Law 14/2023, of July 3, on the consolidated text of the Administration Code.

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Given that within the period of one month from its publication in the Bulletin of the General Council, established by article 116.6 of the Regulations of the General Council, no objections have been raised by the general councillors or parliamentary groups, on July 3, 2023, the following consolidation project has been approved:

Law 14/2023, of July 3, on the consolidated text of the Administration Code

Statement of reasons

Since the Administrative Code was approved on 29 March 1989, various modifications have been made to the text to adapt it to the Constitution of the Principality of Andorra and to new sectoral regulations. Likewise, various consolidated texts have been approved, through legislative decrees, including those of 25 April 2018 and 3 July 2019.

The modifications to the consolidated texts are due to the following laws: Government Law of 15 December 2000; Law 11/2004 of 27 May, on specific modifications to the Administrative Code; Law 45/2014 of 18 December, on modification of the Administrative Code; Law 8/2017 of 20 April, on modification of Law 43/2014 of 18 December, on SAIG; Law 7/2018, of May 17, amending the General Law on Territorial Planning and Urbanism, of December 29, 2000; Law 10/2019, of February 15, amending the Administration Code; Law 5/2020, of April 18, on new exceptional and urgent measures for the health emergency situation caused by the SARS-CoV-2 pandemic; Law 13/2021, of May 20, amending the Administration Code, and Law 33/2021, of December 2, on transparency, access to public information and open government.

On the other hand, the latest revised text, dated 3 July 2019, systematically reintroduces the additional, transitional and final provisions of the Administrative Code, the transitional and final provisions of Law 11/2004, the transitional and final provisions of Law 45/2014, the final provisions of Law 8/2017 and the transitional and final provisions of Law 10/2019. At the same time, in order to ensure clarity in consultation and preserve legal certainty, it states for each of these provisions which of the aforementioned laws it refers to; some of these provisions are maintained and others are deleted that have already been incorporated into the corresponding legislation or that have already exceeded their validity.

Finally, the aforementioned Law 33/2021, in its seventh final provision, entrusts the Government, in the terms provided for in article 116 of the Regulations of the General Council and within a maximum period of six months from the date of entry into force of this Law, to present to the General Council the Draft Law of the consolidated text of the Administrative Code.

For all this, this consolidated text, in addition to incorporating the aforementioned modifications, which has implied the renumbering of some of the articles of the initial Law and making the corresponding internal references, totally or partially repeals some laws, as well as all provisions of equal or lower rank that contradict their content.

This Law of the consolidated text of the Administrative Code will enter into force the day after its publication in the *Official Gazette of the Principality of Andorra* .

Chapter one. The legal system and the sources of administrative law

Article 1. *Principles of the legal system*

The legal system of the Principality is subject to the principles of legality, hierarchy, publicity of legal norms, non-retroactivity of restrictive provisions of individual rights that have an unfavorable effect or establish a sanction, legal certainty, responsibility of public authorities and prohibition of all arbitrariness.

Article 2. *Rights to participate in public affairs and access to public office*

Andorrans have the right to participate in public affairs through freely elected representatives. They have the right to access public functions and positions on an equal footing, according to the conditions required by law.

Article 3. *Contribution to public expenditure and budgetary principles*

Everyone shall contribute to public expenditure in proportion to their economic capacity, through a fair tax system, established by law and based on the principles of generality and equitable distribution of tax burdens.

The establishment and execution of the budgets of public entities shall be governed by principles of efficiency and economy.

Article 4. *Right to private property*

Private property is recognized. It may only be limited, in accordance with the Law, for reasons of public utility or social interest, and through fair compensation.

Article 5. *Principle of subsidiarity of public activity*

The Administration will respect the principle of the subsidiary nature of public activity with respect to private initiative.

Public administrations will limit their activity to essential services for the community, ensuring in any case that their management, when possible and not involving the exercise of authority functions, is carried out through indirect management formulas.

Article 6. *Principle of legality and regulatory authority*

1. The Public Administration acts with full submission to the Constitution, the laws and the general principles of the legal system defined in Title One of the Constitution.

2. The regulatory power of the Government is exercised through decrees and orders that are ordered in accordance with the following hierarchy:

a) Government decrees.

b) Decrees of the Head of Government.

c) Orders of ministers.

3. The communes exercise local regulatory power, within the scope of their competence and in accordance with the Constitution and the laws, through ordinances, regulations and decrees.

4. The rules of customary law and those of common law have, in this order, a supplementary character in the field of public administration.

Article 7. *Principle of regulatory hierarchy*

No lower-ranking rule may, under penalty of full nullity, infringe the rules established by a higher-ranking rule.

In no case shall judges, courts, authorities or civil servants apply general provisions or regulations that transgress the principle of hierarchy of rules.

Article 8. *General principles of law*

One may resort to the general principles of law as a means of interpreting written rules, or to replace them when they are missing.

Article 9

Laws and regulatory norms are not binding until they have been officially published.

Unless the norm provides otherwise, they enter into force fifteen days after being published in full in the *Official Gazette of the Principality of Andorra* .

Article 10. *Rules of a general nature*

In the performance of their individual or particular acts, all authorities must respect the rules of a general nature, even those emanating from lower authorities.

Article 11. *Right to jurisdiction*

The administrative and fiscal jurisdiction will control the subjection to the Law in the exercise of regulatory power by the Executive Council, the subjection to the Law in the activity of the Public Administration listed in article 13 of the Code, as well as the subjection to the purposes that legitimize said activity.

Chapter two. Public Administration

Article 12. *Definition*

Public Administration is the set of institutions, organizations and people through which the general executive power and local authorities guarantee the execution of legal norms and the functioning of public services.

Article 13. *Composition*

The following constitute the Public Administration:

1. The Executive Council and the bodies placed under its direction.

2. The Communes and Quarters and the bodies that depend on them.

3. The autonomous bodies or parapublic entities.

Article 14. *Local corporations*

Local corporations are also constituted by hierarchical and specialized administrations, under the authority of their own bodies.

These administrations are only subject to higher authorities with regard to the controls established by law.

Article 15. *General interest*

Authorities and civil servants will always safeguard the general interest. The facts and reasons that motivate the actions of the Administration must always be presented accurately.

Article 16. *Misuse of power*

The misuse of power, understood as the use of administrative powers for purposes other than those attributed to them by the legal system, will be grounds for the nullity of the acts and liability for authorities and civil servants.

Article 17. *Operation of public services*

The Authorities and civil servants will guarantee the continuous and regular operation of public services.

Article 18. *Principles of initiative and opportunity*

The Public Administration is subject to the Law.

Within the framework of the powers created by the legal system and the conditions foreseen for the exercise of these powers, the Administration has the initiative of the decisions to be taken and can assess the opportunity of its action.

Article 19. *Principle of equality*

Everyone is equal before the public administration, without any discrimination being established on grounds of birth, race, sex, religion, opinions or any other personal or social consideration.

The administration must treat all citizens with equality, objectivity, neutrality and impartiality. Administrative services may not entail any remuneration other than that authorised by laws and regulations.

Article 20. *Attribution of powers*

No administrative authority or official has any powers or competencies other than those conferred on them by law or delegated to them in accordance with the law.

Article 21. *Presumption of validity and enforceability of administrative acts*

Administrative acts are presumed valid and enforceable, without prejudice to the administrative or jurisdictional remedies available to the administered against administrative actions that infringe their rights or legitimate interests.

Subjection to the law in the exercise of regulatory powers and in the activity of the Administration will be controlled by the administrative and fiscal jurisdiction.

Article 22. *Disciplinary responsibility*

Every agent of the Public Administration is responsible to his superiors for the performance of his service. He is subject to disciplinary power, but he can only be sanctioned by the authority determined by law, according to a procedure that guarantees the hearing and defense of the interested party, and with the sanctions established by a pre-existing legal norm.

Article 23. *Access to Administration jobs*

The law shall establish recruitment procedures that provide the Administration with civil servants and agents with all guarantees of aptitude and competence.

These procedures shall also aim to guarantee equal access to public positions, taking into account the merits, qualifications and capacity of each person.

The law shall determine the conditions under which persons who do not have Andorran nationality may be recruited.

Article 24. *Duties of diligence and reservation*

Every civil servant is bound by the duties of diligence and discretion. Civil servants are subject to the same civil and criminal laws as other citizens. The law may establish special crimes to punish particularly serious misconduct that is connected with the function.

Article 25. *Principle of patrimonial guarantee*

The Administration is responsible for any property damage that may be caused. This responsibility is enforceable in accordance with the provisions of Chapter V of this Code.

Article 26. *Conflicts of attributions*

Conflicts of authority between various bodies of the same Administration must be resolved by the common hierarchical superior.

Conflicts of authority between ministers must be resolved by the Head of Government.

Chapter three. The administrative act

1. General provisions

Article 27. *Applicable rules*

Administrative acts, the effects of which depend on the manifestation of will of an authority, collegiate or personal, or on its consent or agreement, or which are preparatory to contracts or other administrative acts, are subject to the general rules of this Chapter.

Laws and regulations may establish particular rules for certain categories of acts or for certain acts that are not contrary to the rules of this Code.

Article 28. *Orders and instructions*

Within the framework of the hierarchical administrative organization, superiors may give orders or service instructions to their subordinates.

Internal order measures do not have direct effects on the administered.

If an order or instruction contained provisions by virtue of which obligations were generated for the administered, this provision

would only be valid if it met the conditions of the corresponding regulatory act.

2. Rules relating to competition

Article 29. *Ownership of the competition*

To be valid, administrative acts must have been issued by virtue of a competence according to law and by an authority or agent that has regularly been attributed this competence.

Article 30. *Competence and publication*

No administrative act may be validly enacted before its author has been duly attributed the competence to do so. Nor may it be validly enacted after the official cessation of the functions of its author.

Acts that entail the attribution or cessation of competence must be published.

Article 31. *Competence to carry out automated administrative acts*

1. Administrative acts adopted through automated administrative actions are valid, provided that they comply with the provisions of this article.

2. An automated administrative action is understood to be any act or action carried out entirely through electronic means by a Public Administration within the framework of an administrative procedure and in which a public employee has not directly intervened.

In these cases, individually for each type of administrative action, the competent body must previously determine who is the body responsible for defining the specifications, programming, maintenance, supervision and quality control and, where appropriate, the audit of the information system and its source code. Likewise, the respective authority that must be considered responsible for the purposes of challenge must be indicated.

