



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

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NOTE VERBALE

The Permanent Mission of the Principality of Andorra to the Organization for Security and Cooperation in Europe, Vienna, presents its compliments to the Missions and Delegations of the participating States to the OSCE and to the OSCE Secretariat/Conflict Prevention Centre and has the honor, in reference to the decision No. 2/09 of the Forum for Security Cooperation, to provide the reply to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

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



Vienna, 23 April 2014

**To all Delegations/Permanent Missions to the OSCE
To the Conflict Prevention Centre (CPC)**

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, subregional 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?

In order to implement recommendations made by Moneyval in its 4th mutual evaluation report, amendments were made to the Criminal Code in 2013:

Qualified Law (law requiring a larger majority) 18/2013 of 10 October amending the Criminal Code (CC): As Andorra is party to the United Nations Convention against Transnational Organized Crime, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, modifications were needed for offences related to money laundering. Following the recommendations of Moneyval and GAFI, the list of offences that give rise to money laundering has been expanded.

New article 409 (CC)– Money laundering

1. Any individual who converts or transfers money, assets or securities that are the proceeds of a criminal activity punishable with a minimum term of imprisonment exceeding six months, or of the criminal offences of prostitution, patent and trademark infringements, insider trading, market abuse, human trafficking for forced labour, illicit trafficking in narcotic drugs and psychotropic substances, environmental crimes, illicit association, fraud committed by public officials, illegal exactions, corruption, influence peddling or forgery of documents, knowing their origin, for the purpose of concealing or disguising such illicit origin or assisting any person who is involved in the commission of the offence to evade the legal consequences of such conduct, shall be punished with one to five years of prison and a fine of up to three times the value of such proceeds.

2. Any individual who commits any conduct mentioned in the previous paragraph with gross negligence shall be punished with a prison sentence of up to one year.

3. The same penalties set out in paragraph 1 shall be imposed on any individual who intentionally:

a) acquires, possesses or uses money, assets or securities, without having participated in the commission of the predicate offence, but who knew upon taking receipt of them that they were the proceeds of any of the crimes mentioned in paragraph 1;

b) conceals or disguises the true nature, source, location, movement, rights with respect to, or ownership of money, assets or securities, without having participated in the commission of the predicate offence, but who knew upon taking receipt of them that they were the proceeds of any of the crimes mentioned in paragraph 1.

4. An attempt to commit, conspiracy to commit and incitement to commit such a crime shall be punishable.”

Furthermore, following recommendations made by Moneyval, two new types of criminal conduct have been created in the framework of the socio-economic order, and specifically for offenses against banking and the financial system. On the one hand, an offense for using inside information (article 247 bis) which punishes the use or the revelation of inside information related to financial instruments for personal benefit has been created; and on the other hand also of new creation the offense for market manipulation (article 247 ter) punishing the production or diffusion of rumors or false information with the aim of manipulating the market for personal benefit.

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 Office 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.

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:

– 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.

On the basis of article 8 of the Monetary Agreement, “*Andorra shall undertake to adopt all appropriate measures, through direct transposition or possibly equivalent actions, with a view to implementing the EU legal acts and rules listed in the Annex to this Agreement in the field of: [...] (c) prevention of money laundering [...]*”.

Part I of the Annex contains all the EU legal provisions to be implemented in the context of the prevention of money laundering, namely:

- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (“**Third Directive**”).
- Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.
- Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of “politically exposed person” and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis.
- Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds.
- Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.
- Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime.
- Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information .

Pursuant to the Monetary Agreement, Andorra has adopted all of these European provisions in its legal system. The transposition was validated by the European Commission at the end of 2013.

In addition to the legislation passed as a consequence of the Monetary Agreement, the Principality of Andorra has succeeded in implementing various legislative initiatives related to MONEYVAL’s findings and recommendations in the 4th mutual evaluation report of Andorra, which will be described in more detail in this document.

Thus, the main legislative developments in the prevention of money laundering and terrorism financing implemented since the on-site visit made within the framework of the 4th mutual evaluation of the Principality of Andorra are the following:

- Amendments to the Law on international cooperation in criminal matters and the fight against money laundering and against the financing of terrorism, of 29 December 2000 (“**LCPI**”):
 - Bill amending the LCPI, approved by the Andorran Parliament¹. This amendment is designed to adapt Andorran legislation to SR. III.
 - Law 20/2013, of 10 October, amending the LCPI (published in the Official Gazette on 30 October 2013 and entered into force on 31 October 2013): implements the recommendations deriving from MONEYVAL’s 4th mutual evaluation and the EU provisions on the prevention of money laundering required by the Monetary Agreement.

