Albert Van Houtte, Memories of the Court of Justice 1953-1982

Caption: Albert Van Houtte, Registrar at the Court of Justice from 1953 to 1982, retraces 'the short history of the Court' based on his memories, in a work published on the 35th anniversary of this institution. In an informal and sometimes anecdotal tone, it comments on the installation of the Court in Luxembourg, the successive changes in premises, the first tasks of the Court, the origin of the Court's seal and the judges' robes, etc.

Source: Cour de justice des Communautés européennes. XXXV ANNI 1952-1987. Luxembourg: Office des publications des Communautés européennes, décembre 1987. 256 p. p. 69-91.

Copyright: (c) Translation CVCE.EU by UNI.LU
All rights of reproduction, of public communication, of adaptation, of distribution or of dissemination via Internet, internal network or any other means are strictly reserved in all countries.
Consult the legal notice and the terms and conditions of use regarding this site.

URL:
http://www.cvce.eu/obj/albert_van_houtte_memories_of_the_court_of_justice_1953_1982-en-4e6dc507-7f4a-4a8f-9511-28b62088df68.html

Last updated: 05/07/2016

Memories of the Court of Justice 1953–1982

by Mr A. Van Houtte, Registrar at the Court from 1953 to 1982

The ECSC is installed

The members of the ECSC High Authority took up office at its 'temporary' headquarters in Luxembourg in August 1952, in the Luxembourg Railways building on the other side of the Pont Adolphe.

When Prime Minister Joseph Bech 'agreed' to accommodate the Coal and Steel Community in his capital city, suitable premises had to be found, and the City of Luxembourg had little to offer at the time.

The decision on the 'temporary' headquarters came as a surprise to everyone and was the outcome of a long night of negotiations (even then!). The Belgian Government, through its Minister Paul Van Zeeland, had offered to accommodate the ECSC in Liège, near the centres of the coal and steel industries. The other Foreign Ministers wanted it to be established in Brussels, a capital city and a diplomatic, administrative and international press centre. Mr Van Zeeland could not agree to this: a government crisis in Belgium would inevitably have ensued. Prime Minister Bech was thus almost forced to agree to accommodate the institutions in Luxembourg.

He, too, had to be prepared for a possible backlash from the general public, which was not ready to see its peaceful and charming capital, where the steam train — 'Charly's' — still ran at set times past the first Court of Justice building, transformed into the headquarters of various international institutions. They might be disruptive and quickly lead to all sorts of far-reaching changes. And this was indeed what happened.

The Court of Justice is installed

It was, therefore, in a capital city that was not particularly ready for its new role that the Court of Justice was installed on 4 December 1952 in the Villa Vauban.

The Member States' representatives had appointed Mr Massimo Pilotti as President of the Court for the first three-year term. He had arrived in Luxembourg before 4 December, working with the Luxembourg Judge, Mr Charles-Léon Hammes, to prepare for the arrival of the Court once all the members had been appointed. In point of fact, seven Judges and one of the two Advocates General (Mr Maurice Lagrange) took the oath on 4 December in the room used for weddings at the Town Hall. The second Advocate General, Mr Karl Roemer, did not actually take office until January 1953, but he was appointed with effect from December 1952.

The Luxembourg Government had provided the Villa Vauban — now a museum again — for the Court's use, but this lovely aristocratic residence, known also as the Villa Pescatore, was not designed for its new purpose and immediately proved to be too small. It had a number of fine rooms, which were too large to be used as individual offices, as well as corridors, servants' quarters and attics. The President and four Judges occupied these offices: President Pilotti and Judges P. S. J. Serrarens and A. Van Kleffens on the ground floor, Judges Otto Riese and Jacques Rueff upstairs, and their assistants and secretaries wherever room could be found. When the Registrar was appointed in March 1953, he was also found an office on the first floor, in what had temporarily been Mr Pierre Werner's bedroom (by his own account) at the time of his marriage to one of the Pescatore daughters. A small office across the corridor had been assigned to his secretary, Miss M. Th. de Proft, who subsequently had to share it with Miss Denise Séjournant. The latter was to become my very loyal assistant for twenty-seven years. This constituted, for a long time, the entire Registry.

