of the 62<sup>nd</sup> Plenary Assembly in September 2021. Information provided has been focused on the aspects highlighted by Moneyval, such as the deficiencies detected in the three Recommendations with which we are pending compliance, namely:

- Recommendation no. 8, on non-profit organizations (NPOs)
- Recommendation no. 31, on powers of law-enforcement and investigative authorities, and
- Recommendation no. 36, on international instruments of international cooperation.

Specifically, regarding Recommendation no. 8, Andorra has requested an up-grade in its rating.

#### **– Activities of State central bank in the field of CFT and AML;**

The Principality of Andorra has no Central Bank; however, it should be noted that AML/CFT supervisory functions are carried on by the Andorran Financial Intelligence Unit (UIFAND). The UIFAND is also the competent authority to receive, investigate and disseminate to competent authorities any suspicious transaction reports regarding financing of terrorism.

On the other hand, the UIFAND in its capacity of AML/CFT supervisory body for all reporting entities, has powers to conduct on-site inspections to financial and non-financial institutions, issue binding notes known as technical communiqués, review external independent audits, and finally, to impose sanctions in cases of minor infringements and propose sanctions to the Government for serious and very serious infringements of the AML/CFT Act.

In this vein, please note that the UIFAND has a Manual of Procedure for both the Supervision and Operational division. Nevertheless, the on-site inspection procedure of the UIFAND's supervisory division has been promptly modified pursuant to the health emergency scenario arising from the Covid-19 outbreak. Specifically, a review and amendment of this has been carried out to expressly envisage and comply with the different recommendations of the authorities in order to minimise the impact of the virus spread and to protect both UIFAND members and reporting entities. In this regard, the primary modifications introduced in the inspection procedure are the following: (i) the interview with the representatives of the reporting entities during an inspection is now carried out by videoconference; (ii) the information analysed by the supervisors is requested from the reporting entity by e-mail, and must be exchanged digitally, and all documents that include customer data must be duly password protected or encrypted; and (iii) the inspection minutes must be signed for internal purposes by the inspectors, but the signature of the reporting entity is not required.

As first inspections under this new procedure are being conducted in 2021, during 2020 the UIFAND had reinforced the on desk review of the financial institutions' AML/CFT audits and carried out on going monitoring of non-financial sectors based on information obtained for the AML/CFT national risk assessment.

Other supervisory activities conducted by the UIFAND on 2020 in terms of CFT also included, but were not limited to:

- Update of the Technical Communiqué regarding non-profit organizations issued on February 2020, which adapts CT-01/2017, regarding the main risk indicators and methods used by terrorists or terrorist organisation to abuse NPOs, to the current legislation.
- Informative note regarding the ongoing monitoring of business relationships, record keeping and updating, issued on February 2020, aimed at helping reporting entities, especially those pertaining to the non-banking financial sector, to perform the ongoing monitoring of business relationships and the record keeping and updating, by disclosing the main findings and risks detected during the thematic on-site inspection carried out on the non-banking FIs sector, as well as recommended actions to mitigate those risks.
- Technical Communiqué CT-01/2020 regarding the periodic reporting of banking entities, issued on February 2020, which amends the periodicity of the periodic

reporting established by CT-05/2018, which becomes annual.

- Technical Communiqué CT-04/2020, addressed to all banking entities within the framework of the Covid-19, issued on May 2020. This Technical Communiqué exposes several responses that public authorities, non-governmental organisations and the public and private sectors in general have carried out pursuant to the Covid-19 outreach. Specifically, banking entities were requested to extreme their mechanisms in order to detect suspicious activities and to ensure that credit facilities guaranteed by the Government were not abused.
- Update of the guide on beneficial ownership, issued on October 2020, which replaces the March 2019 version.
- Publication of the Moneyval report on ML/FT trends during the Covid-19 crisis, issued on September 2020, which was aimed at raising awareness of reporting entities with respect to Moneyval's preliminary conclusions on threats, vulnerabilities and best practices identified during the Covid-19 crisis.
- Informative notes regarding the external audit reports of financial reporting entities, issued on October 2020. The analysis of external audit reports always results in issuing informative notes for each audited entity, containing recommended actions for them to implement. In 2020, however, further guidance in this regard was provided in the form of 3 aggregated feedbacks at sectoral level (that is, for banks, non-banking FIs and life insurance companies) as several common elements were detecting during the analysis of the reports of each sector. These feedbacks are to be shared with the auditing companies in order for them to improve their assessment work in subsequent reports.

