



JURISPRUDENCE

The Constitutional Court does not accept Dolsa's appeal against Grífols

The Court considers that the councilor of Ordino is not legitimized to go against the 'Partners Pact' with the Government

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Yesterday, the Constitutional Court declared its decision, through the BOPA, of «the nullity of the disputed resolutions» against the document of the «Partners Pact» between the Government and the pharmaceutical company Grífols. The resources presented by Dolsa were in the capacity of councilor of the Municipality of Ordino, and from the Constitutional Court it is considered that from his position «he is not legitimized to appeal against the act of Government», since this «is founded and it is in accordance with its jurisprudence», adding to the argumentation of the Administrative Chamber of the Superior Court of Justice.

BACKGROUND// On December 3rd, 2021, councilor Dolsa presented before the Batllia a resolution against the Government in which he alleged that his appeal as councilor of the Municipality of Ordino against the document of the «Partners Pact», which forms the agreement between the Executive and Grífols of April 2021. Two years later, in March 2023, the Batllia made public its judgment

Dolsa defended himself by claiming that his position as a councilor was not being assessed due to an excess of formalities

in which it stipulated that it dismissed its demand, declaring that the Government's resolution «was adjusted to the law and to the ends that legitimize administrative activity». Despite presenting an appeal against the decision, the Superior Court of Justice issued a judgment dismissing it, confirming the decision at first instance. Faced with these two resolutions, the councilor went to the Constitutional Court itself, which yesterday reaffirmed the nullity of the councilor's appeals and endorsed the judgments of the Batllia and the Superior Court of Justice.

DOLSA'S ARGUMENT// The councilor alleged that «the contested resolutions prevent him from accessing the jurisdiction and obtaining a decision based on law on the merits of the case, circumstances which, in his opinion, violate his recognized rights to the Constitution». Dolsa stipulated that the interpretations of the various bodies regarding their lack



► Entrance of the Seat of Justice.

of legitimacy are an «interpretation of the applicable legislation that is excessively formal and rigorous and also violates the provisions of Article 6.1 of the Convention for the safeguarding human rights and fundamental freedoms». The councilor from Ordino stipulated that the Municipality is the body of representation and administration of the parishes and, therefore, a councilor has the legitimacy to be able to go to Justice on matters that are of interest to Ordino, in his case. Finally, Dolsa asked the Constitutional Court to declare the violation of his rights and the nullity of the resolutions of the Batllia and the Superior Court of Justice, declaring the responsibility of the State judiciary for his error.

THE CONSTITUTIONAL COURT'S RESPONSE// After all this process, the Constitutional Court published its decision yesterday, where it says that it «does not accept the protection appeal» of Dolsa. The Constitutional Court ba-

The keys

- 1 Dolsa went to the Batllia first to file a lawsuit against the «Partners Pact» between the Government and the Executive of 2021. The Batllia rejected his demand and the councilor appealed to the Superior Court of Justice, which affirmed the same resolution. Finally, the councilor went to the Constitutional Court, which has also ruled in favor of the Executive.
- 2 The Constitutional Court endorses the resolutions of the Batllia and the Superior Court of Justice, considering that the Government's action is founded and is in accordance with its jurisprudence, according to the court. Likewise, the Constitutional Court considers that it is not a third instance, supreme court or a court of cassation.
- 3 Dolsa alleged that neither the Batllia nor the Superior Court of Justice took into account the position as councilor of the Municipality of Ordino, and that with their resolutions where they exceed the formalities, it is not taken into account their legitimacy and their fundamental rights were violated to contest the agreement between the Executive and Grífols.
- 4 The Constitutional Court also alleges that the Ordino councilor does not have legitimacy to appeal against the act of Government, since it is legally based on the definition of the Municipalities as «public corporations, which do not confer any active legitimacy to a part of the Municipal Council, nor a fortiori to a councilor considered individually».

ses its decision on the legal basis that «it is neither a third instance, nor a supreme or cassation court». In addition, the body recalls that the interpretation and application of the law correspond to the ordinary jurisdictions, except where there are indications that their resolutions «are not motivated or that they are absurd, unreasonable or arbitrary». In this case, the Constitutional Court has concluded that Dolsa is not legitimized as a counselor to appeal against the act of Government, since it is founded and is in accordance with its jurisprudence, according to the court. Regarding Dolsa's appeal about the excessive formalism and rigor and the lack of consideration of his position as councilor of Ordino, the Constitutional understands the Municipalities as «public corporations, which do not confer any active legitimacy to a part of the Municipal Council, nor a fortiori to a councilor considered individually». ≡

HEALTH SERVICE

The first baby of the year 2024, Jana Turnè Bullich, has been long overdue

On January 3rd at 06.15 the first baby was born at Hospital Nostra Senyora de Meritxell

The delivery was very quick, but went very well. Little Jana arrived 10 days early

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The first birth of this 2024 has been made to wait a few hours longer than last year. Yesterday January 3rd at 06.15 the first baby of the Principality, Jana Turnè Bullich, was born at the Hospital Nostra Senyora de Meritxell in Escaldes-Engordany. The little girl weighed 3,420 kilograms at birth.

A few hours after giving birth to her second daughter, Anna together with her partner and father of the child, Carles, attended the different media in the country to explain how everything went and how both mother and baby were found.

Before giving way to the media, a midwife and a nurse from the hospital entered to deliver a basket to the child's parents. Anna and Carles are also parents to Ivet, a two-year-old girl. Despite having a sister, everything had gone so fast, Ivet had not yet met her sister. Little Ivet «has stayed with the grandparents, who have come to

Little Jana has a two-year-old sister, Ivet, with whom they will surely be very good friends



► The first baby of the year born in Andorra, Jana Turnè Bullich, in the arms of her mother, Anna, and next to her father, Carles.

act as nannies for us», explained the father. Carles added that «as he likes children, they will surely get along very well», emphasizing that the fact that the two sisters are separated only for two years will help the fact that they will be good friends.

Anna, Ivet, Jana and Carles live at the beginning of La Fontaneda road in the parish of Sant Julià de Lòria. When they were asked about the little girl's name, they explained that, on this occasion, it was the father who chose it.

When Jana's parents were asked if they expected their daughter to be the first born of the year in the Principality, they confessed that «the truth is, no. At no time did we

expect to be the first of the year». In fact, the exact moment they learned the news «was when we got here that they told us», commented the mother. The parents were a bit taken aback, as it was already day 3 and «it took a while, but very well».

The birth went very well, everything was very fast. The father explained that his wife did not have time for anything, «no epidural or anything, she has been a champion. It went quickly, those minutes of pain and more, but when you leave, all the bad things go away.» There were also moments of wanting to brag about her daughter and she commented: «as you can see she is very beautiful, she looks like her mother, sister and grand-



ANNA
JANA'S MOTHER

«The truth is that we didn't expect to be the first. It was when we got here that they told us»

CARLES
JANA'S FATHER

«As you can see, she is very beautiful, she looks like her mother, sister and grandmothers»

mothers».

Little Jana was expected «on January 13th and it has moved forward a few days». The father specified that last Tuesday late in the evening she started to have some pains and on Wednesday night they spent the whole night awake. But it was worth it because you could see their great happiness with their daughter Jana in their arms.

The first birth of the year 2023 was on Monday, January 2nd, at 11:00 a.m. Last year's protagonist was Adrià Pérez Castillo and he weighed 3,370 kilograms. The child's parents commented that they were very excited that their son was the first of the year. ≡

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