

Experts classify the Agreement as a 'sui generis' process

Specialist Joan Ruiz confirms that if the vote is no, ties with neighbors will have to be strengthened

EL PERIÒDIC D'ANDORRA
ESCALDES.ENGORDANY

One of the major debates we are currently having on the table around the Association Agreement is whether it will be mixed or not. When asked about this issue, the expert in community law, Joan Ruiz, assesses that from an "academic" point of view the agreement is mixed. But he also clarifies, at the same time, that according to the case law of the European Court of Justice, the European Commission has differentiated "in certain agreements the exclusive competences of the EU from those that must be the subject of a mixed process, that is, sovereignty of the Member States". For this reason, he emphasizes that each agreement has its own specificity, which means that it cannot be compared with others.

So, the expert believes that «nothing prevents us from thinking that the Association Agreement between the EU and Andorra could be the subject of a 'sui generis' process with specific distinctions between exclusive and shared competences». Going into detail about its typology, Ruiz makes a series of assessments when asked about certain aspects such as transitional ones. «The transitional period (for tobacco) of 30

years has no equivalent in other agreements», he explains, while recognizing that transitional periods are «certainly the reference, but they are not immovable». Otherwise, he emphasizes that transitional ones are essential for any agreement.

Making an assessment of one of the cross-cutting applications that the agreement would have, which would be that of labor law, the specialist in community law explains that based on the analyses that they have carried out from the European Affairs Cabinet in which he works, a "certain number of costs for Andorran companies" are foreseen, such as that which would derive from the launch of the fund for compensation for employees in the event of bankruptcy of the company. He points out, however, that this cost "is relatively weak". The same happens with compensation for dismissal without cause. Ruiz also emphasizes the fact that one of the most "essential" effects that the negotiation would have for Andorra is that of immigration. In this sense, he admits that the transitional periods in this section can "raise certain questions" and adds that the analysis that they have carried out leads to a "potential increase of 1,000 more people each year in the country



Ruiz defends that the approval of the Association Agreement may be a 'sui generis' process.

over a period of 10 years".

In this regard, he states that the text provides for two principles and a procedure, since it is expressly indicated that geographical conditions prevail, in addition to the maintenance of public order. At the same time, he also highlights that, in particular, it provides for "the activation of the safeguard clause whose function is to channel any potential deviation". Thus, Ruiz emphasizes the fact that the detailed monitoring by the joint committee must serve to "facilitate any intervention for the implementation", if applicable, of preventive measures. Going further, the expert in community law emphasizes that there is nothing to suggest that the Agreement could lead to the loss of "control of immigration" and reassures citizens by assuring that great account will be taken of geographical specificities and the preservation of public order,



JOAN RUIZ

EXPERT IN COMMUNITY LAW

"From an academic point of view, the Association Agreement is of a mixed type. It is worth saying, however, that it will receive different treatment between exclusive and shared competences"

focusing on the activation of the safeguard clause. Asked about the criticism that the text could lead to a loss of sovereignty, Ruiz acknowledges that obviously any state that associates itself with supranational bodies «cedes part of its sovereignty», but highlights that in this context, what Andorra must do is «capitalize on its heritage and define the values that its citizens identify as non-negotiable».

On another note, regarding what would happen if the referendum that the Government has proposed were to result in a 'no' vote, he considers that «anticipating events is difficult and that it is a political issue, steeped in symbolism». Taking into account relations with neighboring territories, Ruiz specifies that if a 'no' vote is finally cast, what is clear is that the country «will have to strengthen, intensify and deepen its relations with them». In conclusion, the expert states that «we still have some time to clarify certain points and in particular, the geographical openness that is a 'sine qua non' condition for any real economic development». He clarifies, however, that this should be the subject of real, effective investments by the European Commission, especially since the need for interregional cooperation is required in the text. ●

CLEANING AND SANITATION OF THE CITY

Hygiene regulates the personnel dilemma in the capital with a stabilization

Cabanes subtracts that the afternoon work group will receive better working conditions and schudele in January

AGÈNCIES
ESCALDES-ENGORDANY

After some 'convulsive' times in the Hygiene Department of the Municipality of Andorra la Vella, it seems that spirits have calmed down and there is a «more stable working climate and with less rotations», according to the Minister of Public Services, Environment and Natural Heritage, Jordi Cabanes, who attributes this change to the «communication that has taken place» and that the staff has been put in the spotlight again, making them feel «more valued». In fact, a problem that meant «a constant lack of staff and a series of rotations that dismantled the service», has been addressed.

Cabanes himself states that for now there are only two positions left to fill for the machine staff, who provide service from four in the morning. In fact, this past Wednesday the notice for the recruitment of an operator was published in the BO-PA. Currently, this team has a manager, five assistants and fi-



A sweeping machine used by the Andorra la Vella Municipality to clean the streets.



JORDI CABANES

PUBLIC SERVICES MINISTER

“We have fixed an issue that resulted in a constant loss of personnel. Machines need two people”

ve drivers and would be missing an assistant and a driver to be able to do the necessary rotations. In fact, the councilor supports that this is the group that goes out with the sweeping machines every morning and does

100% of the streets of the parish every day. Immediately after, the day team is started, with a manager, ten operators and eight assistants, and they thus overlap with the afternoon team, which has a manager and seven assistants.

In the specific case of the afternoon team, it has been wanted to make a «qualitative leap» in their working conditions and from next January, instead of one weekly holiday they will have two. This decision has already been communicated to them in one of the regular mee-

tings that the councilor has promoted and which he states are serving to have a return on the part of the employees. In addition to the aforementioned staff, the service also has five support staff, a head of service who carries out coordination tasks and two people who carry out the tasks of head of Area, in addition to two people at the administrative level. In this regard, it is worth noting that for the time being this structure of two heads assumed by those responsible for the Environment and the National Waste Plan is maintained, a management that “for the time being” will remain as it is, since it is important to remember that the person who held this position has taken the case to court and it will be necessary to see what the judicial resolution is and, therefore, the measures to be applied.

Otherwise, the optimization of material resources will be promoted with the purchase of a new sweeper, an Unimog and a surprise to be revealed for 400,000 euros. ●

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