Additional information can be obtained in the annual activity report issued by the UIFAND, which is published at its official webpage (<https://www.uifand.ad/en/uifand-en/activity-reports>).

**– Establishment or efforts of national financial investigation/information units;**

The UIFAND is responsible to receive suspicions transactions reports for terrorist financing activities. It should be noted; that Andorran authorities have re-assessed its risk of financing of terrorism in its 2020 NRA and has concluded that its risk is medium-low considering its political and geographical characteristics.

**– Measures to strengthen the effective regulation of not for profits (to prevent misuse for terrorist purposes);**

The Law 14/2017 introduced the obligation to the Corporate and other legal entities incorporated in the Principality of Andorra to obtain and hold adequate, accurate and current information on their beneficial ownership through article 19.

Law 21/2019 aforementioned also amended the First Additional provision of Law 14/2017 concerning associations and other NPOs in order to make it clearer.

On top of that, the UIFAND has also taken steps in the last year from a supervisory standpoint in order to prevent misuse of NPOs and to raise their awareness about the TF risks that they might be exposed to. These steps mainly include:

- Updating, on February 2020, by means of Technical Communiqué CT-02/2020 the Technical Communiqué that was issued on March 2017, exclusively aimed at associations, foundations and other non-profit organizations, which develops the conclusions of the NRA in this regard and details the main methods to abuse NPO for TF purposes, risk indicators and preventive measures to be implemented by the organizations.
- Updating the risk assessment of the sector within the framework of the 2020 NRA, that is expected to be published in May 2021, aimed at identifying the subset of NPOs at risk of

being abused for TF purposes.

**– Measures related to asset confiscation, proceeds of crime, witness protection...;**

During October and November 2013 (Andorra and Washington, respectively), it took place the signing of the Arrangement between the Terrorist Screening Center and the Andorra Police Department on the Implementation Procedures for the Exchange of Terrorism Screening Information. This document sets the framework for sharing terrorism screening information of the Terrorist Screening Center (TSC) with the Andorra Police Department to protect against acts of terrorism in accordance with the domestic laws and regulations of the Government of the Principality of Andorra. The mutual view is that this sharing of screening information adds to the mutual efforts to protect the national security both the United States of America and the Principality of Andorra.

Otherwise, Agreement between the Government of the United States of America and the Government of the Principality of Andorra regarding the Sharing of Confiscated Proceeds and Instrumentalities of Crimes- Entered into force on 16 October 2013. The aim is to improve the effectiveness of law enforcement in both jurisdictions in the investigation, prosecution and suppression of crime and in the tracing, freezing, seizure and forfeiture or confiscation of assets related to crime, whether they be the proceeds or instrumentalities of crime;

Articles 38 and 39 of the Law on international criminal cooperation regulate the confiscation of assets, which allows its confiscation in favour of the Andorran State in the framework of international cooperation. For example, in application of this law in March 2020, the courts ordered the confiscation of a bank account balance in favour of the Principality of Andorra in response to a request for international assistance from Kazakhstan.

Additionally, through Qualified Law 40/2014 Andorra has implemented the figures of extended confiscation and Non-Conviction Based Confiscation (NCBC).

**– Awareness raising with relevant trade bodies (international money transfer services, etc.);**

Money transfer services are not common in Andorra; there is only one Western Union office whose activity is very limited and supervised by the Spanish and Andorran authorities. All international transfer of money is done via wire transfers (only authorized to the 5 Andorran Banks), which are subject to equivalent requirements than Regulation (EU) 2015/847 of the European Parliament and of the Council.

**– International co-operation/technical assistance activities;**

The UIFAND is a member of the Egmont Group and cooperates with its foreign counterparts to accomplish its functions. Although it is not a legal requirement to exchange information, the UIFAND has also signed several Memorandums of Understanding (MOU's) with its peers. The last one was signed with Bangladesh Financial Intelligence Unit on 29 January 2020.