3. To identify and authenticate the exercise of competence in automated administrative action, the authority of article 27 must have an electronic seal of which it is the holder, in accordance with article 142 and the rest of applicable regulations.

4. For the purposes of the exercise in electronic support of the functions reserved for individual authorities or civil servants regulated in this Code, the positions reserved for them are considered bodies for the purposes of this article.

Article 32. *Exercise of powers*

Every authority, without prejudice to the discretionary power of choosing the object and the time of its decisions, must exercise its powers.

Administrative passivity or inaction may constitute illegality and generate administrative liability.

In cases where the administrative authority has not prescribed any deadline for taking measures to implement laws and regulations, its inaction must not last longer than a reasonable period.

Article 33. *Delegation of competence*

The holder of a power may only delegate its functions if the legal norm that attributes the power to him does not prohibit delegation.

In no case may the functions concerning the following powers be delegated:

a) Those that are directly attributed by the Constitution.

b) Those attributed by law to collegiate bodies, unless the law expressly provides for delegation to another specific body.

c) Those attributed by delegation.

The act of delegation must be in writing, express and signed directly by the holder of the delegated power and cannot have retroactive effect. It must indicate the holder, the purpose and nature of the delegation and must be published in the *Official Gazette of the Principality of Andorra* .

Article 34. *Delegation of signature and administrative powers*

As a general rule, only delegations of signature are made. The delegation is made to a person named. The delegate is authorized

to sign the acts or to make decisions in place of the delegator. The latter retains the power to advocate for the matters included in the delegation. The delegator remains responsible for the acts dictated by the delegate.

Exceptionally, and within the cases provided for by the rule authorizing the delegation, delegations of administrative powers may occur. The delegation is made to the holder of a function and benefits the successive holders of the function until it is terminated. The delegator transmits to the delegate the exercise of some of his powers and cannot advocate for matters included within the framework of the delegation. The delegate becomes responsible for the acts dictated by him. The delegator can however control his action.

The delegator can at any time end the delegations he has established.

3. Form of administrative acts

Article 35. *Preparatory acts and omission or formal irregularities*

Before taking a decision, certain preparatory acts may be prescribed in order to provide the Administration with elements of judgment or to confer a guarantee on the administered.

Without this enumeration being limiting, the preparatory acts may consist of consulting qualified persons or bodies, investigations, hearings of interested parties, etc.

If these procedures are established in the interest of individuals, they must be informed precisely of the dates, places and subject of the consultation and must be able to duly present their observations.

In the event that the prescribed formalities have been omitted or have been carried out irregularly, the act shall be annulled when it can reasonably be thought that the decision could have been different if the Administration had respected those formalities.

Article 36. *Meetings, assemblies and deliberations*

The deliberations of the collegial bodies must be carried out in the manner prescribed by the laws, regulations and customs that regulate their organization and operation.

Without prejudice to these particular rules, the following rules must be respected:

1. No meeting may be validly held if the members of the assembly have not been regularly convened within a reasonable period of time, which, except in cases of urgency, must not be less than two days.

2. Unless accepted by the majority of the assembly, only the issues that appear on the agenda indicated in the call may be deliberated.

3. The president shall have the police of the assembly, guarantee its discipline and ensure the regularity of the deliberations. If the rules governing the assembly do not specify the public or secret nature of the meeting, the president shall decide, in agreement with the assembly, on the admission or non-admission of the public.

4. Unless otherwise specifically provided, an assembly may only validly deliberate if at the beginning of the session more than half of the members that compose it are present or represented. If this quorum is not achieved, a new call will be made within a period of no less than twenty-four hours. On a second call, the assembly may deliberate without quorum conditions.

5. Agreements will be taken by a majority of voters. In the event of a tie, the president has the casting vote.

6. Written minutes will be drawn up for each session, signed by the president and the secretary. These minutes will at least mention the decisions adopted and the votes that they gave rise to.

7. Unless otherwise provided, the public will have the opportunity to see the minutes.

Article 37. *Written form*

Administrative acts must be in writing, dated and signed by the competent authority.

Article 38. *Motivation*

Administrative acts must be motivated when they produce an unfavorable effect on those to whom they are applied and when, despite producing a favorable effect, they depart from other decisions previously adopted in similar cases.

The motivation must include a statement of the legal and factual considerations that constitute the basis of the decision.

Article 39. *Administrative silence*

Notwithstanding the provisions of article 37, the silence maintained by the Administration regarding a request that has been made to it may have the value of a decision:

a) exceptionally, acceptance decision in cases where a rule expressly establishes this;

b) generally, decision to reject the application or refuse, when the Administration leaves the application without a response for a period of two months.

However, even after the expiry of this period, the Administration may take a decision in favour of the applicant.

The tacit decision of the Administration may be appealed before the competent jurisdiction, under the conditions and deadlines that will be established by the Law regulating administrative and fiscal jurisdiction.

Article 40. *Presumption of accuracy and material errors*

The data contained in the administrative act is presumed to be accurate. In the event of an appeal, proof of inaccuracy must be provided by the appellant.

The Administration may always correct any material errors that are noticed. These corrections may not modify in any way the content, meaning or scope of the act.

Article 41. *Right of access to public information*

Access to public information is governed by the provisions of the Law on Transparency, Access to Public Information and Open Government and by the specific regulations that apply.

4. The decision

Article 42. *Requirements*

Every decision must be free from error. The will of the administrative authority must not have been provoked by deception or violence. Nor must it contain errors of law or fact.

5. Effectiveness of administrative acts over time

Article 43. *Non-retroactivity and manifestation of will*

Administrative acts cannot, in principle, produce effects that go back to a date prior to their promulgation.

The administrative act exists and enters into force from the moment in which the manifestation of will of the administrative authority that dictates it has been made. This manifestation of will is normally certified by the signature of the act.

Article 44. *Advertising measures*

The effectiveness of the act with respect to those to whom it applies is conditioned by the regular performance of publicity measures intended to officially make the act known to the interested parties and to make it enforceable.

These measures are:

publication, with regard to regulatory norms, notification, with regard to individual acts.

Article 45. *Publication*

The ordinary publicity measure is publication in the Official Gazette. In addition, traditional publication by edicts or any other procedure expressly established by a regulation may be used.

Article 46. *Notification*

1. Notification is the action by which the body that issues an administrative act communicates it to the person whose rights or interests are affected by said act, or to their representative.

2. The notification must contain the full text of the act, the expression of the appeal that is appropriate, the body before which the appeal must be lodged, and the deadline for doing so, with an indication of whether or not it puts an end to the administrative procedure.

3. In cases of omission of any of the requirements established in the previous section, if the notified act contains at least the full text of the resolution, it takes effect from the moment in which the interested person carries out actions from which knowledge of its content and scope is evident, or lodges an appeal.

4. Notifications are validly made if they allow for evidence of its being made available to the person interested or empowered by this law, of its receipt, and of the date on which it is carried out.

5. If the interested party receives a notification by several means, he or she is considered notified on the date of the last notification.

6. The absence or irregularity of the notification suspends the appeal deadlines.

7. The Public Administration must encourage the use of electronic means to carry out notifications.

Article 47. *Means used for the practice of notifications and effects*

1. Notifications are made:

a) In person, by public administration personnel;

b) By registered mail with acknowledgment of receipt. This includes delivery by postal services;

c) Through private postal service companies or similar services;

d) Through electronic services, offered by public or private entities providing trust services, which comply with the provisions of article 49 of this law;

e) By publication in the *Official Gazette of the Principality of Andorra* ;

f) Through other forms established by law.

2. Notifications made by public administration personnel enjoy a presumption of veracity. To this end, the procedures, writings or proceedings that describe the circumstances in which the notification was made, made by public administration personnel, are considered public documents.

3. Notifications made by other agents, whose activity is regulated by specific regulations, have the classification and effects granted to them by said regulations.

4. In the absence of a regulation that regulates the activity of private companies providing postal or similar services, notifications made by these companies have the consideration and effects of private documents.

Article 48. *Practice of notifications by non-electronic means*

1. When notification is made at the address of the interested party, or at another address indicated for this purpose, if at the time of attempting notification the person is not there, any relative or person over the age of sixteen with whom the person lives who is at said address may be responsible for the notification, and the identity and relationship with the interested party must be recorded. The person other than the interested party may refuse to receive it, in which case the notification shall not be considered validly made. If notification cannot be carried out due to the absence or refusal of the person other than the interested party, the person in charge of notification leaves a notice at the address informing the interested party of the date on which notification was attempted, and that they have a period of 8 working days to appear in person at the offices of the Public Administration, the Post Office or the private company that left the notice, to collect the notification. If said period expires without the notification having been carried out, it is considered failed. The person in charge of notification must leave a written record of the actions carried out.

2. To carry out notification at the offices of the Public Administration, the staff of the Public Administration must contact the interested party by telephone and must set a specific day to do so. If telephone communication is unsuccessful, the public administration staff must attempt, during the following two days, to make the indicated communication at alternative times, and must leave a written record of the actions taken. If the interested party cannot be contacted within this period, or if, despite having been contacted, they are not present on the indicated day, notification must be made at the address of the interested party, as established in the preceding section. However, when it comes to the notification of penalties arising from infringements of the Traffic Code, and in other special cases provided for by a Law, it may proceed directly in the manner provided for in section 3, without the need to previously attempt in-person notification at the address. 3. If, in application of the provisions of the previous sections, the notification is not validly made or is considered unsuccessful, a notice shall be published in the *Official*

Gazette of the Principality of Andorra

within the following fifteen calendar days.for the purpose of notifying the interested party that the Public Administration has issued an administrative act that affects their interests. This notice grants the interested party a period of 8 working days to appear in person at the Public Administration offices, in order to proceed with the notification, which must comply with the requirements regulated in art. 46.2. If within this period the interested party does not appear in person at the Public Administration offices, the notification is considered to have been correctly made.

4. Regardless of whether the notification is made at the address of the interested party or at the Public Administration offices, it is considered validly made if the interested party expressly refuses to receive it. In this case, the attempted notification is recorded, it is understood that the procedure has been completed, and the processing of the file continues. In the event that the notified act is the resolution of the procedure, the interested party is deemed to have received the notification for all purposes.

