THE EUROPEAN COURT OF AUDITORS,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 285 and 286 thereof,

Having regard to the Rules of Procedure of the Court of Auditors and to the Rules for Implementing the Rules of Procedure, adopted on 11 March 2010,

Whereas the Members of the Court are required, in the Union’s general interest, to be completely independent in the performance of their duties, neither to seek nor to take instructions from any government or from any other body, and to refrain from any action incompatible with their duties;

Whereas, when entering upon their duties the Members of the Court give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom;

Whereas the discretionary and decision making powers which Members of the Court enjoy, by the very nature of their duties, shall be accompanied with guarantees that they will be properly exercised;

Whereas the Court has adopted, at its meeting of 20 October 2011, Ethical Guidelines applying to the Members and staff of the Court, based on the principles laid out in the Code of Ethics of the International Organization of Supreme Audit Institutions (ISSAI 30);

Whereas, as regards the Members of the Court, it is appropriate to complement those Ethical Guidelines by provisions specifying the particular obligations deriving from the Treaty on the Functioning of the European Union,

Whereas certain obligations on the Members of the Court should also apply to former Members in order to be fully effective,

Has decided to adopt the following Code of Conduct for the Members of the Court:

Article 1

Independence

1. The Members of the Court shall conduct themselves in accordance with the Treaties and the law deriving there from. Their relations with organisations or interest groups shall be compatible with the need to preserve their independence.
2. Respect of the principle of independence is incompatible with applying for, receiving or accepting from any source external to the Court any benefit, reward or remuneration which may be linked in any way with the duties of a Member of the Court.

Article 2
Impartiality

1. Members shall avoid any situation liable to give rise to a conflict of interest. They shall not deal with matters in which they have any personal interest, in particular a family or financial interest, which could impair their impartiality. If Members are confronted with a situation that may give rise to a conflict of interest, they shall inform the President of the Court. The matter shall be submitted to the Court, which shall take any measure it considers appropriate.

2. Members of the Court shall declare any financial interests and assets which might create a conflict of interest in the performance of their duties, whether in the form of individual holdings in company capital, in particular shares, or other forms of holding such as convertible bonds or investment certificates. Units in unit trusts, which do not constitute a direct interest in company capital, do not have to be declared. Any property owned either directly or through a real estate company must be declared, with the exception of homes reserved for the exclusive use of the owner or their family.

3. Members shall also declare, in order to obviate any potential risk of conflict of interests, any professional activity of their spouses/partners.

4. On taking office Members shall submit to the President of the Court the declaration provided for in the above paragraphs having regard to the form contained in the Annex. With due regard to the principle of protection of personal data, the declaration shall be published on the website of the Court. The declaration must be revised in the event of significant changes, and a new declaration shall be submitted. It must also be completed when a Member leaves office.

5. Members are responsible for their own declarations. The President of the Court shall examine the declaration and take account of it when proposing the assignment of the Member to a Chamber of the Court, in order to avoid any possible conflict of interest. The declaration of interests made by the President shall be examined by the Member next in order of precedence to the President under Article 5 of the Rules of Procedure.

6. Members shall inform the President of any decoration, prize or honour bestowed on them.
Article 3
Integrity

1. Members shall not accept gifts of a value greater than EUR 150. If, by virtue of diplomatic custom, they receive gifts of a value greater than that amount they shall hand them over to the Secretary-General. In case of doubt, they shall declare to the Secretary-General any gift received in the performance of their duties, asking for an assessment of its value. The Secretariat of the Court shall keep a register of gifts with a value of more than EUR 150, which shall be publicly available if requested.

2. Members may not accept payment for any form of outside activities or publications made during their term of office. Should a payment be made, it shall be donated to a charity of their choice. The Secretary-General shall be fully informed.

Article 4
Commitment

1. Members of the Court shall devote themselves to the fulfilment of their mandate. They may not exercise any political office.

2. Members shall not engage in any outside professional activity or any other outside activity that is incompatible with the performance of their duties.

3. Under the conditions laid down in Article 5 of the Rules for Implementing the Rules of Procedure of the Court, Members may hold honorary, unremunerated offices in foundations or similar organisations in a political, cultural, artistic or charitable sphere or in educational establishments. “Honorary office” means an office in which the holder does not exercise any executive power in the management of the organisation in question. “Foundation or similar organisation” means any non-profit organisation or association engaged in activities in the public interest in the aforementioned areas. Members shall avoid any conflict of interest that could arise from those posts, in particular whenever the body in question receives any kind of financing from the EU Budget.

4. Unpaid courses given from time to time in the interests of European integration and conferences, lectures and other similar activities on areas of European interest are the only other outside activities that are permitted.

