

## 'A Court in the service of Europe and its citizens' from the Luxemburger Wort (5 December 2002)

**Caption:** In its article of 5 December 2002, the daily newspaper Luxemburger Wort gives an account of the proceedings of the official audience held the previous day at the Court of Justice of the European Communities to celebrate the 50th anniversary of its establishment. The article summarises the addresses given in the Court's main courtroom by Gil Carlos Rodríguez Iglesias, President of the Court of Justice, Pat Cox, President of the European Parliament, Lene Espersen, Danish Justice Minister and President of the Council, Romano Prodi, President of the European Commission, and Ludwig Adamovich, President of the Austrian Constitutional Court.

**Source:** Luxemburger Wort. Für Wahrheit und Recht. 05.12.2002. Luxembourg: saint-paul luxembourg s.a. "Ein Gerichtshof im Dienste Europas und seiner Bürger", p. 12.

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## **A Court in the service of Europe and its citizens**

**Yesterday (Wednesday) the European Court of Justice celebrated its 50th anniversary by holding a formal sitting on Kirchberg**

*j-lo* **The administration of justice for Europe. That is the noble principle that has guided the work of the Court of Justice of the European Communities from the outset. This highly respected institution, which has its permanent seat in Luxembourg, was established because the six founding States of the present-day European Union realised that only a union protected by and implemented through the law had lasting prospects.**

**At a formal sitting in the Thomas More Building on Kirchberg, the European Court of Justice, whose origins date back to the European Coal and Steel Community, commemorated its 50 years of existence late yesterday morning in the presence of numerous eminent persons.**

The ceremony was attended by Grand Duke Henri and Grand Duchess Maria Teresa, the EP President, Pat Cox, the Danish Justice Minister, Lene Espersen, in her capacity as President-in-Office of the Council of Ministers, the EU Commission President, Romano Prodi, with Commissioners Mario Monti and Viviane Reding, the ECB President, Wim Duisenberg, Mgr Faustino Sainz Muñoz, Apostolic Nuncio to the EU in Brussels, and the Diplomatic Corps accredited in Luxembourg, the Deputy Speaker of the Luxembourg Chamber of Deputies, Niki Bettendorf, the Foreign Minister, Lydie Polfer, the Justice Minister, Luc Frieden, former Members of the Court of Justice and of the Court of First Instance, presidents of the Member States' supreme courts and of international courts, and presidents of the higher courts of the accession countries and of non-member countries from Europe, Latin America and Africa.

### **Forerunner to the treaties**

After the Court's President, Gil Carlos Rodríguez Iglesias, had thanked the Grand Duchy of Luxembourg in his welcome address for the kind hospitality that it had shown to the Court of Justice for 50 years, Pat Cox, President of the European Parliament, made various references in his address to the importance of institutions in a Community such as the European Union. He recalled Jean Monnet's insight that, on the one hand, rules were needed and, on the other, only solidly constructed institutions could guarantee that the wisdom collected by successive generations would be accumulated and handed down. The Court had contributed to the effective protection of the rights enjoyed by citizens under Community law. Mr Cox praised the contribution that the Court of Justice had made to European integration generally and the great care taken by the Court to ensure that the institutional balance laid down by the treaties was preserved and, at the same time, that Parliament's prerogatives were protected.

It was not only with regard to the development of democratic principles that the European Court of Justice had foreshadowed formal advances at Treaty level. At a very early stage, it had ensured that the principles laid down in the European Convention on Human Rights were respected in a different way in the field of the fundamental rights of the Community.

Before Mr Cox went on to praise the work of the pioneers of European unification, who had chosen a pathway to reconciliation and progress which none had walked before, he commended the idea of European citizenship.

### **Consistently important role**

Denmark's Justice Minister, Lene Espersen, in her capacity as the President-in-Office of the EU Council, conveyed congratulations from that institution. There were an increasing number of examples of cases where the European Court of Justice referred to and applied not only articles of the European Convention on Human Rights but also the case-law of the European Court of Human Rights in Strasbourg. Conversely, the

European Court of Human Rights referred increasingly to judgments handed down by the Court of Justice of the European Communities. In a gradual process, the protection of fundamental rights, as it was developed and consolidated by European case-law, was also being confirmed at policy level. In view of the imminent enlargement and the related human rights challenge, the time had come for the EU to accede to the European Convention on Human Rights.