5. The processing period for the procedure is suspended by the passage of time between the failed notification or the unsuccessful exhaustion of the deadlines provided for in paragraph 2, and the appearance of the interested party. However, if the notice is not published in the *Official Gazette of the Principality of Andorra* within the period established in the third paragraph, the processing period for the procedure is suspended.

6. The provisions of the preceding paragraphs only apply to the natural and legal persons provided for in paragraph 2 of article 107 in relation to the notification of inclusion in the electronic notification service, and in those cases in which paragraph 7 of article 49 is applicable, with the following specialties:

a) Any employee or member of the legal entity present at the notification address may be responsible for the notification; this circumstance must be recorded in the file, as well as the identity of the person receiving the notification and their position or function within the entity or company. If the person other than the representative present at the company address refuses to receive it, the notification is considered validly made.

b) If the notification is made at the offices of the Public Administration and the representative of the legal person, entrepreneur or individual professional refuses to collect the notification, the notification is considered validly made.

c) If the notification cannot be carried out due to the absence of the representative, entrepreneur or individual professional and any other person linked to the entity or company, the notification is considered failed. In this case, within the following fifteen calendar days, the notification shall be carried out by publication in the *Official Gazette of the Principality of Andorra* , and all the circumstances relating to the first attempt at notification shall be recorded in the file.

Article 49. *Practice of notifications by electronic means*

1. When established in the procedural rules, or when the interested party has so indicated, administrative acts shall be notified by electronic means.

2. The interested party shall access the notification regulated by this article using their electronic signature, through the Electronic Portal of the Public Administration, from the moment they have been notified of their registration in the electronic notification service, except when they have previously communicated the use of another electronic notification service accepted by the Public Administration.

3. Notification shall be carried out by means of access by the interested party, duly accredited with their electronic signature, to the corresponding electronic notification service, which must necessarily meet the requirements of a qualified electronic delivery service and guarantee compliance with the requirements established in article 46 to consider the notification correctly carried out.

4. It is understood that the notification is validly carried out on the day on which the interested party or their representative accesses its content.

5. Once fifteen days have passed since the notification has been made available to the interested party in the Electronic Office, if access to its content has not occurred, it is understood that the notification has been refused, and the provisions of article 46.4 of this Law apply. The interested party may choose up to thirty calendar days in which the Public Administration may not proceed to make electronic notifications to him.

6. The interested party may indicate the telematic mechanism by which he wishes to receive automatic notifications of the notifications that affect him. However, these notifications do not have notification effects, and in the event of any discrepancy between the notice and the notification, the notification always prevails. Likewise, possible malfunctions of the notification system do not condition the effectiveness of the electronic notification.

7. Electronic notification is not practiced in the case of acts that contain elements incompatible with electronic conversion. It is also not practiced in acts whose purpose is to deliver means of payment in physical format to the interested person.

Article 50. *Nullity*

The following administrative acts are null and void:

a) dictated by a manifestly incompetent body

b) in which the content is impossible or constitutes a criminal offense

c) that totally and absolutely transgress the procedure legally established in their respect, or that violate the essential rules for the expression of the will of the collegial bodies

d) that violate article 7 of this Code

Article 51. *Annulability and non-invalidating irregularities*

1. Acts of the Administration that involve any transgression of the administrative system, including the misuse of power, are voidable.

However, a formal defect will only lead to annulment if the omitted formalities were essential for the act to achieve its purpose or if the interested parties have been deprived of means of defense established in their interest.

Administrative acts issued outside the deadline will be voidable only if the nature of this deadline so requires.

2. The Administration may validate voidable acts by correcting the defects that affect them.

a) If the defect consists of incompetence, validation may be carried out by the competent body, if this is the hierarchical superior of the author of the irregular act. Validation will take effect on its date, without prejudice to the provisions relating to the retroactivity of administrative acts.

b) If the defect consists of the absence of a necessary authorization, validation will result from the granting of authorization by the competent body.

6. Execution of administrative acts

Article 52. *Enforceability*

Administrative acts regularly issued and published or notified are enforceable, unless they are subject to a condition or subsequent approval, they are imposed on both the administrative and judicial authorities and the administered. They must be obeyed by all those on whom they impose obligations.

The filing of any appeal will not suspend the execution of the contested act. However, the Authority that must resolve the appeal may suspend the execution of the appealed act in the event that execution could cause damages that are difficult or impossible to repair or when they are null and void acts.

Article 53. *Power of compulsory execution*

1. The General Administration and the communes, and autonomous bodies and parapublic entities if permitted by their law of creation or regulation, may proceed, by themselves, to the compulsory execution of administrative acts that are enforceable, except when execution is suspended in accordance with the law, or when the Constitution or the law require the intervention of the jurisdictional bodies.

2. In the case of sanctions, the filing of an appeal in time and form prevents compulsory execution until the sanction becomes final.

3. Without prejudice to the power of compulsory execution referred to in the first paragraph, the General Administration, the communes, autonomous bodies and parapublic entities may also resort to the judicial authority so that it proceeds to the compulsory execution of administrative acts that are enforceable, once the provision of constraint has been issued, in accordance with the Judicial Authority Law.

Article 54. *Types of compulsory execution*

1. The compulsory execution of acts that involve the payment of a liquid amount is carried out through the means of asset enforcement, in accordance with the rules that regulate the tax collection procedure during the enforcement period.

2. The compulsory execution of acts that may be carried out by a person other than the obligated person is carried out through subsidiary enforcement. To this end, the executing Administration may carry out the enforcement itself or by a third party and then demand the amount of the expenses and the amount corresponding to the damages and losses caused, in accordance with the provisions of the previous section. It may also provisionally liquidate the aforementioned amount before the material execution and proceed through the means of asset enforcement to obtain it, and cover the execution with this amount, subject to the final liquidation.

3. In cases where the laws authorise it, for the execution of certain acts the General Administration and the communes may impose coercive fines, repeated and separated by a sufficient period of time to comply. The coercive fine is independent of the fines that may be imposed as a sanction, and the two types of fine are compatible.

4. Administrative acts that impose a very personal obligation and cannot be executed by any of the previous means, may be executed by direct compulsion when a law authorises it; otherwise, the public administrations must go to the jurisdiction to obtain their compulsory execution. However, in cases of extreme urgency and to avoid serious danger, the public administrations may resort to direct compulsion measures on individuals.

Article 55. *Competent bodies*

They are competent bodies to decide on the forced execution of administrative acts that are enforceable and to issue the provision of constraint:

a) In the General Administration, the Head of Government and the ministers. This competence can be delegated.

b) In the communes, the body that has the authority to regulate the organization and functioning of each commune. In the absence of express provision, the consul is competent, who may delegate this competence.

c) In autonomous bodies and parapublic entities, it is necessary to comply with the provisions of the law establishing or regulating the autonomous body or parapublic entity; in the absence of specific provisions, the director of the autonomous body or parapublic entity is competent to decide on compulsory execution and issue the provision of constraint.

Chapter Four. Administrative Contracts

Article 56. *Principles of advertising and competition*

The award of all public works, supply and service management contracts concluded by the Administration shall take place in accordance with the principles of publicity and competition. Cases in which special qualifications are required and small-value contracts are exempt from this rule.

Contracts that violate the prescription of the previous section shall be null and void, unless reasons of urgency and extreme necessity justify their award without prior formalities.

Article 57. *Formalities*

The formalities to be completed for auctions, tenders, competitions and announcements of offers, as well as the cases in which each of these procedures must be used, will be previously established by the competent authority.

Article 58. *Doubts and disputes*

Doubts and litigious issues relating to the interpretation, modification or termination of public works, supply or service contracts will be resolved by the contracting authority.

Its decisions may be subject to appeal before the administrative and fiscal jurisdiction.

Article 59. *Applicable rules and modifications*

1. Contracts relating to works, supplies or public services shall be governed by the rules of the specifications that are applicable to them, by those resulting from the laws and regulations in force prior to their signature and, subsidiary, by common law.

2. If the needs of the public service so require, the Administration may modify the terms of the contract, compensating, where appropriate, the contracting party for the damages effectively caused. For the same reason and under the same conditions, the Administration may terminate the contract.

Article 60. *Right to compensation of contractors*

The contracting parties will have the right to be compensated for the damages caused to them by measures or decisions of a general nature that seriously affect an element of the contract, as well as those that may result from new facts, foreign to the will of the parties and that entail an alteration of the economic conditions foreseen for their execution.

Article 61. *Continuity in execution*

Without prejudice to the right to compensation provided for in the preceding articles, holders of public works agreements and public service concessionaires are obliged to guarantee the execution of their obligations without any interruption.

Chapter Five. Administrative Responsibility

Article 62. *Compensation principle and presuppositions*

Any act, action or omission of one of the public administrations mentioned in article 13 of this Code, which causes damage, if it is likely to give rise to administrative liability in accordance with article 63, obliges the responsible administration to repair the damage caused.

To give rise to the right to repair, the damage must be certain, economically assessable, it must be possible to individualize it in a person or group of people, and it must harm a situation protected by law.

If the damage originates in a malicious act or in serious negligence directly attributable to an authority, civil servant or agent, and this act or negligence can be separated from the function, the personal liability of its author may be demanded through civil means.

If the Public Administration acts in private law relations, it will be directly and through civil means responsible for the damage and prejudice caused by its authorities, civil servants or agents, and the actions of all of them will be considered acts of the Public Administration.

Unless otherwise provided, the Public Administration will not be liable for damages caused by holders of administrative concessions, nor for those caused by contractors who carry out works, services or supplies for the Administration.

Article 63. *Causes*

The following constitute causes of administrative liability:

1. The lack of service, caused by the poor organization of the service, by its operation in illegal or technically defective conditions, or by the lack of operation of the service in those cases in which it was obliged to do so.

2. The abnormal risk, originated by the performance of administrative activities that expose one or some administered to a particular and exceptional danger, even if those activities were carried out in the general interest.

3. The breach of equality before the law and before public services by refusing to one or some people the advantages granted to others who are in the same situation, or by imposing on them burdens higher than those that weigh on other citizens, without this inequality of treatment being justified by legitimate reasons.

4. The delay of the Administration in complying with final and enforceable judgments.

5. The other cases established by law.

Force majeure is a cause of exemption from liability. Fortuitous events, the act of a third party and the fault of the victim can exempt or modulate that responsibility.

Article 64. *Assessment of damage and calculation of compensation*

For the calculation of compensation, the situation as it was before the harmful event occurred will be taken into account. The damage will be assessed on the date on which the repair takes place.

