

How the Court of Justice of the European Union handled concerns about public comments made by an advocate general of the Court concerning the draft EU Digital Markets Act

Case 1072/2021/NH - Opened on 19/07/2021 - Decision on 27/06/2022 - Institution concerned Court of Justice of the European Union (No further inquiries justified) |

The complainant, a civil society organisation, raised concerns about public comments made by an advocate general of the Court of Justice of the EU about the draft EU Digital Markets Act, while the legislative decision-making process was still ongoing. The complainant took the view that the Court did not properly deal with this potential breach of its Code of Conduct.

The Ombudsman opened an inquiry and set out a series of questions to the Court. The Court argued that the complaint was outside the mandate of the Ombudsman, as it concerned the judicial role of the Court. While the Ombudsman took a different view, as the Court is the highest authority on EU law, the Ombudsman closed the case with no further action.