The international cooperation conducted by the UIFAND include 63 information requests (37 from other FIUs to the UIFAND and 26 from the UIFAND to other FIUs), detailed below:

INTERNATIONAL COOPERATION BY COUNTRIES – Year 2020 -				
Requesting countries	Number of requests	Number of spontaneous disseminations	Reply time (days)	
Germany	1	1	34	
Argentina	-	1		
Belgium	-	1		
Spain	4		14	12 11 1
United States	1		3	
France	4		10	7 4 18
Gibraltar	-	1		
Guernsey	-	1		
Isle of Man	-	1		
Italy	1		3	
Kazakhstan	1		11	
Latvia	1		6	
Liechtenstein	1		5	
Luxemburg	3	4	2	11 9
Malta	-	1		
Mèxic	3		18	9 23
Paraguay	1		17	
United Kingdom	-	1		
Switzerland	-	2		
Tunisia	1		1	
Ukraine	1		21	
<b>Total</b>	<b>23</b>	<b>14</b>		
<b>Total International coop.</b>		<b>37</b>	<b>Average 11 days</b>	



INTERNATIONAL COOPERATION BY COUNTRIES -Year 2020 -	
Requested countries (UIFAND to other FIUs)	Number of requests
Germany	1
Armenia	1
Bahamas	1
Belgium	1
Belarus	1
Canada	1
United Arab Emirates	1
Spain	3
Estonia	1
Netherlands	1
Latvia	2
Liechtenstein	1
Lithuania	1
Luxembourg	1
Monaco	2
Peru	1
United Kingdom	1
Russia	1
Switzerland	3
Cyprus	1
<b>Total International cooperation</b>	<b>26</b>

Additional information can be obtained in the annual activity report issued by the UIFAND, which is published at its official webpage (<https://www.uifand.ad/en/uifand-en/activity-reports>). Specifically, the UIFAND published its Activity Report corresponding to the year 2020 on 19 March 2021.

### **Travel document security**

#### **– Use of new biometric (face, fingerprint, iris, etc.) technology;**

Decree of 11 December 2013 related to ordinary Passports: the increase of the international awareness about the importance to fight against criminal international organizations, in particular the fight against terrorism has fostered Andorra to implement all mechanisms to finish with fraud and forgery of travel documents. For this reason, in 2012 Andorra has introduced a biometric passport, which allows to all Andorran nationals to travel with total security. In 2013 the Decree introduces considerations about this electronic passport that incorporates a chip with biometric data.

On February 2<sup>nd</sup>, 2017, the Government of Andorra launched a new format of ordinary biometric passport (type EAC-SAC-LASINK). This new passport adds new security measures as restoring faces and fingerprints, including customized pages with LASINK technology.

Moreover, Andorra participates in the VISA WAIVER programme which means that when a lost or stolen Andorran passport is reported, this information is referred immediately to Interpol Stolen and Lost Travel Documents Database, in order to protect our citizens from terrorists and other dangerous criminals using fraudulent travel documents.

## **Use of the Internet and other information networks for terrorist purposes**

### **– Implementation of relevant international standards in this field;**

See attachment: List of International Agreements and Arrangements

## **Legal co-operation including extradition**

Regarding legal co-operation including extradition, the European Convention on Mutual Assistance in Criminal Matters regulates the mutual assistance in criminal matters between the Principality of Andorra and the State Parties from 25 July 2005.

Furthermore, the provisional law on judicial procedures from 21 December 1993 establishes the internal basis for the mutual assistance in civil and criminal matters.

Such request shall be addressed by:

- the Ministry of Justice of the requesting Party to the Andorran Ministry of Interior and shall be returned through the same channels, or;
- the competent authorities of the requesting Party through the diplomatic channel, the International Criminal Police Organisation (INTERPOL) or any other way in writing.

In relation to extradition, it will be applied the qualified law on extradition on 28 November 1996. The European Convention on Extradition, adopted in Paris on 13 December 1957, is applicable to the Principality of Andorra from June 11<sup>th</sup> 2001.