The compensation must cover exactly the damage caused, must compensate for the damage suffered by the victim and must not result in the victim's enrichment.

Article 65. *Liability action*

The claim must be submitted to the responsible Administration. The right to claim shall expire within one year from the date on which the fact, action or omission that gives rise to it occurred.

The claim shall be subject to the rules established in Chapter VII of this Code. An

administrative appeal may be lodged against the decision of the responsible Administration, in accordance with Chapter VIII of this Code, an appeal which shall be a necessary requirement for access to the jurisdictional route.

Article 66. *Jurisdictional appeal*

The administrative and fiscal jurisdiction is, in any case, competent to hear the administrative liability action if the injured party does not obtain satisfaction through administrative channels.

Article 67. *Summons to trial of Administration personnel and redress action*

If the Public Administration considers that the harmful event is wholly or partly unrelated to the service and that it is personally attributable to the authority, civil servant or agent who is the author, due to intent or serious negligence, it may request the administrative and fiscal jurisdiction to summon it as a party to the trial, so that it may submit to the Judgment.

If the Public Administration is convicted without having summoned the authority, civil servant or agent referred to in the preceding paragraph, it may repeat the action against it by means of an action for compensation. This action will be brought before the administrative and fiscal jurisdiction.

Article 68. *Incompetence of administrative jurisdiction*

If an authority, official or agent is prosecuted by the victim of damage before the civil jurisdiction, and considers that the facts attributed to him give rise to the liability of a public administration, he must raise the exception of lack of jurisdiction.

Chapter Six. The assets of public figures

1. Public domain assets and private or heritage assets

Article 69. *Classification and public domain assets*

The assets of Andorran public persons, general and local, are classified into public domain assets or public assets, and private domain or patrimonial assets.

Public domain assets are assets of Andorran public persons assigned to public use, at least tacitly, or to a public service as an essential element thereof, or to the promotion of national wealth, and those to which a law expressly attributes this character.

The movable assets that make up the artistic, historical or documentary heritage in the possession of the public administration also belong to the public domain.

The provisions of this chapter are not applicable to assets belonging to the Coprínceps or to the Church.

Article 70. *Patrimonial assets*

1. The following are patrimonial assets:

a) assets belonging to public figures and that are not part of the public domain

b) the real and leasehold rights of which these persons are the holders, as well as the rights of any nature deriving from the ownership of the assets.

c) the intangible property rights that belong to them

d) civil or commercial company titles

e) any other asset owned by public persons and which should not be considered public domain.

2. Property assets are subject to the private law regime.

Article 71. *Alteration of the legal classification of public domain assets*

Public domain assets will lose this quality and will be integrated into the private assets of the public persons in question:

a) by express decision of the General Council, the Commons or the Quarters, prior to a file with public information establishing that the asset is no longer necessary for public use, public service or the promotion of national wealth;

b) due to their non-use for twenty years for a public use or service, or, in the case of goods affected by public use in consideration of their nature, due to their alteration or physical degradation without human intervention for twenty years.

Article 72. *Alteration of the legal classification of patrimonial assets*

Heritage assets will acquire the quality of public domain assets:

a) when, by express resolution, they are affected by a public use or service.

b) when they have actually been used for a period of one year for a public use or service.

Article 73. *Goods intended for public use or service and usucapite*

Without the need for any formal act, assets acquired by usucapio by public persons will be considered public domain assets when they are intended for public use or service during the limitation periods.

Article 74. *Expropriated assets*

Assets acquired by compulsory expropriation will be considered to be used for the purposes of the organizations or services that gave rise to the declaration of public utility or general interest.

Article 75. *Acquisition, possession and defense*

The General Council and the Executive Council, the Commons and the Quarters have full capacity to acquire by all legal means and possess assets of all kinds, and to exercise the resources and actions necessary in defense of their rights.

Article 76. *Vacant properties*

Vacant properties belong to the State, as patrimonial assets.

The declaration of vacancy or abandonment corresponds to the civil jurisdiction through an abbreviated procedure that, in any case, will include the following phases:

1. Request for declaration of vacant properties.

2. Notification of the request to all persons who may hold any title to said properties, and publication in the *Official Gazette of the Principality of Andorra* .

3. Decision of the civil jurisdiction.

This decision will be final and enforceable once one month has passed from its publication in the *Official Gazette of the Principality of Andorra* and in two newspapers among those with the greatest circulation in the Principality, and has not been contested by anyone.

In the event that the alleged owners of the properties in question appear in the file, the general rules of civil procedure will be followed.

Article 77. *Acquisitions free of charge*

The institutions listed in article 75 and public administrations with legal personality may acquire assets free of charge without any restriction.

However, if the acquisition is subject to onerous conditions or modalities, acceptance will only be possible after a file is filed in which it is demonstrated that the value of the encumbrance does not exceed the value of the asset acquired.

The acceptance of an inheritance will always be understood as benefit of inventory.

Article 78. *Acquisitions for consideration*

Acquisitions for consideration will be subject to rules of publicity and competition and will be carried out according to the procedures foreseen for administrative procurement.

However, and even if the expropriation procedure is not used, the General Council, the Executive Council, and the Communes and Quarters may dispense with the procurement procedure and authorize the direct acquisition of real estate or land on which construction is to be carried out, when the acquisition is made taking into account the particularities of the asset, when the needs of the public service require it or when the operation must be carried out with extreme urgency.

2. Legal regime of the assets of public persons

Article 79. *Principles*

Public domain assets are inalienable, imprescriptible and unseizable as long as they retain this character.

Article 80. *Alienation*

The alienation of real estate will require a prior declaration of alienability and will be carried out by public auction.

The General Council, the Commons and the Quarters are responsible for declaring the alienability of real estate not affected by public service and whose use for these purposes is not foreseen in the short term.

Article 81. *Exchange*

The real estate assets declared alienable under the conditions provided for in the preceding article may be exchanged for others belonging to others, following an expert appraisal and provided that the difference in value between the exchanged assets is not greater than fifty percent of the higher value.

Article 82. *Assignment*

Assets whose public use or exploitation is not foreseeable may be temporarily and free of charge transferred to other public administrations or public sector entities, for the purpose of allocating or transferring them in turn to entities or companies in which these administrations or entities have a stake, provided that it is for purposes of public or social utility or for strategic projects that have been declared of national interest.

Without prejudice to the provisions established in the General Law on Land and Urban Planning, for projects declared of national interest, in order to be able to transfer or allocate assets under the conditions established in the previous paragraph, the authorization of the General Council will be required if the assets are owned by the Government, of the Council of the Municipality if the assets are owned by the Municipality and of the sovereign body of the Quarters if the assets are owned by the Quarters.

Article 83. *Charges and encumbrances*

Encumbrances may not be created that encumber assets and patrimonial rights except under the conditions required for their alienation.

Article 84. *Use*

The use of assets allocated to public services will be subject to the rules specific to these services, as well as to the rules established by the authorities and officials responsible for them.

Article 85. *Exploitation*

The assets must be exploited in order to achieve the best possible return and through the usual forms of civil and commercial practice.

However, contracts for the exploitation of assets are subject to advertising and competitive procedures and are awarded by public auction or tender, with the exception of cases in which, due to the particularities of the asset, the limitation of demand or the uniqueness of the operation, direct award is appropriate. In any case, the determining circumstances of the direct award must be sufficiently motivated by means of a justifying and accrediting report in the file. The General Council must be informed of the direct awards agreed on the merits of this article, within 48 hours of the award decision and published in the *Official Gazette of the Principality of Andorra* .

Article 86. *Delimitation*

The Administration may proceed to the delimitation between the assets that belong to it and the assets belonging to third parties when the limits are imprecise or there are signs of usurpation.

The delimitation will be carried out through an administrative procedure that involves a hearing of the interested parties.

Once this administrative delimitation procedure has been indicated, no judicial procedure may be initiated with the same object, nor will interdicts on the possessory status of the properties be admitted, until the end of the delimitation procedure.

Article 87. *Possession*

The General Council and the Executive Council, the Commons and the Quarters may recover possession of their public property at any time.

They may recover private property within a period of one year from the date of the usurpation. After this period, they must exercise the claim action before the ordinary courts.

Interdicts against the actions of the Administration in this matter will not be admitted.

Article 88. *Reward*

Individuals who, through the information provided or in any other way, have helped public figures recover their assets, will be rewarded in the manner determined by regulations and without the value of the reward exceeding ten percent of the value of the asset recovered.

Article 89. *Inventory*

The General Council, the Executive Council, the Commons and the Quarters will draw up an inventory of public domain and heritage assets, which will especially include adjacent buildings and land and movable assets of a historical, documentary, artistic or considerable economic value.

Article 90. *Extinction of rights*

The extinction of the rights established over public domain assets by virtue of a permit, authorization, concession or any other title and of the possessory situations that result from it, will take place through administrative means following the preparation of a file during which the interested parties must be heard. Following the applicable legal rules, the interested party will or will not be entitled to compensation.

Article 91. *Responsibility of Administration personnel*

Civil servants responsible for the management of public property who, through intent or negligence, have been at the origin of the loss or degradation of such property shall be liable to the Administration for the damage or prejudice suffered by the latter.

This liability shall be substantiated in an independent administrative procedure or in a disciplinary procedure. The Administration may recover the damage from the salary or assets of the civil servant, without prejudice to the latter's right to appeal to the administrative and fiscal jurisdiction.

Article 92. *Liability of individuals*

Individuals who intentionally or through negligence cause damage to public property or usurp it will be punished with a fine the amount of which will be double the damage caused or the value of the usurped property, without prejudice to the repair of the damage or the restitution of the property.

Article 93. *Criminal liability*

When the facts referred to in the previous articles constitute criminal offences, the administrative procedures will remain suspended until that jurisdiction has ruled.

3. Use of public domain assets

Article 94. *Type of use*

The use of assets assigned to public use will be considered:

1. A common use, when this is the same for all citizens without distinction, so that use by some does not exclude use by others, and may be:

    a) general, when there are no particular circumstances.

    b) special, when particular circumstances arise due to the danger or intensity of use, or for other reasons.

2. Private use, when it takes place through the occupation of a portion of public domain under conditions that limit or exclude use by others.

Article 95. *Special common use*

The special common use of public domain assets may be subject to a license adjusted to the nature of the asset, the acts of its affectation and its opening to public use and the general precepts.