### **‘Review the EU’s legal structure’**

Commission President Romano Prodi paid tribute to the work performed by the Court of Justice, recognising that, without that institution, Europe could not have achieved the present degree of integration. There had been no ‘rule by judges’, as critics had initially feared, instead, an efficient and coherent judicial and institutional system had been developed. In order to ensure that the force of reason was not sold short in the complex system of checks and balances, the Court had always remained open-minded and listened to the doubts and concerns of both specialists and ordinary citizens. The Court had also made repeated contributions to improving the balance between the institutions. Despite the different rules and traditions in the individual Member States, it had succeeded, as the hidden dynamic force of legal integration, in creating a coherent legal system.

Looking ahead to enlargement, Romano Prodi called for a review of the Union’s legal structure, since it would soon be applicable to five hundred million people. In this connection, the Commission President took the view that the ‘one Member State, one judge’ formula should be abandoned and replaced by more balanced and efficient structures.

### **Cooperation in performing the common task**

Ludwig Adamovich, President of the Austrian Constitutional Court and doyen of European constitutional court judges, recognised the remarkable work done by the Court over half a century. He also thanked the Court on behalf of the constitutional courts for the attentiveness that was always shown and the friendly dialogue that was constantly nurtured. In a Europe that took account of its diversity through the profession of the principle of subsidiarity, management of competence by the Court required not only a high level of expert knowledge but also an equally high degree of sensitivity. The European Convention on Human Rights was the unifying bond between the two major European courts and the national courts.

It was important that future cooperation between European and national institutions continued to be marked by mutual trust and by a readiness to cooperate in performing the common task.

### **‘Preserving the Union’s achievements in the legal field’**

‘Few generations have witnessed the birth of a system of law. Yet ours has.’ With this statement, which was made 30 years ago by the then President of the Court of Justice, Robert Lecourt, the current President of the Court of Justice, Gil Carlos Rodríguez Iglesias, opened his speech.

He began by looking back at the history of the Court of Justice, in order to make observations on the way in which this legal concept based on simple principles had developed into a legal order which entailed both the need to guarantee the full efficacy of Community rules and the effective protection of the rights which they recognised. In the performance of its tasks, the Court had very soon been confronted with the question of protecting fundamental rights within the new legal order as it took shape. Accordingly, it had had to define the substance of those rights itself. In doing so, it had drawn inspiration from the constitutional traditions of the Member States, the European Convention on Human Rights and other international instruments. In this sphere, an extremely fruitful dialogue had been held between the national courts and the European Court of Justice.

Gil Carlos Rodríguez Iglesias then referred in particular to the importance of the Court as a constitutional court, which had increased, especially in recent years, going on to refute the occasional criticisms that the Court acted as a driving force for integration rather than as the custodian of the law.

The Court certainly held a solid institutional position, but, if the Court had been able to perform its role to the full, this was a result of the links of cooperation and mutual trust forged with the national courts over the years, primarily through the preliminary ruling procedure.

With regard to the imminent enlargement of the European Union, the Court's President declared that the Court was already enthusiastically preparing to adapt to the new situation so that it could continue to ensure that the law was observed. In all the EU reforms, its importance as a community governed by the rule of law could not be underestimated. In this connection, it was to be hoped that the Convention on the Future of Europe and the Intergovernmental Conference would succeed in giving the enlarged European Union a more perfect constitutional form, whilst still preserving its achievements in the judicial field.

The anniversary celebrations, which had begun on Tuesday when a conference on 'Cooperation between the Court of Justice and national courts' had been held, concluded with a reception in the lobby of the Court of Justice, during which the Grand Duke, the Grand Duchess and the other eminent guests signed the Visitors' Book, and a luncheon.