The Court's administrative meetings were held in Judge Van Kleffens' office, where two-thirds of the room was taken up by a huge table and the Judge's desk was in a rather gloomy corner.

Use of the upper floors of the 'Hamilius' building at the corner of Boulevard Prince-Henri and Avenue de

l'Arsenal had been annexed through the good offices of Judge Hammes, who had his office there, as did Judge Louis Delvaux, Advocates General Lagrange and Roemer, their assistants and secretaries. The tiny translation service had also found refuge there. This comprised, among others, Baron Winspeare, Head of Department, Dr Hahn, Mr Leclerc, Mr Thonnard, Mr Doucet, Mrs Nottebohm and a small number of secretaries.

A third building, at 23 boulevard Prince-Henri (the Hellinckx house), accommodated the Administration and the Library. Mr Girolamo (Momo) Trotta — (on secondment from the Italian Ministry of Foreign Affairs, to which he subsequently returned, ending his career as an ambassador) — took charge of administration, improvising solutions to everyday problems as best he could with the help of Charles Beck and René Hochstrass. The Library was merely in its infancy: at the time, there were more encyclopedias than volumes of European law. Mr H. Sperl was in charge of it for many years and gradually turned it into a large specialised collection. He was soon joined by Mr Prieur, Mr Neri and Mr Wielenga.

This was how the eminent Court of Justice started — camping out, and taking things as they came … But perhaps this was precisely what helped to create a relaxed atmosphere and the friendliness which was always so typical of personal relations at the Court. Others will describe what was done, so spontaneously, to create such a good atmosphere. Do not forget that it was not long after the end of the War, when so many had died and which had left so many wounds. It should also be added that the members and staff of the Court had only limited contact with the High Authority, where there was an atmosphere of feverish activity as it started its work. Moreover, since a German newspaper had reported statements to the effect that 'the Court is only there to defend the High Authority's policies', the Court had to be careful about the relations it established.

Those who were fortunate enough to have an office in the Villa Vauban had the pleasure — as well as being in the middle of a fine park — of working surrounded by paintings, some of them very beautiful, which adorn the walls of the Pescatore Museum to this day … A very happy memory indeed.

The Rules of Procedure

The Court's first task was to draw up its Rules of Procedure. It started work on this in January 1953 and instructed Judge Van Kleffens to be the rapporteur.

As well as the provisions already included in the Treaty and the Statute of the Court, the rapporteur also drew on the Rules of Procedure of the International Court of Justice at The Hague. The Court obviously based all subsequent revisions of the Rules on its own experience and on precedents set by national courts.

It is interesting to note that the Court's Rules of Procedure went on to form the basis for those of the Court of Human Rights and of the Benelux Court of Justice.

Appointment of the Registrar

The Court appointed its Registrar on 17 March 1953, the day after the Rules of Procedure were adopted. President Pilotti, I was later told, took the view that the Registrar could not be appointed before then to ensure that he would not have the opportunity (or the temptation) to influence the wording of the text. He had a clear memory of something that had, apparently, happened at some point at the International Court of Justice.

Anyway, it was not in an imposing courtroom that I took the oath as Registrar of the Court on 25 March 1953, at the same time as Étienne Hamoir, assistant to the Belgian Judge, but in the visiting room at the St Zithe Hospital, with the door to the corridor wide open to ensure that the meeting was public: President Pilotti had had to spend a few days in hospital following an unfortunate fall. The morning coats traditionally worn on such occasions seemed rather out of place in an environment where white coats were a more usual sight.

It was in the same hospital that I had my first long conversation with President Pilotti the next day: this was

the start of a period of daily collaboration that lasted until 6 October 1958, when the ECSC Court of Justice became the Single Court of the three European Communities.

The special position of the Registrar in the Court's structure has never been illustrated with so much shrewd and affectionate humour or so tellingly as in a cartoon intended as a humorous contribution to the Court's staff party at a 'Weinfest' organised in 1954. The Court was depicted as a little light aircraft taking off. There was only room for seven Judges and two Advocates General … and the Registrar was hanging on to the tail for grim death. I thought back to this many times later on, when I found myself taking a pummelling from the High Court or the Low Court, as people called them at the time. But then it is probably useful, if not downright essential, to have a sort of buffer zone in any institution …

One of the first decisions that I referred to the Court was the appointment of a good accountant to take over from the conscientious Mr Trotta, who had hitherto had to record revenue and expenditure in a notebook.