Authorizations will be granted directly, unless, for some circumstance, their number must be limited; in this case they will be granted by way of tender, and if this is not possible so that all candidates meet the same conditions, by drawing lots.

Authorizations granted in response to personal considerations of the subject or those granted in limited numbers, will not be transferable.

Article 96. *Private use without permanent works*

Private uses of the public domain that do not require the carrying out of permanent works will be subject to temporary occupation permits that the Administration may revoke at any time without compensation for the occupant.

When there are several candidates for temporary occupation, the concession will be made following the rules of advertising and competition.

Article 97. *Private use with permanent works*

Private occupations of public domain that require the execution of permanent works will be subject to administrative concession through the project competition procedure and for a limited time that may not exceed ninety-nine years.

The concession will not affect the right of ownership and must respect the rights of third parties, and entails, although not explicitly stated, the power of the Administration to rescue it before its expiration if there are reasons of public interest that justify it. The Administration must repair the damages caused to the concessionaire, unless the latter does not suffer any damage.

4. Common goods

Article 98. *Legal regime*

Communal assets, whether or not they are used for public use or for a public service, or for the promotion of national wealth, will always be subject to the legal regime of public domain assets.

The use of communal assets may be subject to expropriation in order to be used for a public service. Once this use has ended, their use will revert to the owner of the communal asset.

The use of communal assets for the implementation of projects of national interest or sectoral plans of supra-communal impact is subject to transfer to the Government, under the terms provided for in urban planning legislation.

Without prejudice to acquired rights, the private use of communal assets must be subject to an administrative concession, which may not exceed a maximum term of ninety-nine years.

Portions of communal territory may be exchanged with portions of private or communal territory, subject to judicial valuation and through a file with public information and on condition that the difference in value between the assets exchanged is not greater than fifty percent of the higher value.

Chapter Seven. Administrative Procedure

1. General provisions

Article 99. *Applicable rules*

Any procedure established by regulations of a lower rank than the law must respect the provisions of this chapter, except in the case where it develops a special procedure established in another law.

Article 100. *Public Administration records*

1. Public bodies linked to or dependent on each Administration may have their own electronic register that is fully interoperable and interconnected with the general electronic register of the Administration to which it depends.

2. Each Public Administration must have a single general electronic register, in which the corresponding entries and the movements of entry and exit of documents presented or delivered must be registered. This register must comply with the security measures regulated in the legislation on the protection of personal data. However, each Public Administration may have manual registers while the electronic register is being implemented, and may also have them if for any reason it does not consider the use of electronic mechanisms feasible.

3. The competent body must create the general electronic register by approving a general provision that is published in the *Official Gazette of the Principality of Andorra* , and must specify the official date and time, and the days that are non-working.

4. The Electronic Portal of the Public Administration, which serves as an entry point to the general electronic register, must

contain information on all the procedures that can be carried out through the electronic register.

5. Entries in the register must be made respecting the temporal order of entry and exit of documents, indicating the date and time at which they are produced.

6. Once the registration procedure has been completed, the documents must be transferred immediately to their recipients or to the competent administrative units for the subject matter, for processing.

7. Each entry made in the register is assigned a unique number with identification of the procedure carried out, date and time of presentation, identification of the interested person, administrative body or recipient Public Administration, reference to the content of the document, and identification of the body that makes the entry in the cases of exit documents issued by the Public Administration.

8. Those in charge of the registry must immediately issue a receipt accrediting the documents submitted, which must be notified to the interested party, which includes the date and time of receipt, the entry number, the list of documents provided, and a copy of the written submission, to guarantee the integrity of the document and its receipt by the public administration.

9. In the event of submitting applications and documents electronically, the system must guarantee the issuance of all the documents indicated in the previous section, which must be sent electronically to the interested party.

10. Interested parties may use qualified electronic delivery services that have been accepted by the Public Administration for the submission of documents and communications to the electronic registry.

Article 101. *The single window*

1. This provision only applies to the presentation of documents in person.

2. Citizens may present the documents necessary in their relations with the Government and the Commons, at any of their registers, regardless of the public administration competent in the matter.

3. To this end, documents addressed to the Government or the Commons may be presented:

a) At Andorran diplomatic offices abroad.

b) In the register of the public administration to which they are addressed.

c) In the records of the Government and any Municipality.

d) In any other register established by current legislation.

4. Once the documentation has been submitted, the receiving Public Administration must transfer the documents to the competent Public Administration within a maximum period of 5 days from receipt. To this end, the processing period for the procedure begins on the day the documentation enters the register of the competent Public Administration for the resolution. The date of receipt of the documentation by the competent Public Administration is notified to the interested party.

5. Each Public Administration must guarantee the interoperability and interconnection of its electronic registers with those of other Public Administrations, through technically compatible systems that ensure the electronic transmission of the registry entries and documents submitted in any of the registers.

6. The documentation submitted to the Public Administration must be digitized in a qualified manner, in the terms provided for by the legislation on trust services, to incorporate it into the electronic administrative file, and must be returned to the interested parties, except in those cases in which, under the applicable regulations, the Public Administration must retain the originals or when digitization is impossible.

Article 102. *Calculation of deadlines in public administration records*

1. The electronic register of each Public Administration must indicate the official date and time of its electronic portal, which must have the necessary measures to guarantee its integrity.

2. The electronic register allows documents to be submitted every day of the year, twenty-four hours a day.

3. The submission of a document on a non-working day is understood to have been made at the first hour of the first following working day. These documents are understood to have been submitted in accordance with the time of entry on the non-working day, and are considered prior to those submitted on the first following working day.

4. For the purposes of compliance with procedures and deadlines by each Public Administration, the calculation is determined by the date and time at which the entry is made in the electronic register of the Public Administration competent to resolve.

Article 103. *Initiation and status of interested person*

The administrative procedure may be initiated at the initiative of the Administration or by an interested person. An interested person is considered to be:

a) that which promotes him as the holder of legitimate rights or interests.

b) those who, without having initiated the procedure, have rights that may be directly affected by the decision adopted.

c) those whose legitimate, personal and direct interests may be affected by the resolution and who are involved in the procedure, as long as a final resolution has not been reached.

In both cases, the administrative authorities must respect the formalities, deadlines, investigative measures and publicity measures prescribed by laws and regulations, as well as all the procedures necessary to guarantee the regularity and timeliness of administrative action, its conformity with the general interest and respect for the legitimate rights and interests of the administered and public freedoms.

2. Requests and other initiatives from interested parties

Article 104. *Capacity to act and representation*

Interested parties with capacity to act may act through a representative. Administrative actions will be agreed with the representative when requested by the interested party.

To make claims, withdraw requests and waive rights on behalf of another, representation must be proven by means of a public document, a private document with a notarized signature and, where applicable, legalized, or a power of attorney “apud acta”. For acts or procedures of a purely procedural nature, representation will be presumed.

When a document is signed by several interested parties, the actions to which the document gives rise will be agreed with the first signatory, unless otherwise stated in the document.

Article 105. *Forms of identification of the interested person or his representative*

1. The Public Administration must personally identify the interested party or their representative. To do this, they must verify their name and surname; company name, trade name or any other name of the entity or company, and that they appear on the official identification document of the natural or legal person.

2. When the relationship with the Public Administration is carried out by electronic means, the system used must have a prior mechanism that allows the identity of the person to be guaranteed. The systems admitted will be determined by regulation.

3. The Public Administration must require the signature or seal of the person appearing, electronically or manually, to submit applications; responsible declarations; make allegations and propose evidence; file appeals; desist from actions and waive their rights.

Article 106. *Accepted signature and seal systems*

1. When relations with the Public Administration are carried out by electronic means, the valid signature and seal systems accepted will be determined by the approval of a regulatory standard. In any case, the Public Administration accepts the use of the advanced electronic signature based on a qualified certificate, the qualified electronic signature, and the advanced electronic seal based on a qualified certificate or a qualified electronic seal.

2. The interested party or their representative may use the accepted signature system that they consider appropriate, and must prove the authenticity of the manifestation of their will, as well as the inalterability and integrity of the document presented.

Article 107. *Rights and obligations arising from the application of electronic means in public administration*

1. Unless a law establishes the obligation to communicate with the Public Administration through electronic means, natural persons may choose, when the procedure is initiated, the way in which they will interact with the Public Administration.

2. Legal persons and natural persons who carry out a professional, mercantile, commercial, industrial or similar activity; as well as any natural person, legal person or entity with salaried persons in their charge, when they interact with the Public Administration in the exercise of these activities, must do so only through electronic means. The Public Administration will provide support in the use of these electronic means.

3. The person representing the interested party acts through electronic means if their representative has chosen this option as a means of communication, or if they are a subject obliged by this law to communicate by electronic means. Likewise, if the representative carries out a professional activity regulated in the previous section, he or she will act by electronic means, regardless of the status of the person he or she represents.

4. Exceptionally, those obliged to use electronic means may request the investigator of the case to use other mechanisms in their relationship with the Public Administration, and must prove the impossibility of communicating electronically. The request is resolved within a period of five days, and no appeal may be lodged against this decision.

5. Public Administration personnel, in the internal relations of the Public Administration, act only through electronic means, using the electronic signature in the signing of administrative documents.

Article 108. *Application*

Unless the provisions in force provide otherwise, all requests must be made in writing and must be dated and signed by the interested party or their representative.

The applicant, if necessary, must provide proof of the representation of the request and the date. The Administration is obliged to provide them with acknowledgements of receipt, receipts, certificates of registration or any other document necessary for this purpose.

Those interested in an administrative file will have the right to know, at any time, the status of its processing, and to this end may request the appropriate information from the corresponding offices.

Interested parties may request that they be issued a certified copy of any specific item contained in the file.

The issuance of these copies may not be denied when a resolution has been reached on the file.

When presenting a document, interested parties may attach a copy so that the Administration, after the corresponding verification, returns the original to them.

Interested parties may request the breakdown of the documents they present and their return, which will be agreed upon by the official who instructs the procedure, who will leave a note or testimony in the file.

If it is a document accrediting the representation and the power of attorney was of a general nature for other matters, the breakdown of this and its return to the interested party must be agreed upon within a period of three days.

Article 109. *Motivation*

The request must contain the reasons or motivations of law or fact on which it is based.

The motivation must be presented in a precise and explicit manner so that the Administration is in a position to decide with full knowledge of the facts.