5. The Committee responsible for evaluating the outside activities of the Members of the Court examines Members’ outside activities in this connection, in accordance with the criteria and procedures laid down in Articles 5 and 6 of the Rules for Implementing the Rules of Procedure of the Court.
6. Members shall include their outside activities, with the exception of activities mentioned in paragraph 4, in the declaration of interests referred to in Article 2.

**Article 5**

**Collegiality**

1. Members shall under all circumstances respect the collegiate nature of the Court's organisation and adhere to decisions adopted by the Court. However, Members may have recourse to the judicial instruments provided for under European Union law if they consider that those decisions have caused them harm.

2. Without prejudice to the President's responsibility for external relations, Members shall have authority outside the Court to communicate and comment upon any reports, opinions or information which the Court has decided to make public.

3. Members shall refrain from making any comment outside the Court that could damage the Court's reputation or be interpreted as a statement of the Court's position on matters that do not fall within its institutional remit or on which the Court has not taken a position. Members shall refrain from making in public any comment that might involve the Court in any controversy, even after they have ceased to hold office.

**Article 6**

**Confidentiality**

1. Members shall undertake to respect the confidential nature of the Court's work. They shall not divulge confidential information to unauthorised persons. In accordance with Article 339 of the Treaty on the Functioning of the European Union, this duty continues to apply after Members have ceased to hold office.

2. Members shall not use for private purposes, either for themselves or on behalf of others, any confidential information to which they have access.
Article 7

Responsibility

1. Members of the Court shall be mindful of the importance of their duties and responsibilities, shall take into account the public character of their duties and shall conduct themselves in a way that maintains and promotes the public's trust in the Court.

2. Accordingly, they shall use the resources placed at their disposal in full compliance with the general and specific rules laid down to that effect, and in particular the Court decisions concerning the procedure for recruiting staff to Members' private offices, representation and reception expenses and the use of the Court's official vehicles.

3. Members of the Court shall choose the members of their private offices with due respect to the above-mentioned rules and on the basis of objective criteria, taking into account the demanding nature of the function, the professional profiles required and the Members' need to establish a relationship based on mutual trust between themselves and the members of their private offices. Spouses, partners and family members shall not be part of the private offices of Members of the Court.

4. Without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union, in particular the Protocol on Privileges and Immunities, and the texts relevant to their application, the Members of the Court shall cooperate fully with the European Anti-Fraud Office in the context of enquiries undertaken by the latter with regard to the fight against fraud, corruption or any other illegal activity which might be prejudicial to the financial interests of the Union.

Article 8

Obligations of Members after ceasing to hold office

1. Whenever former Members of the Court intend to engage in an occupation during the three years after they have ceased to hold office, they shall inform the President of the Court without delay, if possible with at least four weeks notice.

2. If the President considers that the intended occupation might give rise to a conflict of interest, he shall seek the opinion of the Court. Where the
former Member intends to engage in a public office, a conflict of interest is, in principle, not to be expected.

3. If the Court considers that the intended occupation gives rise to a conflict of interest, the President shall immediately inform the former Member, who shall refrain from engaging in that occupation.

4. If a former Member engages in an occupation notwithstanding the negative opinion of the Court, Article 6(6) and (7) of the Rules for Implementing the Rules of Procedure of the Court shall apply mutatis mutandis.

**Article 9**

**Application and interpretation of the Code**

The President and Members of the Court shall ensure that this Code of Conduct is observed and that it is applied in good faith and with due consideration to the principle of proportionality. The President and Members of the Court may seek the advice of the committee referred to in Article 4(5) on any ethical question concerning the interpretation of this Code of Conduct.

**Article 10**

**Entry into force**

This Code of Conduct cancels and replaces the Code of Conduct of 16 December 2004; it shall enter into force with immediate effect.

Luxembourg, 8 February 2012.

For the Court of Auditors,

Vitor CALDEIRA
President
Annex

DECLARATION OF MEMBERS’ INTERESTS

(pursuant to Articles 2 and 4 of the Code of Conduct for the Members of the Court)

DECLARATION FORM

NAME .................................................................................................................................
First name ...........................................................................................................................

I. Financial interests
   Shareholdings
   Others

II. Assets
   II.1. Real Estate
   II.2. Other property

III. Spouse's / Partner's professional activities

IV. Outside activities
   IV.1. Posts held in foundations, similar bodies or educational institutions:
       (Please indicate the nature of the post, the name of the body and its objective/activity)
   IV.2. Additional relevant information (e.g. other functions of an honorary nature and/or attributed for life)

I hereby declare that the information I have given above is true.
Date and signature