¹ After the Parliamentary approval, publication in the Official Gazette is pending but imminent, in order to enter into force in the Andorran legal system.

- Law 4/2011, of 25 May, amending the LCPI (published in the Official Gazette on 22 June 2011 and entered into force on 23 June 2011): implements the recommendations deriving from the on-site visit of March 2011.
- Amendments to the LCPI Regulations:
 - Decree of 20 November 2013, amending the LCPI Regulations (published in the Official Gazette on 4 December 2013 and entered into force on 5 December 2013): implements the recommendations deriving from MONEYVAL's 4th mutual evaluation and the EU provisions on the prevention of money laundering required by the Monetary Agreement.
 - Decree of 18 May 2011, amending the LCPI Regulations (published in the Official Gazette on 25 May 2011 and entered into force on the same day): implements the recommendations deriving from the on-site visit of March 2011.
- Amendments to the Criminal Code (“CP”):
 - Qualified Law 18/2013, of 10 October, amending the Criminal Code (published in the Official Gazette on 30 October 2013 and entered into force on 31 October 2013): amongst other measures, it implements MONEYVAL's recommendations related to the criminalisation of money laundering.
 - Qualified Law 18/2012, of 11 October, amending the Criminal Code (published in the Official Gazette on 14 November 2012 and entered into force on 15 November 2012): amongst other measures, it implements MONEYVAL's recommendations related to the criminalisation of terrorism financing.
- Amendments to the Criminal Procedure Code (“CPP”):
 - Qualified Law 19/2013, of 30 October, amending the Criminal Procedure Code (published in the Official Gazette on 30 October 2013 and entered into force on 31 October 2013): amongst other measures, it creates an Asset Recovery Office and an Asset Management Office.
 - Qualified Law 19/2012, of 11 October, amending the Criminal Procedure Code (published in the Official Gazette on 14 November 2012 and entered into force on 15 November 2012): it introduces various procedural amendments.
- Amendments to the Foreign Investment Law and its secondary regulations:
 - Decree, of 28 August 2012, amending the Regulations implementing Law 10/2012, of 21 June, on foreign investment in the Principality of Andorra (published in the Official Gazette on 12 September 2012 and entered into force on 13 September 2012): develops the provisions laid down in Law 10/2012.
 - Law 10/2012, of 21 June, on foreign investment in the Principality of Andorra (published in the Official Gazette on 18 July 2012 and entered into force on 19 July 2012): liberalises foreign investment 100% and maintains the UIF prior authorisation requirements and the prohibition on investments from countries considered non-cooperative in the prevention of money laundering and terrorism financing.
- Other relevant legislative developments:
 - Law 28/2013, of 19 December, amending Law 20/2007, of 18 October, on public limited companies and limited liability companies, amended by Law 4/2008, of 15 May, and by Law 93/2010 (published in the Official Gazette on 15 January

2014 and will enter into force on 15 February 2014); sets out additional measures to permanently identify beneficial owners of an Andorran company and specific sanctioning provisions.

- o Decree, of 20 November 2013, approving regulations concerning the declaration of cross-border movements of cash (published in the Official Gazette of 4 December 2013 and entered into force on 28 December 2013); develops the content of the obligation to make customs declarations on cross-border movements of cash and sets out formal requirements to ensure compliance. The goal is to implement legal provisions on Regulation 2005/1889/CE of the European Parliament and the Council of 26/10/2005.

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

The Principality of Andorra is a member of Moneyval Committee, and all its AML/CFT system is duly reviewed by this Committee.

On 8 March 2012, the 4th Follow-Up Mutual Evaluation Report² was adopted by Moneyval Plenary and as a result Andorra was proposed to submit a Regular Follow Up Report in the next two years.

Consequently, on 31 March 2014, the Principality of Andorra has submitted the above mentioned report which was adopted by the Plenary.