The Court trusted my judgment and allowed me to call on the services of the Head of the Finance Department at the International Institute of Agriculture (which was being wound up) and the FAO's European office in Rome, Nicolas de Wouytch, with whom I had worked closely for four years.

The Court, Mr Trotta and Marquis Eremberto Morozzo della Rocca (his successor) must have been delighted to have such an able, conscientious and hard-working man at their disposal from the very outset. He paved the way for Mr Fetler who, at various times, had to adapt the financial structures to comply with increasingly strict regulations and to meet the needs of a modern and constantly expanding administration.

I still remember daily contacts (and also a few arguments) with Mr Morozzo and Mr Fetler and the budget negotiations with the Council, and then with the Permanent Representatives. And then … if we still had not obtained the minimum deemed necessary, we continued negotiations with the European Parliament's Committee on Budgets. But, I have to say, in all fairness, that the Court was always treated rather kindly by the Council, for which we were much envied.

Other people will tell you more about Mr Morozzo, but I should like to pay tribute to his loyalty to his King, for whom he gave up what promised to be a brilliant military career in the footsteps of his famous father, who had received a military gold medal.

President Pilotti

President Pilotti was certainly affected by the accident that put him in hospital. Subsequently, he had to rely on the devoted care of his driver, Marcel Fejean, who was also a qualified first-aider. However, Mr Pilotti brought to the early days of the Court the stamp of his own personal prestige, which he had won both as Attorney General at the Italian Supreme Court of Appeal and as Deputy Secretary-General of the League of Nations. His legal and judicial work at the International Court in The Hague brought huge benefits. His independence of mind and action, which he demonstrated when it fell to him to announce the results of the referendum on the monarchy in Italy, brought even more.

Both Presidents Jean Monnet and René Mayer, who had known him during their time in Geneva, admired him as a knowledgeable, cultured and prestigious man of great presence.

I myself also enjoyed long conversations with him in his office or over a meal or a glass of Belgian Kriek-Lambic beer (which he liked very much) or a Cynar (bitters made from 'carciofi' which he taught me to appreciate). He would talk for hours about the perfection of Austrian imperial law or canon law, about the history of the Balkans … and also about food and wine — he knew the places where wines were produced, the secrets of how they were produced and all the minutest details. At other times, he did not talk much at all. He was obviously a lonely man.

When, at the end of the first three years, the Court reappointed him for a further term of office, his words of thanks to his fellow judges for electing him were both emotional and distinguished; the manuscript is

reproduced in this volume. It was probably written with the stub of a pencil which he always kept in his waistcoat pocket.

I was probably the last person from the Court to visit him at his apartment in via Michele Mercato in Rome, barely a month before he died in April 1962 at the age of 83. My wife and I still clearly remember him talking about his years in Luxembourg. We were struck once again by his great loneliness.

‘Extra Curia’ activities

In addition to his work as President of the Court, Mr Pilotti (like President Donner after him, until the Executives were merged) also chaired the Committee of Presidents of the ECSC ex officio. This very important committee was the budgetary and administrative authority of the Community (responsible for the Staff Regulations, among other things).

President Pilotti was very ably assisted by Judge Jacques Rueff and a small secretariat run by Mr André Zipcy and Miss Lucienne Bagnard. There we might bump into J. Monnet, R. Mayer or P. Finet, or P. H. Spaak and R. Schuman, or J. Rey and other subsequent Presidents of the High Authority, the Council or the Common Assembly.

Discussions on the budget were held in an atmosphere very different from that of today’s Council of Ministers. Even if the Council President sometimes had to reserve his position in order to consult his colleagues, he undertook to ensure that what the Presidents had worked out together would go through.

