No. 268
NATIONAL
ASSEMBLY CONSTITUTION OF 4 OCTOBER 1958
TWELFTH LEGISLATURE
Registered at the Office of the President of the National Assembly on 10 October 2002.

P R O J E T D E L O I
ADOPTED BY THE SENATE

authorising the ratification of the **Convention** *between the French Republic, the* **Kingdom of Spain** *and the* **Principality of Andorra** *on the* **entry**, **movement**, **residence** *and* **establishment** *of their* **nationals,**

transmitted by
the Prime Minister to

the President of the National
Assembly (Referred to the Committee on Foreign Affairs, in the absence of the establishment of a special committee within the time limits laid down in Rules 30 and 31 of the Rules of Procedure.)

The Senate adopted, on first reading, the following bill:
See the following numbers:
Senate: **281, 383** (2001-2002) and T.A. **9** (2002-2003).
Treaties and conventions.

Single article

The ratification of the Convention between the French Republic, the Kingdom of Spain and the Principality of Andorra on the entry, movement, residence and establishment of their nationals, signed in Brussels on 4 December 2000, the text of which is annexed to this Law, is hereby authorised.

Deliberated in public session, in Paris, on 10 October 2002.The President,
Signed: Christian Poncelet

C O N V E N T I O N
between the French Republic, the Kingdom of Spain and the Principality of Andorra on the entry, movement, residence and establishment of their nationals

The French Republic, the Kingdom of Spain and the Principality of Andorra,
Taking into account the particular geographical location of the Principality of Andorra and the historical links between the three States;
Considering the desire to maintain the quality of existing relations, inherited from history, favourable to their respective nationals, in accordance with the Treaty of Good Neighbourliness, Friendship and Cooperation between the three States of[1 and 3] June 1993;
Taking into account also the agreements relating to the abolition of controls on persons at the common borders in force between the French Republic, the Kingdom of Spain and other States;
Considering that, without prejudice to the importance of other areas, it is necessary as a matter of priority to facilitate the movement and establishment of Andorran nationals in French and Spanish territory as well as of French and Spanish nationals in Andorran territory,
have agreed on the following provisions:

Article 1

For the purposes of this Convention, the expression "Contracting Parties" shall mean, on the one hand, the Principality of Andorra and, on the other hand, the French Republic or the Kingdom of Spain.
For the French Party, this Convention shall apply to the departments of the French Republic.
For the purposes of this Convention, persons established in the territory of one of the Contracting Parties

shall mean persons holding a "residence permit". The term "residence permit" means any type of document issued by the competent authorities of each of the Contracting Parties which entitles the holder to reside and pursue a professional activity, whether employed or self-employed, or to reside in that territory without pursuing a professional activity. It does not apply to the cross-border worker card or the temporary residence permit.

Article 2

For entry and stay for a period not exceeding ninety days, nationals of a Contracting Party shall have visa-free access to the territory of the other Party on presentation of a valid national identity document, passport or other travel document, and may move freely in accordance with the legislation of the host State.

Article 3

For a stay of more than ninety days in the territory of a Contracting Party, nationals of the other Party must be in possession of a residence permit, the validity of which is determined in accordance with the legislation of the host State.

Article 4

Without prejudice to the provisions of Article 7, paragraphs 3 and 4, and Article 9, the conditions of establishment applied to Andorran nationals in the territory of the other Party shall be at least as favourable as those applied by France and Spain to nationals of Member States of the European Union.
French and Spanish nationals can settle in Andorra in accordance with Andorran legislation. The conditions of establishment applied to French and Spanish nationals are always at least as favourable as those applied by Andorra to nationals of any other State.
At the time of their renewal, the residence permits issued shall have a duration at least equal to that of the permits they replace.
The foregoing provisions shall apply under the conditions laid down in Articles 5, 6, 7, 8 and 9 of this Convention.

Article 5

Pupils and students who are nationals of a Contracting Party have access to the training and educational establishments of the other Party under the same conditions as nationals of the latter, provided that they can prove that they have cover for sickness, maternity and accident risks, and that they have sufficient resources, in accordance with the legislation or regulations of the host State.

Article 6

Nationals of a Contracting Party who wish to settle in the territory of the other Party without gainful activity there must fulfil the conditions laid down by the legislation or regulations of the host State, in particular as regards their resources. They must also prove that they are covered for sickness, maternity and accident risks.

