

Official Journal of the European Union

C 483



English edition

Information and Notices

Volume 59

23 December 2016

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IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COURT OF JUSTICE OF THE EUROPEAN UNION

Code of Conduct for Members and former Members of the Court of Justice of the European Union

(2016/C 483/01)

THE COURT OF JUSTICE OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, in particular Articles 253, 254, 257 and 339 thereof;

Having regard to Articles 2, 4, 6, 8, 18 and 47 of the Statute of the Court of Justice of the European Union, to Articles 4 to 6 of the Rules of Procedure of the Court of Justice and to Articles 5 to 7 of the Rules of Procedure of the General Court;

Whereas it is appropriate to establish a Code of Conduct which defines the obligations arising under the provisions of the Statute and of the Rules of Procedure which are applicable to Members and former Members of the Court of Justice of the European Union;

Hereby adopts the present Code of Conduct:

Article 1

Scope

This Code of Conduct shall apply to Members and former Members of the Courts or Tribunals that constitute or have constituted the Court of Justice of the European Union.

Article 2

Principles

1. Members shall devote themselves fully to the performance of their duties.
2. Members shall perform their duties with complete independence, integrity, dignity and impartiality and with loyalty and discretion, in compliance with the rules set out in this Code of Conduct.

Article 3

Independence, integrity and dignity

1. Members shall perform their duties with complete independence and integrity, without taking account of any personal or national interest. They shall neither seek nor follow any instructions from the institutions, bodies, offices or agencies of the Union, the governments of the Member States or any private or public entities.

2. Members shall not accept gifts of any kind which might call into question their independence.
3. Members shall respect the dignity of their office.
4. Members shall not act or express themselves, through whatever medium, in a manner which adversely affects the public perception of their independence, their integrity or the dignity of their office.

Article 4

Impartiality

1. Members shall avoid any situation which may give rise to a conflict of personal interest or which may reasonably be perceived as such. They shall not be involved in dealing with a case in which they have any personal interest.
2. Members shall not act or express themselves, through whatever medium, in a manner which adversely affects the public perception of their impartiality.

Article 5

Notification and declaration as to personal interests

1. Members shall notify the President of the Court or Tribunal of which they are a Member if they are to hear a case in which they have an interest that might give rise to a conflict of interest.
2. On taking up their duties, Members shall submit a declaration of their financial interests, within the meaning of paragraph 3, to the President of the Court or Tribunal of which they are a Member.
3. The declaration shall identify every entity in which the Member has a direct financial interest which, because of its scale, might reasonably be perceived as being capable of giving rise to a conflict of interest if the Member were to hear a case involving that entity. In this declaration, the Member shall identify each entity in which he or she has such a financial interest, which may be in the form of a specific financial holding in its capital, in particular, shares, or any other form of financial interest, for example, bonds or investment certificates. This paragraph does not apply to entities in which the Member owns holdings managed on a discretionary basis by a third party.
4. In the event of changes in the list of entities identified in the declaration within the meaning of paragraph 3, a new declaration shall be submitted at the earliest opportunity and, at the latest, within 2 months after the change in question.
5. The declaration referred to in paragraph 3 shall be submitted using the form set out in the Annex to this Code of Conduct.
6. The objective of the notifications and declarations under paragraphs 1 to 3 is to allow the President of the Court or Tribunal concerned to ascertain whether a Member has a personal interest in the outcome of the dispute in a given case.

Article 6

Loyalty

1. Members shall comply with their duty of loyalty towards the Institution.
2. Members shall make use of the services of officials and other servants of the Institution, in particular those allocated to their Chambers, in a respectful manner.
3. Members shall manage the material resources of the Institution in a responsible manner.
4. Members shall refrain from making any statement outside the Institution which may harm its reputation.

*Article 7***Discretion**

1. Members shall preserve the secrecy of the deliberations.
2. Members shall comply with their duty to exercise discretion in dealing with judicial and administrative matters.
3. Members shall act and express themselves with the restraint that their office requires.