A Common Interests Committee, made up of senior officials from the institutions’ administrations (such as Count Balladore Pallieri and Mr Dinjeart for the High Authority, Mr N. M. F. A. de Neree tot Baberich and Mr Hummelsheim for the Assembly, and Mr Chr. Calmes for the Council) prepared the Presidents’ meeting. The preparatory meetings were naturally arranged by the Registrar of the Court. The Committee tried to coordinate the institutions’ administrative decisions and negotiated with the staff representatives, for example, about the general Staff Regulations. Its advice was, perhaps, not always taken by one or other of the institutions, but it usually was.

When the two new Communities (the Economic Community and Euratom) came into operation in Brussels in 1958, the problems of administrative coordination became more acute, particularly as, in addition to the three separate Executives, there were the ‘common’ institutions of the Court of Justice and the Common Assembly. There were growing differences in administrative policy because the Presidents of the Executives made no attempt to meet. It took time, the prospect of a merger between the Executives and endless diplomacy to arrange meetings of those in charge of the administrations in Brussels and Luxembourg. They finally got together over a good meal and an excellent bottle of ‘Clos Charlemagne’ at La Roche, half way between Brussels and Luxembourg.

This was the start of the Heads of Administration meetings, which have now become an accepted feature of the way in which the Community is run and are recognised as such in the Staff Regulations. In addition to providing administrative coordination and ensuring the uniform application of the provisions of the Staff Regulations, they prepare for the administrations to take part in meetings of the Staff Regulations Committee and other joint bodies with staff representatives.

The early days of the Court — seal and robes

The first actions were brought as soon as the Rules of Procedure had been published: three in April 1953 and one in August. But all four ended up being withdrawn. Some people thought it a pity, others felt, more philosophically, that the Court had very successfully acted as a ‘safeguard’ without actually having to deliver any judgments. In 1954, 1955 and 1956, there were 10 to 12 applications a year, 12 of which were again withdrawn. The ECSC Court had handed down 21 judgments before the Single Court was instituted, but a number of cases were still pending.

Once the Rules of Procedure had been published, the Court still had to draft the supplementary Rules and organise its small staff, which numbered around 30 at the beginning, 60 or so two or three years later, and no more than 75 in 1959. There were still too many to be accommodated in the three buildings occupied initially. Thus it was that, in its early days, the Court became accustomed (rightly or wrongly? A debatable point, according to literature on the subject) to focus heavily on administration. It was a habit it maintained, even when its legal workload became excessive.

The Court also had protocol issues to deal with, such as the question of the Court's *seal*. President Pilotti proposed a seal in the Roman tradition, with scales, a sword and a wreath of oak leaves. He was not being bombastic or self-assertive here: it was simply convenient, and people were used to the image, and there would also be an inscription in Latin to avoid the problem of having four languages in the beginning. Although the Latin translation of 'Court of Justice of the European Coal and Steel Community' gave pause for thought — but Mr Pilotti was also a good Latin scholar — 'Curia' was immediately adopted and registered as the institution's telegraphic address.

There was also the problem of the judges' robes. It was a European tradition that robes had to be worn, and, at all events, they solved the problem of what the Members of the Court should wear for hearings. Agreement was reached on the basis of two vital aspects: colour and style. Judge Riese set great store by wearing robes in the same purple-red colour as he wore at the Bundesgerichtshof in Karlsruhe. Judge Van Kleffens, from The Hague, recommended robes of the same style as those worn by the judges at the International Court of Justice. So the colour and style were decided. Were different insignia needed for the President, Chamber Presidents, Judges and Advocates General? The question was raised, but rejected. The only distinction is that the Judges and Advocates General have the same band of velvet on the front of a thick silk robe; the Registrar has a band of satin. The silk was specially woven in Lyons, and the tailor for the International Court made the robes up: he came to Luxembourg especially to take the measurements and delivered each robe in an enormously heavy wooden box. Why, we could never understand. Things have become a lot simpler since then; a stock of material has been built up, and an ordinary tailor from Luxembourg makes the robes up quickly and efficiently. There was a ruffle, of lace (machine-made, of course) for formal sittings, and of pleated material for working sittings. In the early days, a broad belt was also worn, fastened with an impressive rosette. It was supposed to be worn at formal sittings, but it was quickly abandoned. Then there was the hat: several different shapes were tried, but they were never very becoming. The hat was worn when entering hearings and when reading out the operative parts of judgments. However, once Denmark entered the Community, it brought the wind of 'democratisation' and, at Judge Max Sørensen's suggestion, the hat fell out of use and was no longer worn even for the reading of the operative parts of judgments — the point when the parties and the public were asked to stand to hear the President.