Article 110. *Correction of defects*

The application must be accompanied by the corresponding attached documents or the necessary justifications, which the applicant may have.

When at any time it is considered that any of the acts of the interested parties do not meet the necessary requirements, the Administration will inform its author, granting him, to comply with them, a period that may not exceed ten days.

Article 111. *Place of presentation*

The request must be submitted to the competent authority to make the decision in accordance with current regulations and within the established deadlines.

The public administration will determine the offices or services to which interested parties must address themselves, according to the nature and purpose of the matter.

Article 112. *Transfer*

When an authority considers itself incompetent to deal with a request received, it shall transfer it to the authority it considers competent, informing the interested party of this transfer.

Conflicts of powers shall be resolved in accordance with the provisions of article 26 of this Code.

3. The investigation of the files

Article 113. *Administrative investigation acts*

1. The administrative services have the function of investigating the files, that is, of gathering all the elements that allow the competent authority to take a decision with full knowledge of the facts. In accordance with article 35 of this Code, the regulations on forms and deadlines that may be prescribed must be respected. The investigative measures and, especially, the additional information that may be requested from the interested parties may constitute grounds for extending the deadlines for taking the decision, an extension that may not exceed half of the aforementioned deadlines, if the circumstances so advise and if this extension does not prejudice the rights of third parties. This possibility can never affect the deadlines for administrative and jurisdictional appeals.

2. An administrative file is understood to be the ordered set of documents and actions that serve as a background and basis for the administrative resolution, as well as the steps aimed at executing it.

3. The files must be in electronic format and must be formed by the orderly aggregation of all the documents, evidence, opinions, reports, agreements, notifications and other proceedings that must be included in them, as well as a numbered index of all the documents that it contains when it is sent. Likewise, the file must include a certified electronic copy of the resolution adopted.

4. When, by virtue of a rule, it is necessary to send the electronic file, it must be done in accordance with the provisions of the corresponding technical interoperability standards, and it must be sent complete, foliated, authenticated and accompanied by an index, also authenticated, of the documents that it contains. The authentication of said index must guarantee the integrity and immutability of the electronic file generated from the moment of its signature and must allow it to be retrieved whenever necessary; it is permissible for the same document to be part of different electronic files.

5. Information that is of an auxiliary or supporting nature, such as that contained in applications, files and computer databases, notes, drafts, opinions, summaries, communications and internal reports or between administrative bodies or entities, as well as value judgments issued by public administrations, does not form part of the administrative file, unless they are reports, mandatory and optional, requested before the administrative resolution that ends the procedure.

Article 114. *Abstention*

The authority or civil servant in whom any of the circumstances detailed in the following paragraph occur shall refrain from intervening in the procedure and shall communicate this to their immediate superior, who shall resolve as appropriate.

The following are reasons for abstention:

a) Having a personal interest in the matter or being an administrator of a company or interested entity, or having an interest in any other similar matter, the resolution of which could influence that matter, or having a pending litigious matter with any interested party.

b) Consanguinity up to the fourth degree or affinity up to the second degree, with any of the interested parties, with the administrators of companies or interested entities and also with the advisors, legal representatives or agents who intervene in the procedure.

c) Close friendship or manifest enmity with any of the people mentioned in the previous section.

d) having intervened as an expert or witness in the procedure in question.

The actions of civil servants who have reasons for abstention will not necessarily imply the invalidity of the acts in which they have intervened.

The superior bodies may order persons who have any of the circumstances detailed in this article to abstain from any intervention in the file.

Failure to abstain in cases in which this is appropriate will give rise to liability.

Article 115. *Refusal*

In the cases provided for in the previous article, a challenge may be raised at any time during the procedure before the civil servant himself or his immediate superior.

The challenge will be raised in writing detailing the cause or causes on which it is based.

The following day, the challenged person will state to his immediate superior whether or not the alleged cause applies to him. In the first case, the superior will immediately agree to the replacement.

If the cause of challenge is denied, the superior will resolve within three days, after having received the reports and verifications that he considers appropriate.

No appeal may be filed against the resolutions adopted in this matter, without prejudice, however, to the allegation of the challenge at the time of filing the administrative or jurisdictional appeal, as appropriate, against the act with which the procedure is concluded.

Article 116. *Acts of investigation of interested persons*

During the course of the investigation, the interested party must provide the Administration, with the established deadlines, with all documents, information, evidence and investigations that may become necessary.

Article 117. *Communication to interested parties*

If during the investigation of a procedure that has not been legally publicized, it is discovered that there are interested parties who hold rights that may be directly affected by the resolution and who have not appeared in the procedure, these persons will be notified of the processing of the file.

Article 118. *Conservative and provisional measures*

During the course of the investigation, the Administration may adopt the necessary precautionary and provisional measures to safeguard the decision it must take.

These measures shall not prejudice the final decision. Measures that cause irreparable harm to the interested parties or that involve a violation of rights guaranteed by law shall be prohibited.

Article 119. *Conclusions*

Once the investigation of the case has been completed, interested parties will be notified and will have a period of ten days to inform themselves about the status of the case, to make any allegations they deem relevant and to present any documents and justifications they deem necessary for the resolution of the matter. This procedure may be dispensed with when facts or allegations and evidence other than those adduced by the interested party are not included in the case nor are they taken into account in the resolution.

4. The decision

Article 120. *Decision and silence*

In accordance with Article 32 of this Code, the Administration that has been the subject of a request must, in principle, take a decision and notify it to the applicant, within the time limits established by law or regulations.

If the Administration refuses or neglects to respond, its silence will produce the effects provided for in Article 39.

The two-month period that gives the Administration's silence the meaning of a tacit decision of refusal may be extended in accordance with Article 113.

Article 121. *Withdrawal and renunciation*

Any interested party may withdraw their request or waive their right.

If the request is made by two or more interested parties, the withdrawal or waiver will only affect those who have made it.

The Administration will limit itself to accepting the withdrawal or waiver and will issue a resolution declaring the procedure closed, unless interested third parties have appeared in the procedure and request its continuation within a period of ten days from being notified of the withdrawal.

If the issue raised in the procedure involves a general interest, the Administration may continue the procedure, depriving the decision of all effect with respect to the interested parties.

Article 122. *Expiration*

When a case is suspended for reasons attributable to the person being administered, the Administration will warn the latter that, after two months, said case will expire and be archived. This rule will not apply when there are third parties interested in the case who request its continuation within a period of ten days from the notification of the expiration resolution.

5. Sanctioning procedure

Article 123. *Principles*

1. Public administrations may only exercise the power to impose sanctions when it has been expressly attributed to them by law, and must do so in accordance with the procedure established by law for exercising it or, in the absence of an established legal procedure, with this chapter.

2. Only violations of the legal system that are established as such by a law or by a communal ordinance within the framework of the provisions of the Qualified Law on the Delimitation of Competences of the Commons constitute an administrative offence. The regulatory implementing provisions may introduce specifications or graduations to the legally established offences and sanctions, but they may not establish new offences or sanctions or alter the nature or limits of the legally established offences and sanctions.

3. Only the sanctioning provisions that are in force at the time the facts that constitute the administrative offence occur are applicable. However, the sanctioning provisions are applied retroactively if they favour the person allegedly infringed.

4. Only natural and legal persons who are responsible for acts constituting an administrative offence may be sanctioned, even if it is due to simple negligence. The administrative responsibilities arising from the sanctioning procedure are compatible with the requirement that the offender restore the situation that he has altered to its original state, and also with compensation for the damages and losses that he has caused.

5. Administrative sanctions may never entail deprivation of liberty.

6. Acts that have already been sanctioned criminally or administratively may not be sanctioned again, when the identity of the subject, the act and the basis for the sanction is assessed.

Article 124. *Rights*

Any person subject to a disciplinary proceeding has the following rights:

a) Right to be informed of the facts with which he or she is accused; of the infraction or infractions that these facts may constitute; of the sanctions that may be imposed on him or her, and of the identity of the investigator and the body competent to impose the sanction.

b) Right to know, at any time, the status of the processing of the sanctioning procedure and to obtain copies of the documents contained therein, under the terms established by this Code.

c) Right to make allegations, to propose the evidence they deem appropriate and to use all appropriate means of defense allowed by the law.

d) Right to the presumption of innocence and not to testify against oneself.

e) Right to be assisted by a lawyer during the processing of the case, freely chosen by the person against whom the case is filed and at their expense.

f) Right to obtain a reasoned decision.

g) Any other right recognized by the Constitution and the laws.

Article 125. *Initiation*

1. The sanctioning procedure is initiated by means of a provision of the competent body in each case. This provision must be notified to the person subject to the proceedings.

2. Upon receiving a communication or complaint regarding an alleged administrative infraction, the body competent to initiate the procedure may order the opening of confidential information, before issuing the provision by which it decides to initiate the proceedings or, where appropriate, to archive the proceedings.

3. In the same provision in which it orders the initiation of the proceedings, the competent body must appoint an investigator.

4. Once the procedure has been initiated, the body competent to resolve it may adopt, with reasons, the appropriate precautionary measures to guarantee the effectiveness of the resolution that may be imposed. In any case, these precautionary

measures must be proportionate to the purpose pursued.

5. The disciplinary procedure must separate the investigative phase from the disciplinary phase, which must be entrusted to different bodies.

6. The exercise by public administrations of disciplinary power with respect to personnel in their service, whether under a statutory or contractual relationship, is governed by the rules that regulate the corresponding service relationship. However, the rules of this chapter apply in a supplementary manner.

Article 126. *Instruction*

1. Once the case has been opened, the investigator shall order the performance of all the actions and evidence that he or she deems appropriate to clarify the facts and determine the responsibilities liable to be sanctioned.

2. In view of the actions taken, the investigator shall draw up a statement of charges, which shall include a statement of the facts imputed to the person against whom the case is filed, a reference to the provisions that have been infringed and the proposed sanction.

If the case is opened simultaneously against more than one person, the facts imputed to each person, the infractions that constitute each conduct and the sanctions proposed for each infraction shall be clearly differentiated.

3. The statement of charges shall be notified to the person against whom the case is filed, who shall have a period of ten working days to respond to it, to allege anything that he or she deems relevant in his or her defense, and to propose evidence, if he or she deems it appropriate.