As a member of Moneyval, the Principality of Andorra has implemented FATF Recommendations

2004, and is now working on implementing the new FATF Recommendations for the 5th Round of Evaluations.

Regarding Financing of Terrorism, The Principality of Andorra has demonstrated a serious commitment of fighting against such serious offences and all Moneyval recommendations have been adopted and implemented.

Excerpts of the Follow-up Report presented on 31 March 2014 regarding FATF's Special Recommendation II – Criminalization of Financing of Terrorism

SR.II – Criminalise terrorist financing – rated PC

- a) **Deficiency 1**: *no offence as such of financing offences provided for in the CFT treaties.*

Recommended actions: *it is recommended that the criminalisation of terrorism financing be adapted to also cover the financing of conducts sanctioned under the conventions annexed to the CFT convention.*

Measures adopted and implemented: article 2(1) of the International Convention for the Suppression of the Financing of Terrorism (CFT) defines two types of terrorist acts: (a) acts which constitute an offence within the scope of and as defined in one of the treaties listed in the annex of the Convention; and (b) any other acts intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such acts, by their nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

This first deficiency criticises the fact that the Andorran legislation did not criminalise the acts provided for in paragraph a) of article 2(1) of the CFT as terrorism financing.

In order to remedy this deficiency, the Qualified Law 18/2012 of 11 October amending the

Criminal Code (published in the Official Gazette on 14 November 2012 and entered into force on 15 November 2012), amended and extended the definition of terrorist act contained in article 362 of the Criminal Code.

In this regard, a new section criminalising as terrorist acts all the acts constituting an offence under the definition contained in the international conventions annexed to the CFT was added to the wording of article 362 CP. Article 362(1) CP now reads as follows:

"1. Terrorist acts are:

a) Any act constituting an infringement within the framework and according to the definition contained in the following treaties:

- Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970).

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971).

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the UN General Assembly on 14 December 1973

- Convention against the Taking of Hostages, adopted by the UN General Assembly on 17 December 1979.

- Convention on the Physical Protection of Nuclear Material (Vienna, 26 October 1979).

- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 February 1988).

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988).

- Protocol on the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (Rome, 10 March 1988).

- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act.

c) To the extent that they relate to an individual or collective project aimed at subverting the constitutional order or seriously attempting against public order and peace through intimidation and terror, the following offences:

- Voluntary attacks against the life and the safety of persons.

- Illegal arrest, kidnapping, threats or coercion.

- Thefts, extortions, damages, havoc, fires, and the IT infringements defined in this Code.

- *The deposit of arms or ammunition, possession or storage of explosive, inflammable, incendiary or asphyxiating substances or devices, or their components, as well as manufacturing, trading, transporting or supplying them in any way.*"

In addition, paragraph 2 of article 366 bis of the Criminal Code sets out that "*financing shall be understood to be any action that, by any means, directly or indirectly, unlawfully and intentionally, consists of the provision or collection of funds with the intention of them being used in whole or in part, in the Principality or abroad: by a terrorist group or a terrorist or to commit one or more terrorist acts*" [as defined in article 362(1) of the Criminal Code].

Consequently, if articles 362(1)(a) and 366 bis of the Criminal Code are read together, it is clear that the provision or collection of funds to commit the acts referred to in article 2(1)(a) of the CFT (defined as terrorist acts by the Andorran Criminal Code) is criminalised as terrorism financing under article 366 bis of the Criminal Code.

b) Deficiency 2: generic definition of terrorist acts not consistent with that of the CFT.

Recommended actions: *it is recommended that the generic definition of terrorism be completed by extending the application of the notion of intent to intimidating a population or compelling a government or an international organisation to do or to abstain from doing any act.*

Measures adopted and implemented: this second deficiency criticises the fact that Andorran legislation does not properly criminalise as terrorism financing the acts referred to in article 2(1)(b) of the CFT.

In order to remedy this deficiency, the definition of terrorist act set out in article 362(1)(b) of the Criminal Code was amended in 2012 and extended in the abovementioned terms.

In this regard, the previous wording of article 362 of the Criminal Code only criminalised as terrorist acts those provided for in section 1(c). A new section b) was added and criminalises the following conduct as terrorism financing:

"b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, given its nature or context, is to intimidate a population or to compel a government or an international organisation to do or to abstain from doing any act".