It was also at this point that the Members of the Court began to call each other by their first names and to use the familiar form of address: another contribution by Great Britain and Denmark to less formal relations.

Lawyers appeared — and still appear — before the Court in the dress required by their national system, and university professors are allowed to represent parties (a privilege reserved solely for German professors) in the gown of their faculty. Officials of the High Authority and the Governments wore a morning coat as a mark of respect for the Court. This was certainly neither practical nor comfortable, and the High Authority's senior lawyers — Michel Gaudet, Jean Krawielicki and Walter Much — applied discreet pressure to have the morning coat replaced by a robe which they could leave in the robing room once their work was done. This was the origin of the black robe that counsel wear, modelled on the robe worn by Members of the Court. There was initially just one, then others in different sizes. Now, when important cases are being dealt with, the five or six robes available are no longer enough for all the various counsel.

Some form of dress also had to be invented for the Court ushers. The first, René Hochstrass and Jean Kaczmarek, also wore a morning coat. To this was added, as a distinguishing sign, a 'short robe' with the Court badge embroidered in gold thread. This is still the uniform of the Court ushers today.

The courtroom

In its early days, the Court did not have a courtroom. The first hearings were held in President Pilotti's chambers: his desk was replaced by a long green table on a platform that was raised up a step, so that the Court sat slightly above the officials, lawyers and the public. Judge Pierre Pescatore, in morning dress in those days, was one of the first counsel to address the Court in his capacity as agent for the Luxembourg Government.

However, holding hearings in the President's office was never going to be a long-term solution! It was agreed to hold the hearings in the Cercle Municipal on the Place d'Armes, where there was a large room. This was used for various purposes: meetings organised by the High Authority, receiving VIPs such as President René Coty, and dances for ECSC staff. A collapsible dais was built for the Court, in the same shape as the podium now found in the various courtrooms in the main Court building on Kirchberg. This was not yet the ideal solution, but it was a big step forward.

One day an incident occurred. President Pilotti had adjourned the hearing. Everyone was standing waiting for the Members of the Court to leave the room first. Jean Kaczmarek, with his usual kindness and eagerness to help, had pulled back the President's chair to enable him to get out when the President decided to sit down again to collect his papers together and … down he went! There could not have been more of a commotion if he had been physically attacked.

The Single Court is installed

It was in this room on the Place d'Armes and from the dais erected for the occasion that the President and Members of the Court of Justice of the European Communities — the Single Court — took the oath on 7 October 1959 in the presence of Their Royal Highnesses Prince Jean of Luxembourg, the heir apparent to the Grand Duke, and his wife Princess Josephine-Charlotte. President Pilotti, Judges Serrarens and Van Kleffens and many eminent figures also attended. It was at the end of this hearing that I took the oath before the Court for the second time.

The transfer of power from the Members of the ECSC Court of Justice to the Members of the Single Court resulted in major changes in the composition of the Court. The Member States' representatives appointed — in accordance with the provisions of the Treaties — Professor A. M. Donner (not yet 41 years of age) as President of the Court for the first three-year term of office. He was President of the Court for six years and judge for 21 years. He succeeded President Pilotti, who was then 79, and two Dutch Judges, Mr Serrarens and Mr Van Kleffens, were replaced by two Italian judges, Mr Nicola Catalano and Mr Rino Rossi.

A rather sensitive legal problem could have arisen at this point for those who insist that judges must serve a full term. The term of office of the retiring members did not actually end until 4 December, and this was only 7 October. The generous nature of the retiring members ensured that there were no problems, and the two months passed very quickly anyway … Also, there were people who were surprised at the delay and were impatient for the Single Court to be established.

In the meantime, we had sent whole crates full of books and documents relating to the ECSC Court to the President-designate, and when we met him on certain occasions before he was installed, at the The Hague or in Brussels, he had already read and absorbed everything …

Getting the procedures up to speed

Applications to the ECSC Court started to come in very slowly, it must be admitted. This was inevitable, given that the Rules of Procedure had first to be published, that decisions could not be challenged before the High Authority had taken them, and, of course, that the lawyers had to find their way to the Court.