## **Safe havens and shelter to terrorists and terrorist organizations**

The particularities of the country, small size and population, is both an advantage and a disadvantage regarding aspects of counter-terrorism. In this sense we can affirm that it is very difficult to be present in the country without the knowledge of authorities. However, it has to be noted that Andorra does not belong to Europol and Schengen. In consequence, authorities do not have access to essential data bases such as Schengen Information System (SIS). In addition, because of the lack of an intelligence law and agency, police authorities have a restricted exchange of information with European intelligence community.

## **Prevention of violent extremism and radicalization that lead to terrorism**

Nowadays Andorra has not adopted a non-legislative strategy on counter-terrorism, nor on Countering Violent Extremism and Radicalization that Lead to Terrorism; but the Andorran Police is organizing meetings with all actors involved.

The incitement to commit terrorist acts is prohibited and punished by law in Andorra, respecting the UNSC resolution 1624 (2005) that call on States to act on that matter. The most specific act of legislation concerning the prohibition of incitement to commit terrorism is to be found in the Criminal Code of the Principality of Andorra (CC), precisely in article 364.2. The criminal code is regularly amended to introduce new dispositions (the most recent version is from 2017, see above); but concerning offences related to the incitement and acts of terrorism, most of them entered into force on November 23<sup>rd</sup>, 2005, after the modification of the Criminal code in 2005.

Article 364.2 states the following: *“The person who disseminates by any means an ideology or a doctrine aiming to justify the use of terrorism or to make the apology of groups or organizations that endorse, practice or support terrorism will be charged with a prison sentence from three months to three years”.*

This paragraph is really the most specific in relation to the question asked, but it belongs to a chapter of the Criminal code dedicated entirely to terrorism (chapter 4, Title 19 of the

Criminal Code on crimes against public order). Thus, under chapter IV of TITLE XIX of our criminal code, you will find:

- Article 362 – Definition of terrorism
- Article 363 – Penalties
- Article 364 - Other offences pursuing terrorist objectives
- Article 365 – Active Membership to a terrorist group
- Article 366 – Collaboration with a terrorist group
- Article 366 bis- Terrorist financing
- Article 366 ter – Additional consequences
- Article 367 – Relevance of remorse and repentance

Topping this specific section on Terrorism, there are other articles that may be relevant to the question of terrorism.

Article 259 concerns bombings

Article 265 concerns war weapons, prohibiting their conception, production, trade and storage.

Article 266 prohibits the same acts as 265 concerning chemical and biological weapons.

Finally, it is worth mentioning article 136.2, which aggravates the offence of sequestration and illegal detention when the author of the offence “takes possession or control of a ship, a plane or a collective road transport means.”

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

The Principality of Andorra has no armed forces, paramilitary forces, internal security forces or intelligence services.

## **3. Implementation of other international commitments related to the Code of Conduct**

### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security building as an element of indivisible security are implemented in good faith.**

Through a weapon database, the Andorran National Police is aware and controls all the firearms introduced in Andorra, including the weapons denounced as lost or stolen. The latter are introduced in the International Criminal Police Organization (ICPO) Interpol bases to alert member countries to the organization of illegal weapons. In the same way, all weapons reported as lost or stolen in another foreign country, communicated through Interpol, are verified in our National Police weapon database.

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

Andorra supports international efforts for disarmament and non-proliferation (See attachment: List of International Agreements and Arrangements). In addition, Andorra fully supports the work within the context of the OSCE and UN, and gives answer to all questionnaires related to importation/exportation of SAWL. Regarding the Resolution of the General Assembly adopting the Arms Trade Treaty (ATT), regulating the international trade in conventional arms, from small arms to battle tanks, combat aircraft

and warships; Andorra has voted in favour. The Government has signed the ATT on December 18, 2014 and is studying the possibility to ratify it.

Andorra supports the international efforts in the fields of disarmament and non-proliferation and is convinced that the existing regime of multilateral treaties constitutes the basis for work in these fields.

Full implementation of the existing universal instruments is key to enhance international peace and security.

Andorra is a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC) and the Convention on the Prohibition of Biological Weapons (BWC). Andorra is also State Party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) and to the Convention on Cluster Munitions (CCM).