*Article 8***External activities**

1. Members shall undertake to comply in all circumstances with their obligation to be available so as to devote themselves fully to the performance of their duties.
2. Members may engage in external activities only if they are compatible with their duties arising under Articles 2 to 4, 6 and 7 of this Code of Conduct. Without prejudice to the derogation provided for in the second paragraph of Article 4 of the Statute of the Court of Justice of the European Union, engaging in any professional activity other than that resulting from the performance of their duties shall be incompatible with the duties set out in this Code of Conduct.
3. Members may be authorised to engage in external activities that are closely related to the performance of their duties. In that context:
 - they may be authorised to represent the Institution or the Court or Tribunal of which they are a Member at ceremonies and official events,
 - they may be authorised to participate in activities of European interest that relate, inter alia, to the dissemination of EU law and to dialogue with national and international courts or tribunals. In this respect, Members may be authorised to participate in teaching activities, conferences, seminars or symposia.

Only participation in teaching activities may give rise to remuneration in accordance with the rules of the teaching establishment concerned.

The Members' activities authorised by the Court or Tribunal of which they are a Member shall be published on the Institution's website after the activity has taken place.

4. In addition, Members may be authorised to assume unremunerated duties in foundations or similar bodies in the legal, cultural, artistic, social, sporting or charitable fields and in teaching or research establishments. In that connection, they shall undertake not to engage in any managerial or administrative activities which might compromise their independence or their availability or which might give rise to a conflict of interest. The expression 'foundations or similar bodies' means not-for-profit establishments or associations which carry out activities in the general interest in the fields referred to.
5. Members who wish to take part in an activity covered by paragraphs 3 and 4 shall request prior authorisation from the Court or Tribunal of which they are a Member, by using a specific form.
6. Publications and the resulting copyright royalties shall be allowed without prior authorisation.

*Article 9***Duties of the Members after ceasing to hold office**

1. After ceasing to hold office, Members shall continue to be bound by their duty of integrity, of dignity, of loyalty and of discretion.

2. Members undertake that after ceasing to hold office, they will not become involved
 - in any manner whatsoever in cases which were pending before the Court or Tribunal of which they were a Member when they ceased to hold office,
 - in any manner whatsoever in cases directly and clearly connected with cases, including concluded cases, which they have dealt with as Judge or Advocate General, and
 - for a period of 3 years from the date of their ceasing to hold office, as representatives of parties, in either written or oral pleadings, in cases before the Courts or Tribunals that constitute the Court of Justice of the European Union.
3. In cases other than those referred to in the three indents of paragraph 2, former Members may be involved as agent, counsel, adviser or expert or provide a legal opinion or serve as an arbitrator, provided that they comply with the duties arising under paragraph 1.
4. If in doubt as to the application of this article, a former Member may contact the President of the Court of Justice, who shall take a decision after obtaining the opinion of the Committee provided for in Article 10.

Article 10

Application of the Code

1. The President of the Court of Justice, assisted by a Consultative Committee, shall be responsible for ensuring the proper application of this Code of Conduct.

The Consultative Committee shall be composed of the three Members of the Court of Justice who have been longest in office and the Vice-President of the Court of Justice if he or she is not one of those Members.

Should a Member or a former Member of the General Court be the person concerned, the President, the Vice-President and another Member of the General Court shall take part in the deliberations of the Committee.

The Committee shall be assisted by the Registrar of the Court of Justice.

2. Without prejudice to the provisions of the Statute of the Court of Justice of the European Union, the Committee may, in an individual case, give its opinion to the Member or the former Member concerned after hearing him or her.

Article 11

Entry into force

1. This Code of Conduct shall repeal and replace the previous Code of Conduct (OJ C 223, 2007, p. 1). It shall enter into force on 1 January 2017.
2. The declaration of financial interests of the Members in office on the date of entry into force of this Code of Conduct shall be submitted to the President of the Court or Tribunal of which those Members are a Member no later than 1 month after that date.

ANNEX

DECLARATION OF FINANCIAL INTERESTS**(in accordance with Article 5 of the Code of Conduct)**

SURNAME:

FIRST NAME:

I have a financial interest, within the meaning of Article 5 of the Code of Conduct ⁽¹⁾, in the following entities:

I hereby declare that the above information is true and correct.

Date:

Signature:

⁽¹⁾ Please specify, in alphabetical order, the entities in which you have a direct financial interest within the meaning of Article 5(3) of the Code of Conduct.

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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