As such, article 2(1)(b) of the CFT is almost literally transposed into the Andorran Criminal Code.

c) Deficiency 3: immunity of self-financing of an individual.

Recommended actions: *it is recommended that the immunity for individuals who self-finance be abolished.*

Measures adopted and implemented: the amendment of the Criminal Code in 2012 criminalises the self-financing of terrorism.

To this end, the previous wording of article 366 bis of the Criminal Code punished "*any person who, without performing the conducts referred to in article 365 [belonging to a terrorist group] and without being the perpetrator of or an accomplice in terrorist acts, either consummated or attempted, performs acts of terrorist financing*".

In turn, the new wording of paragraph 1 of article 366 bis of the Criminal Code directly considers "*any person who performs acts of terrorist financing*" guilty of the offence of

terrorism financing.

Thus, the current wording of article 366 bis of the Criminal Code removes the reference to belonging to a terrorist group and being the perpetrator of or the accomplice to a terrorist act as a circumstance excluding liability for terrorism financing. Therefore, with the amendment, the perpetrators of or accomplices to terrorist acts and the members of a terrorist group may also be punished for the financing of their or their group's terrorist activities.

As such, self-financing of terrorism has been criminalised as a separate offence in Andorran criminal legislation.

- d) **Deficiency 4:** *no formal criminal liability of legal persons in connection with terrorism financing.*

Recommended actions: *it is recommended that (i) criminal liability of legal persons be introduced, at least within the framework of CFT; and (ii) article 24 CP be abolished to allow for criminal liability to be formally extended to legal persons.*

Measures adopted and implemented: there have been no significant amendments in this regard, given that a change in the configuration of the totality of the Andorran criminal legal system would be disproportionate. The evaluation report of the Principality of Andorra itself recognised in 2012 that the "joint measures provided for in articles 71 and 366 ter CP in the context of terrorism have the same effect as those sought by introducing the criminal liability of legal persons in terms of punitive consequences and measures".

In this regard, it should be mentioned that article 366 ter of the Criminal Code allows the "measures, concerning natural or legal persons, laid down in article 71" of the Criminal Code to be imposed in the context of terrorism and terrorism financing offences.

Article 71 of the Criminal Code provides for the imposition of the following measures, amongst others: (i) termination of the legal person; (ii) suspension of the activities of the legal person for a maximum period of 6 years; (iii) temporary or definitive closure of its premises or establishments; (iv) a fine of up to EUR 300,000 or four times the profit obtained or sought by the commission of the offence, if higher; (v) appointment of a judicial administrator, and; (vi) prohibition from entering into public sector contracts.

Therefore, even if no action has been taken in this context, it should be acknowledged that the current Andorran criminal system is effective in practical terms with regard to the criminal punishment of legal persons involved in the commission of terrorism financing offences.

– 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 FIU. In this sense, all financial institutions are obliged to send independent external audits to the FIU, that are checked and verified by the FIU. On the other hand, the FIU has powers to conduct on-site inspections to financial and non- financial institutions, and finally, to impose sanctions in cases of infringements to the AML/CFT Act.

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

The Andorran FIU is responsible to receive suspicions transactions reports for terrorist financing activities. It should be noted; that Andorran authorities believe that the risk of such activities in the Principality of Andorra is extremely low taking into account is political and geographical characteristics.

– Measures to strengthen the effective regulation of not for profits (to prevent

misuse for terrorist purposes);

The amendment to the LCPI which entered into force in October 2013, categorised non-profit organisations as parties under obligation (article 45(g) of the LCPI), which means that they must comply with the obligations set out in the LCPI, and in particular its first additional provision, which creates specific obligations for non-profit organisations.

Moreover, the government plans to deeply review the legal provisions concerning non-profit organisations in order to strengthen the financial transparency standards to be met by these entities.

In any case, non-compliance with some financial transparency standards is already punishable. For instance, non-compliance with the obligation to keep accounting records is punished by article 42 of the Consolidated Text of Law 30/2007 of 20 December on business accounting, approved by a Decree of 15 February 2012 (“**TRLCE**”), with: (i) a fine ranging from EUR 2,001 to EUR 12,000, and (ii) potentially, ban from entering into contracts or collaboration agreements with public authorities and obtaining grants or benefiting from preferential tax provisions for a maximum period of three years.