Article 7

Nationals of a Contracting Party established in the territory of the other Party, in accordance with Article 4 of this Convention, may pursue any salaried professional activity there under the same conditions as nationals of the latter.
French and Spanish nationals who can prove, in accordance with Andorran legislation, an effective and uninterrupted residence in Andorra for a minimum period of ten years, may, under the same conditions as Andorran nationals, carry out any self-employed professional activity, with the exception of the liberal professions, participate in the capital of Andorran commercial companies and exercise administrative or representative functions of these companies. Latest.
Nationals of a Contracting Party may pursue a liberal profession in the territory of the other Party under the conditions laid down by the legislation or regulations of the host State.
Notwithstanding the provisions of the two preceding paragraphs, the exercise in Andorra of a self-employed activity by French and Spanish nationals, as well as the exercise of a liberal profession by nationals of a Contracting Party in the territory of the other Party, shall be governed by the more favourable provisions which may be agreed in this respect between the Principality of Andorra and the European Community.
Each Contracting Party shall ensure, between its nationals and those of the other Party who are lawfully engaged in a professional activity in its territory, equal treatment in terms of working conditions, in accordance with the legislation of the host State.
French and Spanish nationals who can prove that they have resided in Andorra for a minimum of five years and that they have been employed or self-employed in Andorra for a minimum period of five years, in

accordance with Andorran legislation, shall automatically receive, at the time of renewal of their residence permit, a permit for the longest period provided for by Andorran legislation. without prejudice to grounds of public policy, public safety or public health.

Article 8

Access to public sector jobs whose responsibilities are not separable from the exercise of sovereignty or involve direct or indirect participation in the exercise of the prerogatives of public authority of the State or other public authorities is reserved for nationals.
The Principality of Andorra may reserve access to public sector jobs to its nationals in a first competitive examination. This competition is also open to French and Spanish nationals working in the Andorran public sector. In the event that these posts are not filled at the end of the first competition, all French and Spanish nationals will be able to take part in a second competition under the same conditions as Andorran nationals.
Each Contracting Party shall ensure that its nationals and those of the other Party who are legally established and who are active in the public sector are treated equally in terms of access to employment, working conditions and, in particular, with regard to the renewal of their employment contracts.

Article 9

The following have the right to settle with the holder of the right of residence established in the host State:
a) His spouse and their descendants who are under 21 years of age or who are dependent;
(b) The ascendants of the holder of the right of residence and of his or her spouse who are dependent on him.
These provisions shall apply provided that the holder of the right of residence referred to in Articles 5 and 6 and the members of his or her family who come to join him or her have sufficient resources and social security cover.
(b) of this article does not apply to pupils and students.
The residence permits issued to family members are of the same nature and have the same duration as those of the holder they are joining.
These provisions do not apply to temporary workers and cross-border workers.

Article 10

The provisions of this Convention shall apply to nationals of each Contracting Party, without prejudice to the more favourable provisions in force at the date of signature of this Convention concerning access to the civil service and to the regulated professions.

Article 11

Nationals of a Contracting Party who are lawfully resident in the territory of the other Party may be expelled from the territory only on grounds of public policy, public security or public health, in accordance with the law of the host State.

Article 12

The provisions of this Convention shall be without prejudice to the right of each Contracting Party to take the measures necessary for the maintenance of public order and the protection of public safety and health.

Article 13

Matters not covered by this Convention shall be governed by the respective legislation of each Contracting Party.

Article 14

Questions which may arise in connection with the application of this Convention shall be examined in a joint tripartite committee. The Joint Commission shall meet as necessary, at the request of one of the Contracting Parties, formulated through diplomatic channels.

Article 15

This Convention shall be concluded for an unlimited period and may be denounced by a Contracting Party, through diplomatic channels, with six months' notice. Denunciation by the French Republic or the Kingdom of Spain shall not affect the maintenance in force of this Convention between the other two Parties.
This Convention shall enter into force after the completion of the domestic procedures required for each Contracting Party. Each Contracting Party shall notify the other two Parties of the completion of such procedures as far as it is concerned. Notifications will be deposited in the archives of the Principality of

Andorra.
This Agreement shall enter into force on the first day of the second month following the date of receipt of the last notification.

Article 16

This Agreement, drawn up in a single copy in French, Castilian and Catalan, all three texts being equally authentic, shall be deposited in the archives of the Principality of Andorra, which shall transmit a certified copy to the other two Parties.
In witness whereof, the undersigned Plenipotentiaries have affixed their signatures to the present Convention.
Done at Brussels, 4 December 2000.

For the French Republic:
Hubert Védrine,
Minister for Foreign Affairs

For the Kingdom of Spain:
Josef Pique,
Minister for Foreign Affairs

For the Principality of Andorra:
Albert Pintat,
Minister of Foreign Affairs

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