4. The instructor may also decide, ex officio, to open a trial period, which may not exceed one month; in this case, he gives the person under investigation the possibility of proposing and taking the tests he considers relevant. Exceptionally and with justification, the instructor may establish a trial period of more than one month, or extend the period initially decided, when the quantity or complexity of the tests to be taken make it advisable.

The instructor must reject the tests proposed by the person under investigation, by means of a reasoned resolution when they are inadmissible or unnecessary. This resolution is not subject to appeal, without prejudice to the possibility of proposing the rejected tests again within the framework of the appeal against the resolution that puts an end to the case.

5. Within one month of the end of the probationary period, when it has been opened, or of the deadline for answering the charge sheet, in other cases, and regardless of whether the person against whom the case was filed has answered it or not, the investigator shall issue a proposed resolution.

6. The investigator shall forward the proposed resolution to the person against whom the case was filed, and shall give him a new period of ten working days to make any allegations he deems appropriate. Once this period has elapsed, he shall forward the proposed resolution, together with any allegations made, to the competent body for resolution.

When the proposed resolution does not contain any modification to the charge sheet in relation to the facts that are considered proven, their legal classification and the proposed sanction, the investigator may dispense with forwarding the proposed resolution to the person against whom the case was filed and forward it directly to the competent body for resolution.

Article 127. *Abbreviated procedure*

1. When the infringement is classified as minor, the disciplinary case may be investigated using the abbreviated procedure regulated in this article.

2. In the abbreviated procedure, the investigator carries out the actions he considers appropriate to clarify the facts and directly formulates the resolution proposal, which he notifies the person subject to the case with the indication that the procedure is being processed using the abbreviated procedure. The person subject to the case has a period of ten working days to formulate allegations; this circumstance must be stated in the notification of the resolution proposal.

3. Once these allegations have been received, or when the period for formulating them has elapsed, the investigator submits the case to the competent body for resolution.

4. If in the allegations the person subject to the case proposes the practice of new tests, the instructor practices those he considers pertinent, denies the others with reasons and, then, refers the case to the competent body for resolution.

Article 128. *Resolution*

1. The resolution that ends the sanctioning procedure must be motivated, and must express, where appropriate, the facts that are considered proven, the legal rule in which they are classified as an infringement and the legal rule that establishes the sanction that is applied.

2. The resolution cannot declare facts other than those that have been determined during the course of the procedure as proven, regardless of the fact that their legal classification is changed.

3. If precautionary measures have been adopted during the processing of the procedure, the resolution must rule, with reasons, on the maintenance or lifting of these measures. The resolution may also adopt new precautionary measures with reasons to guarantee their effectiveness while they are not executed, even if they were not foreseen in the proposed resolution. In any case, these precautionary measures must be proportionate to the aim pursued.

Chapter Eight. Administrative Resources

Article 129. *Legal regime*

1. Any person who considers themselves harmed by an act or resolution of the Administration may file an appeal through administrative channels, in the following manner:

a) If it concerns acts of the General Administration, before the Government.

b) If it concerns acts of the communes, before the Council of the commune, unless a corresponding ordinance of the commune provides otherwise.

c) When it comes to acts of autonomous bodies or parapublic entities, it is necessary to pay attention to what is established in the law creating or regulating the autonomous body or parapublic entity; in the absence of specific provisions, the appeal is filed with the Board of Directors of the autonomous body or parapublic entity.

The provisions of this section do not apply to appeals in matters of construction and urban planning, fiscal and tax matters, and other appeals for which a law provides a special procedure.

2. An administrative appeal may be lodged against definitive acts and against procedural acts that make it impossible to continue the procedure, and also against those that result in defenselessness.

3. The deadline for filing an administrative appeal is one month from the date of notification of the act being appealed, except when a different deadline is established by law.

4. The resolution of the appeal puts an end to the administrative procedure.

Article 130. *Resolution and principle of congruence*

The resolution of the appeal must decide on all the issues raised, even if they have not been raised by the interested parties; in the latter case, they must be given a prior hearing procedure for a period of ten working days.

However, the resolution must be consistent with the requests made by the person appealing, who cannot see his or her situation worsened as a result of the appeal.

Article 131. *Silence*

If a period of two months has elapsed since the filing of the administrative appeal without the corresponding resolution having been notified, the appeal will be considered dismissed and the jurisdictional route will remain open.

Article 132. *Prior administrative appeal*

The prior filing of an administrative appeal is a necessary requirement to have access to the jurisdictional process. The following acts are exempt from this provision and are therefore directly contestable in the jurisdictional process:

a) Those that involve the resolution of an administrative appeal.

b) The acts presumed by virtue of the administrative silence referred to in article 39.

c) Other acts that are expressly exempted by law.

Article 133. *Jurisdictional appeal*

Against the rejection, express or presumed, of an administrative appeal, interested parties may file an appeal before the

administrative jurisdiction, in the form and within the terms established by the Law that regulates the procedure before this jurisdiction.

Article 134. *Transfer to interested parties*

When in an administrative or jurisdictional appeal allegations are made that affect third parties or when the resolution may harm their rights or interests, the appeal will be transferred to these persons, granting them a period of thirteen days to present the allegations they deem appropriate in defense of their rights.

Article 135. *Suspension of the contested act*

The filing of any appeal does not imply the suspension of the contested act, but the authority responsible for its resolution may decide to do so ex officio or at the request of a party, provided that the execution of the contested act could cause damages that are impossible or difficult to repair or that the act is contested for the reasons of full nullity.

Article 136. *Appeal for review*

1. An extraordinary appeal for review may be filed against final administrative acts when any of the following circumstances occur:

a) Documents of essential value for the resolution of the matter appear, ignored at the time the resolution was issued, or subsequent to this resolution, and which demonstrate the error in the resolution under appeal.

b) That the resolution was essentially influenced by documents or testimonies declared false by a final court ruling.

c) That the resolution has been issued as a result of misconduct, corruption or influence peddling, violence or any other punishable conduct, declared in a final court ruling.

2. The extraordinary appeal for review is filed with the Government, the Municipal Council or the Board of Directors of the autonomous body or parapublic entity, depending on which Administration the act emanates from.

3. The deadline for filing an appeal for review is three months from the date of knowledge of the documents, or the finality of the sentence.

Chapter Nine. Deadlines

Article 137. *Extension*

The Administration, unless otherwise provided, may grant, at the request of the interested parties, an extension of the established deadlines, provided that this does not exceed half of the aforementioned deadlines, if the circumstances so advise and this extension does not prejudice the rights of third parties. This possibility may never affect the deadlines for administrative and jurisdictional appeals.

The laws may establish, exceptionally, for certain cases, shorter deadlines than those established in this Code, but in no case may the deadlines set therein be reduced by more than half.

Article 138. *Calculation*

The deadlines will always be counted from the day after the notification or publication of the act in question.

Unless otherwise expressly established, the deadlines determined in days will be in working days, and holidays will be excluded from the calculation.

The deadlines determined in months or years will be counted date by date. If in the month of expiration there was no day equivalent to that of the beginning of the calculation, the deadline will end on the first day of the following month.

If the last day of the deadline was a holiday, the deadline will end on the first following working day.

Article 139. *Expiration in case of execution of the act in a public office*

When an act must be executed in a public office, the term will expire on the last day at the normal closing time of the offices, unless otherwise established.

Chapter Ten. Electronic Administration

Article 140. *The Electronic Portal of the Public Administration*

1. The Electronic Portal of the Public Administration is the electronic address, available to citizens through electronic communications systems, which ownership corresponds to one or more Public Administrations.

2. The Electronic Portal of the Public Administration contains the institutional information of each Public Administration, and is the means of access to the electronic resources that each Public Administration puts at the service of citizens through the corresponding Electronic Offices.

3. The titular Public Administration is responsible for guaranteeing the veracity, integrity, security, and updating of the information and services that can be accessed, and must also comply with the principles of accessibility, neutrality, quality and interoperability of the system.

4. Each Public Administration must identify the body responsible for the electronic portal and the authority or personnel of the Public Administration that owns this body.

5. Responsibility rules:

a) The Public Administration is not responsible, unless otherwise indicated, for the content, integrity, veracity or updating of any of the links or links that may be included in the Electronic Portal of the Public Administration, which correspond to a different body or Public Administration. Nor is it responsible for access by users, nor for the result obtained as a result of said access, nor for any damages and losses that may arise from it.

b) In this case, the Electronic Portal of the Public Administration establishes the necessary means for the user to know if the link or hyperlink they access corresponds to a different body or Public Administration.

Article 141. *The Electronic Office*

1. The Electronic Office is the electronic address of the Public Administration, which is accessed from the Electronic Portal of the Public Administration, and through which citizens, entities and other Public Administrations can access information, services and electronic procedures. Likewise, the Electronic Office constitutes the place of access for interested parties to the files of which they are a party. Its name must be published in the *Official Gazette of the Principality of Andorra* .

2. Rules for the creation of the Electronic Offices of the Public Administration.

a) Each public administration may establish a main Electronic Office and create other dependent Electronic Offices.

The dependent Electronic Offices must be accessible from the electronic address of the main Electronic Office, without prejudice to the possibility of direct electronic access, and must meet the same requirements as the main Electronic Office.

b) The Electronic Headquarters are created by means of a regulation, which must be published in the *Official Gazette of the Principality of Andorra* .

3. Ownership, management and administration.

The Electronic Office is owned by each public administration. Its management and administration correspond to the body in charge of administrative procedures, unless otherwise indicated in the creation rule.

4. Contents of the Electronic Office of the public administration.

a) The content published in the Public Administration Electronic Office must respect the principles of accessibility and usability in accordance with established rules, open standards and, where appropriate, others that are in general use.

b) The Public Administration Electronic Office must be equipped with security measures that guarantee the authenticity and integrity of the contents, as well as permanent access, except in the cases provided for by law.

5. Availability of the Public Administration Electronic Office.

The Public Administration Electronic Office must be available every day of the year and twenty-four hours a day, except in an extraordinary situation or due to technical incidents.

6. Official date and time and calendar of the Electronic Office.

The Electronic Office is governed by the date and time, as well as the official calendar of the body responsible for it, which appear visibly.

7. Formulation of suggestions and complaints.

The Electronic Office has a space for formulating queries, suggestions and complaints electronically, where the possibility of using other non-electronic means with the same effects is indicated.