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

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;

Signature on October and November 2013 (Andorra and Washington, respectively) 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 will add to the mutual efforts to protect the national security both the United States of America and the Principality of Andorra.

– 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 transfer (only authorized to the 5 Andorran Banks)

– International co-operation/technical assistance activities;

The FIU of Andorra 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 FIU has also signed several Memorandums of Cooperation with its counterpart units.

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.

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.

Safe havens and shelter to terrorists and terrorist organizations:

The particularities of the country, small size and population, is an advantage 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 the authorities.

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 2013, see above); but concerning offences related to the incitement and acts of terrorism, most of them entered into force on November 23rd, 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 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.

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 is studying the possibility to sign the ATT

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 defence expenditures in your State?

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

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

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?

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

Andorra has a police force under the authority of the Ministry of Interior. Its activities are regulated by the current legislative Police Qualified Law approved on 27 May 2004. 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?

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

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?

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?

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?

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?

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

The Principality of Andorra has no armed forces.

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?

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?

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

In relation to 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.

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

Mr. Bruno Lasne- Deputy Director of the Andorran Police Service
Mr. Benjamí Rascagneres- Superintendent, Director of the Criminal Police Office
(Andorran Focal Points for the Counter Terrorism Network)
Crtra. De l'Obach, Edifici Administratiu
AD500 Andorra la Vella
Tel. +376 872 010
Fax. +376 872 001

- Ministry of Foreign Affairs

Mrs. Cristel Molné, 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: cristel_molne@govern.ad

Mission of Andorra to the OSCE

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ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Name of the treaty		Party by: ratification P(R), accession P(a), succession P(s), acceptance P(A), approval P(AA), or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments			
1.	Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	Accession	17 May 2006
2.	Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	Accession	23 September 2009
3.	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	Accession	22 May (Washington), 22 June (Moscow) and 30 June (London)
4.	Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	Accession	23 September 2004
5.	International Convention against the Taking of Hostages (1979)	Accession	23 September 2004
6.	Convention on the Physical Protection of Nuclear Material (1979)	Accession	27 June 2006
7.	Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)	Accession	22 May 2006
8.	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	Accession	17 July 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
10.	Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)	Accession	17 May 2006
11.	International Convention for the Suppression of Terrorist Bombings (1997)	Accession	23 September 2004
12.	International Convention for the Suppression of the Financing of Terrorism (1999)	Ratification	22 October 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)	No Party	
15.	Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)	No Party	

16.	Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)	No Party	
17.	Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	No Party	
18.	Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	No Party	
19.	The United Nations Convention Against Transnational Organized Crime (2000)	Accession	22 November 2011
The Council of Europe legal instruments			
20.	European Convention on the Suppression of Terrorism (1977) CETS No: 090	Signature	8 November 2001
21.	Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	Signature	15 May 2003
22.	Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	Ratification	6 May 2008
23.	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	No Party	
24.	European Convention on Extradition (1957) CETS No: 024	Ratification	13 October 2000
25.	Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	Ratification	13 October 2000
26.	Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	No party	
27.	European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	Accession	26 April 2005
28.	Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099	No Party	
29.	Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182	No Party	
30.	European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	No Party	
31.	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	Ratification	28 July 1999
32.	Convention on Cybercrime (2001) CETS No: 185	Signature	23 April 2013
33.	Additional Protocol to the Convention on Cybercrime concerning the criminalizing of acts of a racist and xenophobia nature committed through computer systems (2003) CETS No: 190	Signature	23 April 2013

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.

34.	Non-Proliferation of Nuclear Weapons Treaty	Accession	7 June 1996
35.	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	Ratification	29 June 1998
36.	Comprehensive Nuclear-Test-Ban Treaty	Ratification	12 July 2006
37.	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
38.	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
39.	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
40.	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 December 2011
41.	Group of States against Corruption from the Council of Europe (GRECO)	Accession	26 January 2005
42.	Criminal Law Convention on Corruption	Ratification	6 May 2008
43.	Additional protocol to the Criminal Law Convention on Corruption CETS No: 191	Signature	20 November 2012
44.	Civil Law Convention on corruption	Signature	8 November 2001
45.	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction	Accession	27 February 2003
46.	The Rome Statute of the International Criminal Court	Accession	30 April 2001