

WRITTEN QUESTION P-1643/06
by Pierre Jonckheer (Verts/ALE)
to the Commission

Subject: Engagement of Mr Wathelet, former judge of the Court of Justice, to assist Microsoft in a case before the ECJ against the Commission

The Belgian media have revealed that Mr Melchior Wathelet, who was a judge at the Court of Justice between 1995 and 2003, has been engaged by Microsoft to help the company in the dispute with the Commission before the ECJ. Having regard, in particular, to Articles 2 and 3 of its Rules of Procedure, which lay down obligations of discretion and integrity for the judges of the ECJ, including after leaving office, it appears clear that Mr Wathelet has failed to abide by the oath which he took and the declaration which he signed upon taking office.

While recognising that, pursuant to Article 6 of the Statute of the Court, it is wholly within the competence of the Court to decide on sanctions against a judge who has failed to fulfil the obligations arising from his office,

- does the Commission consider that Article 6 of the Statute provides for the possibility also to sanction a former judge who has failed to fulfil his obligations, as these derive from his oath and declaration, and
- does the Commission consider that a brief to assist an adversary to the Commission in a case before the ECJ, such as that accepted Mr Wathelet, is covered by Article 6 of the Statute of the Court, and
- does the Commission see a role for itself as the guardian of the Treaties with regard to this issue, or
- more generally, is there any means by which the concerns which the behaviour of Mr Wathelet has raised could, in an appropriate manner, be brought to the attention of the Court?