When I left the Court, President Mertens de Wilmars modestly described these early days as 'the first years under your responsibility, which were not the busiest in the history of the Court …' On another occasion, President Donner jokingly said that champagne corks popped when the first applications arrived. This was

not entirely true, but each application certainly caused ‘quiet excitement’ in the building. We were also — even then — very thrifty at the Court, and everyone was afraid of the Auditor, Professor Urbain Vaes, after he revealed in his first report that the Court served its staff a cup of tea or coffee with a biscuit, at a cost of BEF 24 000 in one year. He said that that constituted a perk not laid down in staff contracts. Since then, cups of coffee have had to be paid for. A newspaper in my country — right-minded and well informed as ever — gave this issue very prominent (and critical) coverage.

The Members of the Court, who had all had very busy jobs before being appointed, sometimes felt rather frustrated. One day, Judge Riese, an enthusiastic deer hunter, even suggested renting a shoot in Austria. More philosophically, Judge Serrarens drew wisdom from the Chinese saying (never quoted often enough!) that ‘the happiest countries are those where grass grows before the doors of the law courts’.

Very soon, however, the High Authority’s decisions on ferrous scrap equalisation — which was very much in demand at the time — resulted in a total of 167 applications and 145 judgments. In the metaphorical language so beloved of President Lecourt, these were referred to as the ‘iron rings on which the Court cut its first teeth’.

Does this mean that, with 350 to 400 applications every year (5 700 cases and 3 200 judgments since 1953), the Europe of the Six, the Nine, the Ten or the Twelve is no longer the Utopia described by the Chinese? Hearings at the Court during the first few years were extremely formal and always started with the judge-rapporteur reading out the lengthy report for the hearing in its entirety, sometimes taking more than two hours. They ended with the reading out of the factual and legal parts of the judgment, again in their entirety, which were just as long and were given in the language of the case. The President delivered the operative part of the judgment or invited a judge to read it out in the language of the case. All that remains of these practices is the reading out of the operative part of the judgment.

I remember that, for the first lengthy readings that I had to give in German, Judge Riese gave me a private pronunciation lesson: indeed, I was not using the ‘umlauts’ correctly.

From the outset the judgments were signed by all the judges and countersigned for authentication by the President and the Registrar. The Treaties made no provision for dissenting opinions, but this did not present any major problems for any Members who might sometimes have wished to disagree.

The Court moves to the Côte d’Eich

Having three office buildings and a collapsible courtroom nevertheless created an impression of impermanence. The Court desperately looked round for more comfortable and permanent accommodation and finally found it in the Côte d’Eich, where premises belonging to the Church were going to be renovated for use by charity and welfare organisations. The plans included an area for a conference room or cinema.

Following intervention by the Luxembourg Government, Mgr Lommel agreed to give this site to the Luxembourg State, which had the premises converted to meet the Court’s requirements. The existing concrete shell or skeleton was fitted out to accommodate the Court and its staff and had a comfortable courtroom with a waiting room and a robing room for the lawyers. The Court also had a conference room/robing room designed to give access directly onto the dais in the courtroom. This very practical system was repeated in the three courtrooms in the main Court building on Kirchberg.

The premises on the Côte d’Eich had another advantage that was greatly appreciated: to the left of the entrance there were a few square metres which had, since time immemorial (since the days when Dutch soldiers guarded the Prince of Nassau, it was said), had a licence to ‘supply beer’. This privilege was tied to that one particular place, which had to be kept for the same purpose, otherwise the user’s rights would be lost … This was convenient both for the staff and for those appearing before the Court.

The building had five floors, with the Registry on the third floor, level with the roof of the courtroom. From the entrance on the registry floor you could see the ventilation and lighting domes, which had rather

suggestive shapes. They were known, rather irreverently, as ‘the breasts’.

In 1959, the seven Judges, two Advocates General, the Registrar and 75 officials were at long last comfortably housed all together, even though it could be very hot in summer in the offices overlooking the façade (from the third and fourth floors). This made us realise that the building on Kirchberg, with all its windows, needed to be air-conditioned.

