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

(2021/C 397/01)

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 interest or which objectively may be perceived as such.

2. Members shall not be involved in dealing with a case in which they may have an interest that may give rise to a conflict of interest. If they are to hear such a case, they shall notify the President of the Court of which they are a Member.

3. Members shall not act or express themselves, through whatever medium, in a manner which adversely affects the public perception of their impartiality.

Article 5

Declaration of interests

1. On taking office and in the context of each triennial partial renewal of the Court, Members shall submit to the President of the Court of which they are a Member a declaration of their interests, aimed at preventing any potential conflict of interest, or a situation which objectively may be perceived as such, in dealing with a case.

2. The declaration of interest provided for in paragraph 1, which shall be submitted using the form set out in the Annex to this Code of Conduct within a maximum of one month after taking office or after the partial renewal of the Court of which they are a Member, shall identify:

— the entities in which the Member, his or her spouse or partner ([1]) or minor children have a direct financial interest. 'Direct financial interest' means all financial securities, such as, inter alia, shares, stocks, bonds or investment certificates, owned or in usufruct, except holdings managed on a discretionary basis by a third party and property interests that must be declared pursuant to the second indent of this paragraph;

— any property interest held by the Member, his or her spouse or partner or minor children. 'Property interest' means any right of ownership or usufruct in immovable property, whatever its nature or use, either held directly or indirectly, as shares in a real estate company. If such an interest is held, the declaration shall specify the country where the property to which the interest relates is located. Additional information as to the type and the location of the immovable properties concerned shall be provided on a confidential basis to the President of the Court concerned;

— any gainful occupational activity of the Member's spouse or partner. Additional information concerning the entity within which they engage in that activity and the nature of the duties undertaken shall be provided on a confidential basis to the President of the Court concerned.

3. The declaration of interests provided for in paragraph 1 shall also identify

— any unremunerated duties undertaken by the Member in foundations or similar bodies and in teaching or research establishments within the meaning of Article 8(4) of this Code of Conduct, and

— any position of an honorary nature or attributed for life as well as any decoration or honour bestowed on the Member, both before and after taking office.

4. In the event of changes in the information to be declared pursuant to paragraphs 2 and 3, a new declaration shall be submitted at the earliest opportunity and, at the latest, within one month after the change in question.

5. Members are responsible for their own declarations.

6. The President of the Court concerned shall examine the declarations from a formal point of view. The declaration made by the President shall be examined by the Vice-President of the Court in question.

([1]) Stable non-marital partner as defined in Article 1(2)(c) of Annex VII of the Staff Regulations.

7. The President of the Court concerned shall take due account of the contents of the declaration of interests provided for in paragraph 1 when allocating cases in order to avoid any real or apparent conflict of interest of a Member in a given case.

8. The declarations of interests shall be published on the Court's website with due regard for the protection of personal data.

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 occupational 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 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 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 may give rise to a conflict of interest. '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 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 three 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 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 [2]. It shall enter into force on 7 October 2021.

2. The declaration of 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 of which those Members are a Member no later than one month after that date.

[2] OJ C 483, 23.12.2016, p. 1.

ANNEX

Declaration of interests of the Members of the Court of Justice of the European Union

(Published declaration under Article 5 of the Code of Conduct)

SURNAME, First name:

I. Entities in which financial interests are held

Tick this box if you, your spouse or partner or minor children hold any direct financial interests within the meaning of the first indent of Article 5(2) of the Code of Conduct ([1]). If so, please list all the entities in which those interests are held. ☐

Name of the entity concerned *(Name of the company constituted under civil or commercial law, name of the State or the regional or local authority…)*

II. Property interests

Tick this box if you, your spouse or partner or minor children hold any property interests within the meaning of the second indent of Article 5(2) of the Code of Conduct ([2]). If so, please list all the countries where the properties to which those interests relate are located. ☐

Additional information, provided on a confidential basis to the President of the Court of which you are a Member, is required *in the Annex* for the purpose of preventing any potential conflict of interest, or a situation which objectively may be perceived as such, in dealing with a case.

Countries concerned

III. External activities

1. *Unremunerated duties in foundations or similar bodies and in teaching or research establishments*

Please list the unremunerated duties that you carry out in foundations or similar bodies ([3]) and in teaching or research establishments within the meaning of Article 8(4) of the Code of Conduct.

Specify the title of the position and the name of the entity within which they are carried out as well as, where appropriate, any relevant information for the purpose of preventing any potential conflict of interest, or a situation which objectively may be perceived as such, in dealing with a case.

([1]) 'Direct financial interest' means all financial securities, such as, inter alia, shares, stocks, bonds or investment certificates, owned or in usufruct, except holdings managed on a discretionary basis by a third party and property interests that must be declared under Section II.

([2]) 'Property interest' means any right of ownership or usufruct in immovable property, whatever its nature or use, either held directly or indirectly, as shares in a real estate company.

([3]) 'Foundations or similar bodies' means not-for-profit establishments or associations which carry out activities in the general interest in the legal, cultural, artistic, social, sporting or charitable fields.

Duties *(e.g. member of the scientific committee, president of the editorial board, founding member…)*	**Name of the entity concerned**	**Additional information** *(e.g. association aimed at promoting knowledge of the EU in region X)*

☐ None

2. ***Honorary positions, decorations or honours***

Please list the positions of an honorary nature or attributed for life as well as the decorations or honours bestowed upon you, both before and after taking office.

Specify the title of the position, the decoration or the honour, the entity that awarded it to you, the year in which you received it as well as, where appropriate, any relevant information for the purpose of preventing any potential conflict of interest, or a situation which objectively may be perceived as such, in dealing with a case.

Year	**Position or distinction** *(e.g. honorary professor, medal of honour)*	**Name of the entity that awarded the distinction**	**Additional information** *(e.g. distinction rewarding a commitment to the rule of law)*

☐ None

IV. **Spouse's or partner's gainful occupational activity**

Please list any gainful occupational activity carried out by your spouse or partner.

Additional information, provided on a confidential basis to the President of the Court of which you are a Member, will be required *in the Annex* for the purpose of preventing any potential conflict of interest, or a situation which objectively may be perceived as such, in dealing with a case.

Occupational activity *(e.g. school teacher, in-house lawyer, head of unit, lawyer, scientific adviser)*

☐ None

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

Date: Signature of the Member:

Annex to the declaration of interests of the Members of the Court of Justice of the European Union

(Annex submitted on a confidential basis solely to the President of the Court of which the person making the declaration is a Member)

SURNAME, First name:

II. **Property interests**

Please list the type and location of the properties in which you declared holding a property interest within the meaning of the second indent of Article 5(2) of the Code of Conduct.

Type of property *(e.g. house for residential and familial use; rented flat; property for commercial use; vacant plot of land…)*	**Location of the property** *(town, region, country)*

IV. **Spouse's or partner's gainful occupational activity**

Please specify the title of the position and the nature of the duties carried out by your spouse or partner in the course of his or her occupational activity, the name, type and sector of activity of the entity within which those duties are carried out as well as, where appropriate, any relevant information for the purpose of preventing any potential conflict of interest, or a situation which objectively may be perceived as such, in dealing with a case.

Title of the position and nature of the duties undertaken *(e.g. financial director, member, in that capacity, of the company's board; lawyer specialised in Luxembourg family; hospital pharmacist)*	**Name of the entity, type and sector of activity** *(e.g. limited company, company specialised in aircraft design; X, international law firm; university of Y, arts faculty; Z, charity promoting integration)*