Regarding the Resolution of the General Assembly adopting the Arms Trade Treaty (ATT), regulating the international trade in conventional arms, from small arms to battle tanks, combat aircraft and warships; Andorra has voted in favour. The Government has signed the ATT on December 18, 2014 and is studying the possibility to ratify it.

In addition, Andorra fully supports the work within the OSCE and UN in these matters, and replies to related questionnaires. In the OSCE context, Andorra supports the work in the FSC to update the confidence- and security- building measures and financially contributes to various OSCE extra budgetary projects related to promote arms control, disarmament and confidence- and security-building measures.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

#### **1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?**

Not applicable (N/A) since there are no military forces or defense expenditure.

#### **1.2 How does your State ensure that its military capabilities consider the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Although the Principality of Andorra is a neutral country with no military capabilities, it is a member of the United Nations, therefore committed to international peace and stability. It is therefore natural that it fully considers the legitimate security concerns of its geographical neighbors: France and Spain. Therefore, Andorra has sought to draft and adopt bilateral agreements of cooperation between our Police, Civil forces and Customs and the equivalent bodies of those countries in matters concerning security, fight against crime and terrorism, but also cooperation in the event of natural disasters etc. Andorra is also a member of Interpol which allows to collaborate with the wider international community members and others States' security concerns.

### **2. Existing structures and processes**

#### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

Again, having no military, paramilitary or intelligence services, question 2.1. regards mostly the Police Department, as well as the Customs who are positioned at the borders of Andorra. The 8/2004 Qualified law on the Police Department, as modified by law 2/2017 in March 2017, establishes that the Police is a special Department belonging to the National Administration and as such are submitted fully to the Constitution, the Code of the Administration, the Rule of Law, the national legislation and the national jurisdiction. Policemen and Policewomen are submitted to the same principles established in the Constitution as any other Andorran citizen or civil servant of the Andorran Government.

#### **2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

The Andorran police force is under the authority of the Ministry of Interior. Its activities are regulated by the current Qualified Law 8/2004 of the Police Department approved on 27 May 2004, as modified by recent law 2/2017. Its task is to provide protection and guarantee the citizen's rights and freedoms by the concept of public security in order to maintain peace and public tranquillity.

According to the Third transitional provision paragraph 2 of the Constitution of the Principality of Andorra, the police services are under the exclusive control of the Government. Following Article 94 of the same Constitution "*The Judges and the Office of the Attorney General are in charge of police activities related to judicial matters as provided for by law*"

#### **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The Principality of Andorra has no armed forces, paramilitary forces, internal security forces or

intelligence services.

### **3. Procedures related to different forces personnel**

**3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

N/A

**3.2 What kind of exemptions or alternatives to military service does your State have?**

N/A – No military service

**3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

The Principality of Andorra has no armed forces, paramilitary forces, internal security forces or intelligence services.

### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

**4.1 How does your State ensure that international humanitarian law and law of war are made widely available, e.g., through military training programmes and regulations?**

N/A

Andorra has no armed forces, therefore training on international humanitarian law and law of war are purposeless in Andorra.

**4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

Concerning International Humanitarian Law and War crimes, the Criminal Code establishes all the types of crimes to comply with all the international conventions Andorra is part of, including the Statute of Rome and the Geneva Conventions. Andorran authorities, including Police (but also any other civil servant of the public administration) would be liable individually under national law for their actions, as well as under international law, since once ratified and entered into force, international law incorporates directly in the legal system of Andorra, having a superior level than the national law.

**4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

See answer under 4.5

**4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

Andorra is a democratic State, where the rule of law and hierarchy of norms prevail over any public institution and public life, and from the Human Declaration to the Constitution and to the National laws, the State of Andorra does provide all dispositions for the individual service member

–as any other citizen- to exercise his or her civil rights.

The question of the Armed forces being politically neutral is not an issue since Andorra does not have any armed forces, so there is no need to ensure its neutral character. Nevertheless, concerning the Police, which is the only armed force in Andorra, not only the Constitutional principles apply, but also the entire code of the Administration, and it provides extended provisions about the obligations weighing on a member of the Public Administration – including the Police.

