

Interview with Pierre Pescatore: his appointment as Judge (Luxembourg, 12 November 2003)

Source: L'apport de la PESC à l'action extérieure de l'Union européenne (discours pour l'Université du Luxembourg)/Université du Luxembourg, cycle de conférences, semestre d'hiver 2006-2007 / JIM CLOOS, directeur des questions de politique générale au Secrétariat général du Conseil de l'Union européenne, prise de vue : François Fabert.- Luxembourg: CVCE [Prod.], 30.11.2006. CVCE, Sanem. - VIDEO (00:45:40, Couleur, Son original).

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URL:
http://www.cvce.eu/obj/interview_with_pierre_pescatore_his_appointment_as_judge_luxembourg_12_november_2003-en-5cec6946-195e-43cd-9928-acdb6ce2159d.html

Last updated: 03/08/2016



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[Susana Muñoz] You were a Judge at the European Court of Justice from 1967 to 1985. Do you recall the circumstances of your appointment as Judge?

[Pierre Pescatore] I was appointed in what were, actually, rather strange circumstances. You must remember that, in 1956 and 1957, I had been involved in the negotiations for and the establishment of the European Economic Community. At the time, the Brussels Commission had been desperate to have me and had asked me to join the Commission's Legal Service. I was even offered the post of Deputy Director, but I politely declined. I had set my heart on returning to Luxembourg and continuing to work at the Foreign Ministry, i.e. in the diplomatic service, and then pursuing my activities at the University of Liège, where I had been appointed as a Junior Lecturer and then Professor from 1952. But, during that period, I actively followed all that was happening in the Community. I attended seminars; I published articles and even a small book on integration law, and then, in 1966, the post of Judge at the Court became vacant. My predecessor, Léon Hammes, who was already a Judge at the time of the ECSC and then joined the Community Court, had been elected President for three transitional years, and he was not seeking a further extension. So I told the then Foreign Minister, Pierre Grégoire, that I should like to be appointed, but I discovered that I was facing very fierce competition from Léon Schaus, a former Minister. He had been a negotiator and Head of Delegation during the negotiations on the Treaty of Rome and was then appointed Ambassador to Brussels. So he wanted the post at the Court of Justice. He managed to mobilise his political party, the Christian-Social Party, to such a degree that the party's Executive Committee unanimously opposed me and supported Schaus. That meant that the decision was left to Pierre Grégoire, himself a member of the Christian-Social Party. In the end, Pierre Grégoire put my name forward, and, when I asked him why, he told me, to my amazement, that he had selected the best man for the job. Those were the circumstances of my appointment, and, for me, clearly, that meant a huge change in my working life and, indeed, in my whole way of life.