

el Periòdic News

EDITORIAL

An Achilles heel of the Partnership Agreement: The contradiction on the free movement of people

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Among the complex and abundant official documentation of the text of the Association Agreement between the EU and Andorra - made public last Saturday by the European Commission -, we highlight a surprising sequence of contradictory articles on the free movement of workers and freedom of establishment between the EU and Andorra.

Following the hierarchy of the documents, we start with the framework text of the association agreement which in its article 14 clearly establishes the free movement of employees and, in article 17, clearly establishes the freedom of establishment. Therefore, the framework agreement is based on the classic freedoms of the single market, as it could not be otherwise.

Hierarchically, below this framework document, we have a specific protocol for Andorra that establishes a general transitional period prior to the entry into force of free movement

and which ends on January 1st, 2027.

Annex Part 2/14- "Andorra Protocol"

Article 32- Transitional period of the free movement of people

Andorra, on the one hand, and the EU member states, on the other hand, may maintain in force until January 1st, 2027 with regard to nationals of the EU member states, on the one hand, and Andorran nationals, on the other hand, national provisions that subject entry, residence and employment to prior authorization.

Andorra can maintain the quantitative limitations for new residents and workers in force until January 1st, 2027 with regard to nationals of EU Member States.

Andorra can maintain in force until January 1st, 2027 national provisions that limit professional mobility and access to professions for all categories of workers.

The Government has never mentioned that the general transition period prior to free mo-

vement ends on January 1st, 2027. What the Government has said is that Andorra could maintain work and residence quotas during a period that would end in 2037 and that would be renewable

It would appear that the Government would be basing itself on the content of annexes, V and VIII, which relate

The texts maintain some contradictions

to sectoral adaptations. Annex V relates to sectoral specificities on the free movement of workers and Annex VIII to sectoral specificities on freedom of establishment. Sectoral adaptations are specific agreements for a sector or area such as the mining sector or areas such as national security. But now it turns out that the association agreement is based on a regulatory «trap» consisting of tre-

ating as sectoral adaptation the conditions of work and residence quotas applicable to all sectors and areas. A regulatory quirk that is difficult to navigate given that a sectoral adaptation cannot cover all sectors or areas of an economy.

Therefore, with regard to the free movement of workers and free establishment, the association agreement is based on the following regulatory conflict that contains an obvious legal trick or "trap" that is difficult to overcome:

A framework agreement that establishes the free movement of people (Article 14) and establishment (Article 17).

A specific protocol for Andorra that establishes a transitional period for the free movement of people that ends on January 1st, 2027.

Annexes that establish sectoral adaptations that are intended to apply to all sectors, in direct contradiction to

the general rule.

We understand that we are dealing with documents of enormous complexity that require a detailed study. But it can be concluded that an agreement that is based on creating a fiction of sectoral exceptions - without specifying the sectors and entering into conflict with the general rule - would be a fragile legislative structure that would be difficult to sustain in the future.

It will be necessary to see how the reading of these texts evolves and, given the importance of the implications of the content of the official documents of the association agreement, we limit ourselves to pointing out these articles with the intention of opening a debate to achieve greater transparency possible on this key document for the future of Andorra. And, above all, why we should all be aware of the fragility, or not, of the document that is intended to shape the future of Andorra.

SOCIETY

TRANA takes the case of discrimination to the Ministry of Social Affairs

The events took place in a bar in Andorra la Vella when the person with reduced mobility wanted to access the toilet

COMÚ D'ANDORRA LA VELLA



A group of people attend the events held by TRANA on the occasion of World Multiple Sclerosis Day.



Jacint Risco

TRANA ASSOCIATION SPOKESPERSON



«We met, analyzed the facts and decided that the Ministry of Social Affairs should know the case»

EL PERIÒDIC
ESCALDES-ENGORDANY

The discriminatory events suffered by a person with reduced mobility in a bar in the capital reach the Ministry of Social Affairs and Public Service. This was made public by the TRANA Association on its web portal, and confirmed by its spokesperson, Jacint Risco, in EL PERIÒDIC. He stated that «after analyzing the facts, we decided to get together, because we are like a family, so we decided to publicize what happened last March 30th at a bar in Plaça del Poble». «After meeting, we decided to formally present the situation to the ministry.»

TRANA allows members of the collective to publish various articles, which is why the facts were made known

In addition, Risco stated that from the association «we understand that people in wheelchairs are not only those who have multiple sclerosis, but there are many people who are affected, but the factor is the adaptability of some facilities», adding that «we defend the rights of our members, but also the rights of all people with disabilities».

Regarding the report presented, Risco explained that it was delivered last Friday and that «right now we are waiting to receive a response from the ministry». Thus, once the case came to light, the spokesperson explained that the people in charge of the establishment «tried to get in touch with us, with the associ-

ation, but our answer was what they think, that the facts are the facts, this is closed». «They can give the explanations they think are appropriate, but we consider that the facts are serious because the dignity of that person was violated», he declared.

Regarding the facts, from TRANA, which, apart from functioning as an association, acts as a virtual 'desk' for its members, since some of them write articles. In this way, the discriminatory facts that a person left, who could not access the toilet of the establishment because it was closed and those in charge stated that they did not have the key to open it, became known. With the consequence that that person had to be accompanied to the non-adapted toilets and receive the necessary help from the people who accompanied them. ●