The Public Prosecutor’s office at the Luxembourg High Court of Justice had also had its eye on the building on the Côte d’Eich. It did everything it could to help us to convince the Government to build the Court of Justice building on Kirchberg.

The Court of Justice building

In the early 1960s, there was no longer any reason why a building should not be constructed for the Court of Justice. From ‘temporary’ at the beginning, the seat of the Court had become ‘provisional’. As far as the Court was concerned, it was now ‘definitive’.

The development of Kirchberg as the site of the Community institutions in Luxembourg involved some very cumbersome procedures.

Before the various prestigious Community buildings began to spring up, there were 350 hectares of pasture, farmland and horticulture … everything that made Kirchberg bucolically attractive and that made it valuable to the owners. Preparing the public for such a radical change was no small matter: expropriation laws had to be adopted (1961), cases brought by dissenting owners had to be heard, access roads had to be built, etc.

The Court of Justice building was the first to be built on the Plateau: there was no dispute over who owned the land, which belonged either to the City or the State. A competition was held for European architects, in which one Luxembourg firm was required to take part. They had to submit plans based on the Court’s requirements: some 15 were entered, from which a panel was to choose the winner. The design by the architects Conzemius (Luxembourg) Jamagne and Van der Elst (Belgium) was selected. It was to be constructed in concrete on horizontal lines. It looked a little like an exotic temple, but after the magnificent, North-African style theatre had been built, this was by no means out of place in Luxembourg … Other plans submitted were for high-rise buildings or separate buildings for the offices and courtrooms.

However, before the construction work started, an international conference on the use of steel in civil engineering was held in Luxembourg under the aegis of the High Authority. It caused quite a stir and, prompted by Arbed, the Luxembourg Government decided to construct the Court building out of special Corrox steel, patented by the national steel industry. We were told at the time that the fine patina of rust that the steel would develop would avoid the need to use twenty tonnes of paint every so many years to keep it looking attractive.

This change of material obviously meant considerable delays in the construction of the building, which was to have a surface area of 10 000 m2 and be surrounded by 5 hectares of landscaped gardens.

Moreover, the Luxembourg Parliament was not exactly enthusiastic about approving an appropriation of some LUF 320 000 000 for the work when there were so many other ‘national’ needs to be met. It was finally ‘at the instigation of a tireless Minister of Public Works’, Mr J. P. Buchler (according to President Lecourt), that the Court building was completed just before the first enlargement of the Community (when the United Kingdom, Denmark and Ireland joined) on 1 January 1973. When we moved in, late in the summer of 1972, there was still a lot of work to be done. We arrived like a whirlwind, and despite the caretakers, we were inevitably there until late in the evening, having more than a few celebratory drinks, no doubt. No one ever really explained what happened, but people say (looking back now) that it was not as bad as one of the caretakers told everyone the next day.

The building work took more than 10 years, and, with the effects of inflation, we never found out what the

building really cost. But that was not our concern, and, at all events, it has been a profitable investment.

Since I myself had to monitor the work, I feel I should stress the contributions made by Messrs Beck, Lens and Lecloux, who practically lived on the site day after day. Many improvements were made thanks to the care and attention they brought to the job. Let me give you just one example: the building was to be a very representative structure; the ground floor, around the Grand Staircase up to the first floor (the courtrooms), was designed as a huge Hall of Mirrors. A considerable number of offices were successfully incorporated there without spoiling the look of the building. Thank goodness!

As the Court's needs evolved and the Community grew larger, by 1973 the building was almost full, with thirteen Judges and Advocates General and 230 officials.

There was one 'lucky find' during the construction work. In order to give the building a level footing on sloping ground, there was quite a large drop (2-3 metres) between the left and right sides of the building, underneath the garage. At little expense, and with the help of the site manager, a perfect location was salvaged for a much appreciated cellar.

There was also a 'surprise': during a delay in the construction work, the Government had changed the planned layout of the roads on Kirchberg, so that the road that should have gone past the main entrance at the front of the building now went past the back … However, when work restarted, people 'forgot' to turn the building round, which is why you now have to go round the building to get to the main entrance.