Article 17 of the Code of the Administrations states that: *“Authorities and civil servants shall always protect the general interest. The facts and reasons that motivate the acts of the Administration must always be presented in an exact way.”* Article 20 affirms that: *“Everyone is equal in front of the public administration, and no discrimination shall be allowed for reasons of birth, race, sex, religions, opinions or any other personal or social consideration.”* It further states that *“the Administration shall treat all citizens with equality, objectivity, neutrality and impartiality.”*

Administrative sanctions are provided for violating those rules, as well as criminal dispositions in the Criminal Code concerning serious offences committed by civil servants, and the national jurisdiction work to prevent and sanction any behavior or actions going against the basic principles of the public administration.

#### **4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?**

As already said, the Principality of Andorra has no armed forces, and therefore has neither national defense policy nor doctrine but in relation to the principles of the Police Force, which is the only armed force in Andorra, the law establishes the following.

Qualified Act No. 8/2004 on the Police, modified by law 2/2017 in March 2017, states in the preamble that:

“The Police Force as a service for the protection of the rights and freedoms has its origin in the Article 13 of the Declaration of the Rights of Man and Citizen included in the first French Constitution of 1791, which establishes that “the guarantee of the rights of man and citizen requires a public force, this force is therefore instituted for the advantage of all and not for the personal benefit of those to whom it is entrusted”. The security bodies are configured in this way in the rule of law as an institutional guarantee of the free exercise of rights and freedoms, along with the other guarantees provided in the Constitution and the laws.”

.....

“The Police must adapt its behavior to the legal framework and is subject to the principles of hierarchy and subordination within the body. It is also an essential partner of the Administration of Justice, whom it will assist in the broadest sense, within its possibilities. Moreover, the police must respect the society to which it belongs and from who its mandate derives from; such respect imposes the Police the obligation to use coercive resources only in extreme situations and with scrupulous application of the principles of opportunity, proportionality and consistency.”

.....

“According to the Article 94 of the Constitution the judges and the Prosecutor direct the action of the Police in judicial matters as established by law. Under this concept a number of functions fall within the scope of the police action that aim to uncover and define the crime and the offender and ensure that the offender is under the supervision of judges, courts and the Office of the Prosecutor. This is a specialty generic police function of ensuring public safety and the free exercise of rights and freedoms.”

.....

The principles of actions to be respected are:

## Article 5. Principles of Action

1. The following principles are applied to the police officers:

First: They must comply and ensure compliance with the Constitution and the law.

Second: When carrying their duties, they shall conform to the following code of conduct:

a) They shall act, when accomplishing in their functions, with absolute political neutrality and impartiality and, consequently, without any kind of discrimination based on race, religion, sex, language, place of residence, place of birth or any other personal or social status circumstance.

b) They shall act with integrity and dignity and always oppose any act of corruption.

c) They shall respect the principles of hierarchy and subordination, and that under no circumstances may due obedience be used to justify or defend orders involving the performance of acts that constitute offences or violate the Constitution or the law.

d) They shall collaborate with the administration of justice and help it in the terms established by law.

Third: Regarding the relations with the community, the members of the Police force:

a) Shall prevent, in the exercise of their professional activities, practice any abusive, arbitrary or discriminatory practice involving physical or moral violence.

b) Shall treat properly and carefully the citizens, whom they should ensure assistance and protection whenever circumstances require or would benefit from it, and, provide them with complete information, as extensive as possible, concerning the causes and purpose of all interventions.

c) Shall act in the exercise of their functions with the necessary decisiveness and no delay, if it may prevent serious harm, immediate and irreparable and they shall be guided in doing so by the principles of consistency, opportunity and proportionality in the use of the available means.

d) Shall use their weapons only in situations where there is a reasonably serious risk to their lives or physical safety or to other peoples' lives, as well as in circumstances that may pose a serious risk to citizens' safety and they shall follow, in doing so, the principles referred to in the letter c).

Fourth: Concerning the treatment of persons in detention, police officers:

a) Shall identify themselves clearly at the time of arrest;

b) Shall protect the life and physical integrity of prisoners or others under their supervision and respect their rights, honour and dignity;

c) Shall exercise due diligence in applying the procedures, time limits and provisions established by law when making an arrest.