8. Rules of responsibility.

a) The Public Administration is not responsible, unless otherwise indicated, for the content, integrity, veracity or updating of any of the links or links that may be included in one or more of its Electronic Offices, which correspond to a different body or Public Administration. Nor is it responsible for access by users, nor for the result obtained as a result of said access, nor for any damages or losses that may arise from it.

b) In this case, the Electronic Office establishes the necessary means for the user to know if the link or hyperlink they access corresponds to a different body or public administration.

Article 142. *Consultation of documents*

1. The Public Administration may use the electronic seal based on a qualified electronic certificate, according to the requirements required by the electronic signature regulations, as a means of identification.

This seal may be used by the Public Administrations, bodies or entities under public law to identify and authenticate competence in automated administrative action in accordance with the provisions of article 31 and that established by regulation.

2. The Public Administration must adopt the necessary measures to carry out the verification of its electronic seals.

Article 143. *Electronic signature of authorities and personnel at the service of the Public Administration*

1. The authority or staff of the Public Administration that has attributed powers, when carrying out actions through the use of electronic systems, must identify themselves through the use of a qualified electronic certificate.

2. Each Public Administration must determine the electronic signature system used in its organization, which must guarantee the identification of the authority or staff of the Public Administration, and the name of the body of which they are the holder. For reasons of security and privacy, personal identification may be replaced by an alphanumeric code.

Article 144. *Electronic exchange of data and information within each public administration, and in relations between public administrations*

1. Electronic communications carried out within the same Public Administration or between different Public Administrations, and the electronic documents contained in such communications, shall be considered valid for the purposes of their authentication, and with respect to the identity of senders and recipients.

2. In internal communications, each administration shall establish the conditions governing such communications, as well as the authorised senders and recipients, and the type of information that can be exchanged.

3. In both types of relationship through electronic systems, the security of communications and the protection of the data exchanged shall be guaranteed.

Article 145. *Interoperability*

1. Interoperability is the capacity of information systems and the procedures they support to share data and enable the exchange of information and knowledge between them. It is necessary for cooperation, development, integration and the provision of joint services by public administrations; for the execution of various public policies; for the implementation of different principles and rights; for the transfer of technology and the reuse of applications for the benefit of better efficiency; for cooperation between different applications that enable new services; all of this facilitating the development of electronic administration and the information society.

2. A national interoperability scheme will be approved that takes into account international recommendations, the technological situation of the different public administrations, as well as the electronic services existing in them, the use of open standards, as well as, where appropriate and in a complementary manner, standards for general use by citizens.

3. In external relations, the Public Administration must regulate the procedures and documents that can be processed by means of an advanced electronic signature based on a qualified certificate or by means of a qualified electronic signature.

4. In its internal relations, as well as in relations with other Public Administrations, and to comply with the principle of interoperability, when a Public Administration uses non-advanced electronic signature systems, it must superimpose an advanced electronic seal based on a qualified certificate or a qualified electronic seal.

Article 146. *Electronic Archives of Public Administration Documents*

1. Except in cases where this is impossible, and which must be justified, all documents used by the Public Administration in the exercise of its powers, including administrative acts of a procedural or definitive nature, must be archived through electronic means. For these purposes, documents on paper must be digitized in a qualified manner, under the terms provided for in the legislation on trust services.

2. The means used for electronic archiving must have adequate security measures that guarantee the integrity, authenticity, confidentiality, protection and conservation of the archived documents and the traceability of their access. Likewise, the necessary measures must be adopted to ensure the identification of users of the archives and their access control, and compliance with the rules relating to the protection of personal data.

3. Each Administration must maintain a single electronic archive of electronic documents that correspond to completed procedures, in the terms established by the applicable regulatory regulations. The electronic archive is guarded by the department that has competences in document management.

4. The Public Administration must have mechanisms that allow the conservation and recovery of documents archived by electronic means, so that they can be accessible with their full content for as long as they must remain operational and available.

Article 147. *Document management system*

All administrations and entities holding public documents must have a single document management system that covers the production, processing, control, evaluation and conservation of documents and access to them and guarantees their correct treatment while they are used administratively in the active and semi-active phases and that allows compliance with the obligations of transparency and access to information.

First additional provision

For the purposes of article 129, paragraph 3, a law is not considered to establish a deadline for appeal other than that set in this Code when it establishes a deadline of thirteen working days.

Second additional provision

The communes may establish collaboration agreements among themselves for the execution of administrative acts or pool services for this purpose. They may also establish collaboration agreements with the General Administration, for the same purpose.

Third additional provision

Public administrations are obliged to respond to requests for interoperability from other public administrations. In this case, the transfer of data is carried out in accordance with the conditions and guarantees established in the legislation on the protection of personal data. To this end, public administrations must implement the relevant technical measures to guarantee the confidentiality and security of the data as well as the principles of purpose and quality thereof.

First transitional provision

The emphyteutic censuses established on communal property prior to June 30, 2004, have the duration agreed upon in the title of their establishment.

Second transitional provision. Ongoing enforcement proceedings

In all procedures for the forced execution of administrative acts that are in progress before the Mayor's Office -including those in which a public auction has been called or seized assets have been seized-, and in which direct compulsion measures have not been ordered, the mayor or the competent court issues a decree in which it files the aforementioned procedure and notifies the Administration that it becomes, from now on, competent to execute the administrative act in question itself, or that it may resort to the corresponding court for the same purpose, with the following specificities:

i) If the mayor or court has requested payment from the person being executed but has not yet placed a lien on their assets and rights, nor has they received money on account of the debt, the payment request shall be rendered ineffective.

ii) If the mayor or court has already imposed a seizure on the assets and rights of the person being executed, he maintains this seizure but requires the Administration to notify him that he has imposed the corresponding seizure or that he has requested compulsory execution in court, in both cases within a period of one month from the day on which he is notified of the order. In the event that the executing person does not provide proof of this within the indicated period, the mayor or court shall annul the aforementioned seizure.

iii) If the mayor or court has received money on account of the debt that is deposited or consigned within the framework of the procedure and that must be delivered to the Administration, it shall proceed accordingly.

iv) If the mayor or the court has called a public auction, the call is null and void, however preserving the actions that may have been previously carried out by the Mayor in the alienation procedure.

In the case ii) above, if the Administration has requested the compulsory execution of the bailiff, the latter has a period of one month from the day on which the Administration has requested it to block the corresponding seizure and communicate it to the mayor or the competent court, so that it can leave the seizure that it blocked at the time and that it had maintained in the meantime without effect. However, for the purposes of the preference for the execution of the seized goods or rights, it is understood that the seizure blocked by the bailiff or by the Administration replaces the seizure blocked by the mayor or the competent court and that, therefore, does not alter its date.

In any case, the mayor or the court must state in the aute the updated amount of the debt pending payment on the date on which it is issued. This notice must be notified to the Administration, which will forward it to the person being executed if they have been informed of the execution procedure. The Administration may request and obtain the return of the original of the corresponding file.

In the event that direct compulsion measures have been ordered, the same mayor or court remains competent to hear and process the procedure.

Third transitional provision. Ongoing sanctioning procedures

Sanctioning procedures that were initiated before February 21, 2015, continue to be processed and resolved in accordance with the regulations in force at that time. However, the rights of the person subject to the proceedings established in article 124 of the Administrative Code are immediately applicable.

Fourth transitional provision

During the transitional period in which notification by electronic means cannot be practiced, notification of administrative acts to natural and legal persons provided for in article 107.2 must be made through non-electronic notification systems, and the legal regime for notification of inclusion in the electronic notification service, regulated in section 6 of article 48 ter of this Law, shall apply.

Fifth transitional provision

Administrative procedures that have been initiated before March 21, 2019, continue to be processed and resolved in accordance with the regulations in force at that time.

Repealing provision

With the entry into force of this Law, the Administration Code, of 29-3-89, is repealed; the second additional provision and section c) of the repealing provision of the Government Law, of 15-12-2000; Law 11/2004, of 27 May, on specific modifications to the Administration Code; Law 45/2014, of 18 December, on modification of the Administration Code, of 29 March 1989; article 9 of Law 8/2017, of 20 April, on modification of Law 43/2014, of 18 December, on SAIG, and Law 45/2014, of 18 December, on modification of the Administration Code, of 29 March 1989; the first final provision of Law 7/2018, of May 17, amending the General Law on Territorial and Urban Planning, of December 29, 2000; Law 10/2019, of February 15, amending the Administration Code, of March 29, 1989, except for the first final provision amending Law 35/2014, of November 27, on electronic trust services; the correction of an errata in relation to the fourth final provision of Law 10/2019, of February 15, amending the Administration Code, of March 29, 1989, dated March 22, 2019; the Legislative Decree of 3-7-2019 publishing the revised text of the Administration Code, of March 29, 1989; the first final provision of Law 5/2020, of April 18, on new exceptional and urgent measures for the health emergency situation caused by the SARS-CoV-2 pandemic; article 1 of Law 13/2021, of May 20, amending the Administration Code, of March 29, 1989, and the General Law on Territorial and Urban Planning, of December 29, 2000; the second final provision of Law 33/2021, of December 2, on transparency, access to public information and open government; the third final provision of Law 20/2022, of June 9, amending Law 43/2014, of December 18, on the SAIG. As well as all provisions of

equal or lower rank that contradict its content.

First final provision

The provisions of this Law in relation to the emphyteutic censuses established on communal property prior to 30 June 2004 and the private use of communal property subject to administrative concession do not affect or vary the classification as non-developable land of all land of the communes and quarters established in article 38.2 of the General Law on Land and Urban Planning approved by the General Council on 29 December 2000, with the exception of land expressly excluded by the third final provision of the same Law.

Second final provision

The administrations must develop in a coordinated manner the regulatory provisions necessary for the execution of administrative acts, with the aim of establishing a uniform procedural framework.

Third final provision

Article 144 of the Administrative Code is considered a Qualified Law.

Fourth final provision

The implementation of appropriate measures for the full application of articles 49; 100; 102; 106; 107; Chapter X, by the public administration must be announced in the *Official Gazette of the Principality of Andorra* .

Casa de la Vall, July 3, 2023

Carles Ensenyat Reig
Catalan Ombudsman General

We, the co-princes, sanction and promulgate it and order its publication in the *Official Gazette of the Principality of Andorra* .

Joan Enric Vives Sicily
Bishop of Urgell
Co-Prince of Andorra

Emmanuel Macron
President of the French Republic
Coprincipe of Andorra