There were also 'disappointments': in the fine pavement around the building, each slab was bedded down at its four corners over a rubber disc that was supposed to make the whole thing flexible. But because the slabs were made of reconstituted material, many of them cracked as soon as the first lorries drove over them.

As for the interior finishings, the plans were for the Members' large offices to have an entrance lobby, a cloakroom and a washroom. When word of this got round in the city, steps were taken to eliminate the washrooms. But, by then, the pipes had already been laid. It probably cost a lot of money not to be able to finish the work that had been started.

The building was supposed to have air-conditioning in the offices as well as the courtrooms. This meant that the windows could not be opened. The Staff Committee was concerned about this, and the result was that money had to be spent in order to achieve the 'compromise' of having windows that could be opened 15-20 cm. Having supported the idea of air-conditioning, I had what might be called an unexpected stroke of luck: the summer following our move to the Court building, when the Translation Service had already had to move over to the Jean Monnet Building, was very hot. Staff in the Jean Monnet complained bitterly of the heat, while those in the Court building enjoyed enviable comfort.

The need for extra offices in addition to those occupied in the Jean Monnet Building arose almost as soon as the Court building was occupied in 1972–73. Thereafter, desperate attempts were made to find new offices wherever they were available. So it was that, as early as 1974–75, there was again talk of further construction work.

President Kutscher gave the go-ahead for plans to be drawn up for a new building on the site. We set to work with some outstanding architects. I would particularly pay tribute to Messrs Fritsch, Herr, Huyberechts and Paczowski, who are directing the current works. From the outset, I had recommended building on the hillside, though my ideas were rather smaller: but then, when I left, there were 'only' 472 established officials, whereas now …

Other people preferred to have a new building alongside the Court as the first extension, with a building on the hillside as the possible next step. It is likely that this will be carried out in reverse in the foreseeable future.

Hesitation and equivocation in commissioning the project means that I have not had the pleasure of seeing

the work started. I had hoped that President Mertens de Wilmars might have inaugurated the new building, but it was his successor, Lord Mackenzie Stuart, who officially laid the first stone three years later, admittedly on a building site that was already largely in operation. I hope that he will be able to inaugurate the finished work before the end of his current term of office and that the staff can once again be reunited in a single building which is convenient to work in. My special thoughts go to those of my former colleagues who are 'exiled' in prefabricated buildings on Kirchberg.

And, then, they will have to start thinking about the next building project … this is just the way things are. In the end, my contribution to the 'short history' of this great institution that we call the Court of Justice has come down to bricks and mortar. And inevitably so: it is the outward sign of how much it has grown.

So much to write about

It is time I stopped, and yet I could have talked about so many other subjects and aspects of the operation of the Court, with all that they involved on both the human and the personal levels.

I could have talked about 'the Registry', and Messrs Eversen, Van Hoey, Schilthouwer, Pompe and the Registry assistants who so faithfully helped me, so that people in Strasbourg and in lawyers' circles talked about it as a good example of how a Registry should be run. One day, a lawyer from Turin, who claimed to be a Communist, came to thank me for the help he had received from the Registry and stressed the excellent service and welcome he had been given. I was so proud!

… Or 'the Administration', which has not always perhaps received the recognition it fully deserves for having succeeded in giving everyone, from the top of the ladder to the bottom, the working conditions and assistance which are so typical of the Court and which other institutions have not managed to create.

… Or 'the Translation Service', where the progression from four official languages to six, then to seven and now to nine has not only swelled the number of staff but also created huge problems in coordinating texts and finding or coining words to render the exact meaning of the judgments and opinions; in translating earlier case-law — in whole or in part — for the new Member States; in meeting deadlines; and in publishing the Court Reports, among other things.

… Or 'Interpretation' for the hearings, which is becoming increasingly complex.

… Or the 'Library, Documentation and Information Technology Service', with the growth in the number of books and periodicals stored and cataloguing problems; with the documentation notes on problems of comparative law and references to earlier case-law; with all the benefits provided by the computerisation of case-law: all long-term projects carried out so brilliantly.

And then I could have talked about my weekly meetings with the heads of department or my monthly meetings with the Staff Committee, where any subject might come up. Those meetings genuinely contributed to the working atmosphere of the Court.

[…]