Fifth: Regarding the professional engagement, police officers shall carry out their duties with total dedication and shall always intervene at any time and in any place, whether or not they are in service, in defense of law and public safety.

Sixth: Concerning confidentiality, police officers must respect strict secrecy regarding all information they have come to know through reason or through the fulfillment of their duties and shall not disclose the sources of information except that it imposes the fulfillment of their duties or laws

2. The police officers are personally and directly responsible for the acts carried out in their professional activities infringing or violating legal norms and regulations or the regulations ruling their profession and the principles set forth in this chapter, notwithstanding the liability that might correspond to the public Administration.



## Section III: Public access and contact information

### 1. Public access

#### 1.1 How is the public informed about the provisions of the Code of Conduct?

The public is duly informed of any legislative change or new law about the provisions of the Code of Conduct or related matter, through its publication in the Official Gazette of the Principality of Andorra ([www.bopa.ad](http://www.bopa.ad)).

#### 1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

None

#### 1.3 How does your State ensure public access to information related to your State's armed forces?

Regarding the public access to the Code of Conduct and the replies to the questionnaire, any citizen can find them at the OSCE website. Due to the fact that Andorra has no armed forces, the Code of Conduct is not an issue of public debate.

However, it should be noted that the police force is subject to a code of conduct, in the 8/2004 Qualified law on the Body of Police, modified by law 2/2017 in March 2017

The preamble to the 2004 law requires: "*.... following the trend of modern legislation in the field of police and security forces, the Act is based on the resolutions of the Parliamentary Assembly of the Council of Europe and the United Nations General Assembly, particularly those relating to the Declaration on police and the code of conduct for officials responsible for enforcing the law, respectively. The principles derived from these guidelines remain incorporated into the Andorran legal system in accordance with the provisions of article 3.3 of the Constitution and, therefore, require without exception all members of the police.*"

In addition to the aforementioned Article 5 detailed above

### 2. Contact information

#### 2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

There are two Ministries competent for the implementation of the Code of Conduct:

- Ministry of Interior

Andorran Police  
Crtra. De l'Obach, Edifici Administratiu  
AD500 Andorra la Vella

Mr. Bruno Lasne, Deputy Director of the Andorran Police Service  
Tel. +376 872 015  
Fax. +376 872 001  
E-mail: [b.lasne@policia.ad](mailto:b.lasne@policia.ad)

Mr. Robert Guirao, Chief of the International Cooperation Bureau (Head of NCB INTERPOL Andorra)

Tel. +376 872 021  
 Fax. +376 872 001  
 E-mail: [r.guirao@policia.ad](mailto:r.guirao@policia.ad)

- Ministry of Foreign Affairs

Mr. Adrià Espineta, Desk Officer for Multilateral Affairs  
 C. Prat de la Creu 62-64, Edifici Administratiu, 3a planta  
 AD500 Andorra la Vella

Tel. +376 875 704  
 Fax. +376 869 559  
 E-mail: [adria\\_espineta@govern.ad](mailto:adria_espineta@govern.ad)

## ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

	Name of the treaty	Party by: ratification <b>P(R)</b> , accession <b>P(a)</b> , succession <b>P(s)</b> , acceptance <b>P(A)</b> , approval <b>P(AA)</b> , or <b>Not party</b>	Law and date of the deposit of the instrument of ratification, accession, succession, acceptance, or approval	Date of the entry into force for Andorra
<b>Universal legal instruments</b>				
1.	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	Accession	17 May 2006	15 August 2006
2.	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	Accession	23 September 2004	5 November 2004
3.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	Accession	22 May 2006 (Washington), 21 June 2006 (Moscow) and 30 June 2006 (London)	21 June 2006
4.	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	Accession	23 September 2004	23 October 2004
5.	International Convention against the Taking of Hostages (1979)	Accession	23 September 2004	23 October 2004
6.	Convention on the Physical Protection of Nuclear Material (1979)	Accession	27 June 2006	27 July 2006
7.	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation,	Accession	22 May 2006	21 June 2006

	supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)			
8.	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	Accession	17 July 2006	15 October 2006
9.	Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	Accession	17 July 2006	15 October 2006
10.	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 )	Accession	17 May 2006	16 July 2006
11.	International Convention for the Suppression of Terrorist Bombings (1997)	Accession	23 September 2004	23 October 2004
12.	International Convention for the Suppression of the Financing of Terrorism (1999)	Ratification	22 October 2008	21 November 2008
13.	International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	Signature	11 May 2006	
14.	Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	Not Party		
15.	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	Not Party		
16.	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	Not Party		
17.	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	Not Party		
18.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	Not Party		
19.	The United Nations Convention Against Transnational Organized Crime (2000)	Ratification	22 September 2011	22 October 2011
<b>The Council of Europe legal instruments</b>				
20.	European Convention on the Suppression of Terrorism (1977) CETS No: 090	Signature	8 November 2001	
21.	Protocol amending the European	Signature	15 May 2003	

	Convention on the Suppression of Terrorism (2003) CETS No: 190			
22.	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	Ratification	6 May 2008	1 September 2008
23.	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (2015) CETS No: 217	Signature	19 May 2017	
24.	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198	Not Party		
25.	European Convention on Extradition (1957) CETS No: 024	Ratification	13 October 2000	11 January 2001
26.	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	Ratification	13 October 2000	11 January 2001
27.	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	Not party		
28.	European Convention on Mutual Assistance in Criminal Matters (1959) CETS No: 030	Ratification	26 April 2005	25 July 2005
29.	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (1978) CETS No: 099	Not Party		
30.	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (2001) CETS No: 182	Not Party		
31.	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	Not Party		
32.	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	Ratification	28 July 1999	1 November 1999
33.	Convention on Cybercrime (2001) CETS No: 185	Ratification	16 November 2016	1 March 2017
<b>Please list below any other regional, subregional or bi-lateral agreements or arrangements relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.</b>				
34.	Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (2003) CETS No: 189	Ratification	16 November 2016	1 March 2017
35.	Non-Proliferation of Nuclear Weapons	Accession	7 June 1996	2 July 1996

	Treaty		(London), 25 June 1996 (Washington) and 2 July 1996 (Moscow)	
36.	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	Ratification	29 June 1998	1 March 1999
37.	Comprehensive Nuclear-Test-Ban Treaty	Ratification	12 July 2006	Not in force
38.	Comprehensive Safeguards Agreement between the Principality of Andorra and the Agency pursuant to the Treaty on the Non-proliferation of nuclear weapons	Ratification	18 October 2010	18 October 2010
39.	Small Quantities Protocol adjoined to the Agreement between the Principality of Andorra and the International Atomic Energy Agency relating to the implementation of guarantees within the framework of the Treaty on Non-Proliferation of Nuclear Weapons	Ratification	18 October 2010	18 October 2010
40.	Amendment to the Small Quantities Protocol to the Agreement between the Principality of Andorra and the International Atomic Energy Agency relating to the implementation of guarantees within the framework of the Treaty on Non-Proliferation of Nuclear Weapons	Ratification	24 April 2013	24 April 2013
41.	Additional Protocol to the Agreement between the Principality of Andorra and the International Atomic Energy Agency relating to the implementation of guarantees within the framework of the Treaty on Non-Proliferation of Nuclear Weapons	Ratification	19 November 2011	19 December 2011
43.	Criminal Law Convention on Corruption (1999) CETS No: 173	Ratification	6 May 2008	1 September 2008
44.	Additional Protocol to the Criminal Law Convention on Corruption (2003) CETS No: 191	Ratification	20 February 2015	1 June 2015
45.	Civil Law Convention on Corruption (1999) CETS No: 174	Signature	8 November 2001	
46.	Convention on the Prohibition of the	Accession	27 February	29 March 2003

	Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction		2003	
47.	Rome Statute of the International Criminal Court	Ratification	30 April 2001	1 July 2002
48.	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	Accession	27 February 2015	2 March 2015
49.	Arms Trade Treaty	Signature	18 December 2014	
50.	Agreement between the Government of the Principality of Andorra and the French Republic relating to cross-border cooperation in police and customs matters	Ratification	20 February 2015	1 April 2018
51	Agreement between the Principality of Andorra and the Kingdom of Spain on cooperation in the fight against crime and security	Ratification	4 March 2016	Not in force