



1980 and 1981

**FORMAL SITTINGS**  
of the  
**COURT OF JUSTICE**  
of the  
**EUROPEAN COMMUNITIES**  
1980 and 1981

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FORMAL HANDING OVER  
to the  
COURT OF JUSTICE  
OF TWO WORKS OF ART  
from the  
STIFTUNG PREUSSISCHER KULTURBESITZ, BERLIN,  
on 30 May 1980

**Address delivered by Mr Hans-Jochen Vogel, the Federal Minister of Justice, on the occasion of the formal handing over on loan of two sculptures from the fund managed by the Stiftung Preußischer Kulturbesitz, Berlin, to the Court of Justice of the European Communities in Luxembourg on 30 May 1980**

When representatives of Member States appear before the Court of Justice of the European Communities, their purpose is generally to make requests or demands: the dismissal of an application, the acceptance of their conclusions or an order that the other part should pay the costs. In response to your kind invitation I am able, without incurring too great a risk, to make an exception to that rule.

Indeed, today I make no request. On the contrary, I offer something; more precisely, I contribute to that which is offered and entrusted to the Court on permanent loan by another, the Stiftung Preußischer Kulturbesitz; I speak of a bas-relief by Mataré and a sculpture by Uhlmann. In so doing I act on behalf of the Federal Republic of Germany and follow the example of other Member States which have already contributed to the artistic design of the Court's building.

The occasion might certainly lend itself to a great many reflections – on works of art, for example. However, I wish to entrust that task to Mr Honisch and Mr Knopp who are particularly well-qualified in that respect. They will doubtless not fail to pay tribute to the two artists, to whom my country, by the particular choice which it makes in this matter, seeks to grant their just rewards. Did they not both fall victim to ostracism during the period of National Socialism? And in spite of that did they not immediately after the collapse of National Socialism contribute to Germany's return to the culture and life of Europe and thus play their part in leading the nations on the road which leads to Europe less than a decade after the end of the Second World War?

I might also devote myself to lofty remarks on the relationship between art and law in general, and the Court of Justice in particular; thus, I might speak of the artistic and legal eclecticism of an E.T.A. Hoffman or of a Franz Grillparzer or indeed of the comprehensive, functional and personal similarities between the role of the Court and that of the works of art which adorn its building. Likewise one might paraphrase the words of Helmut Schmidt when he formally handed over a work of Henry Moore to the Chancellery in Bonn, namely that 'a work of art often leaves us enshrouded in perplexity'. One might in that connection draw a comparison between a work of art and the judgment of a court, for how true it is that the judgment of a court may at times leave the parties perplexed. And one might of course also cite the judgment delivered by the Court on 27 October 1977, in which it resolved a thorny problem within the confines of art and a tariff heading of the Common Customs Tariff.

I shall resist all those temptations as well as the temptation to philosophize on the fact that the Federal Republic is entrusting to Europe two works from the Fund of the Stiftung Preußischer Kulturbesitz. In spite of what may be said, Prussia was not merely 'an army maintaining a State', as Theodor Fontane once wrote in one of his novels. It was also Kant, Hardenberg, the Baron von Stein and the Humboldt brothers; it was Bismarck, Windthorst, Lassalle and Auguste Bebel; it was the Kammergericht resisting the authoritarian decision of Frederick II in the case of Arnold the miller. It was poets, painters, architects and sculptors of the eminence of Heinrich von Kleist, Karl Friedrich Schinkel and Andreas Schlüter. It is therefore of particular significance that the term 'Prussia' has survived the disappearance of the State and is linked specifically with a foundation whose aims are to 'preserve, promote and restore for the German people the essential features, other than regional or local, of the cultural heritage of the former Prussian State'. Those aims do not exclude a European element. On the contrary, correctly considered, they even imply it.

It is not my intention, ladies and gentlemen, to develop any one of those themes. Instead I propose to express precisely what the handing over of these works of art is intended to denote: the great esteem and respect which my country has for a vital institution of the European Communities and proof of its gratitude for the work which you, the judges and advocates general, and all those in the service of the Court – and I do not forget your predecessors – have accomplished and are accomplishing in the cause of European unity. Let no one underestimate the role of law and the part played by the Court in European unification. Certainly the daily activities of the Court are devoid of spectacular and dramatic events. Public opinion is focused rather on other

areas or institutions, and primarily on situations of conflict and crisis. And yet each thread which a Community provision or a new decision of the Court adds to the weave of behavioural rules makes more resistant and less vulnerable the fabric of European unity. Even today the fabric is more resistant than divergent interests. Of that I am confident, and the weeks and months to come will confirm that once more despite all the difficulties.

Accordingly, I assure the Court of my highest regard and by entrusting these works of art to the Court's care I hand them over as a pledge of a nation's belief in Europe in which the Court may continue to place faith in the future.



**Address delivered by Professor Werner Knopp, President of the  
Stiftung Preußischer Kulturbesitz, \* on the occasion of the  
handing over to the Court of Justice of the European Communities  
in Luxembourg on 30 May 1980 of two works of art belonging to  
the collection of the Nationalgalerie**

Mr President,  
Minister,  
Your Excellencies,  
ladies and gentlemen,

Today I have not only the great honour but also the special pleasure of speaking here on behalf of the Stiftung Preußischer Kulturbesitz and of formally handing over to the Court of Justice of the European Communities two works of art belonging to our Nationalgalerie.

There are several reasons for the special pleasure which it gives me to speak to you within these walls. Above all, of course, it springs from the fact that the Nationalgalerie which, like 13 other museums, the Staatsbibliothek and the Staatsarchiv, belongs to our Foundation, should be permitted to represent German art with two major works at the seat of an institution which is a unique symbol of the will and hope of the European nations that they should move forward together and of the dignity and status of the law, the basis of our civilization and an important factor in its integration. Just as the multifariousness of our national legal orders – united only gradually under the crown of the Community legal order – supports and symbolizes by certain essential features the cultural unity of our continent in spite of all the peculiarities of development and content, so too the works of art which originate from various countries and are gathered here represent the national diversity and continental unity of European art.

Which institution would be more suited than the Berliner Nationalgalerie

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Original text: German.

\*Prussian Cultural Heritage Foundation.

for making the voice of Germany heard in this cultural polyphony? It is certainly true that because of its very history my country does not merely possess one cultural centre (even Bonn is unable to become that centre in spite of its recent efforts); on the contrary, a large number of centres of that kind have grown up which scorn any arrangement in order of importance. Nevertheless, it may be said that Berlin is the city dear to the heart of every German and also that the Nationalgalerie, of which it is the home, can by virtue of its name, its history and its very nature legitimately claim the right to present, on behalf of Germany as a whole, my country's most distinguished works of art to the arena of international art, that is to say to achieve the very objective sought by each of the countries represented here by works of art.

And what is more, inasmuch as it belongs to the Stiftung Preußischer Kulturbesitz, our Nationalgalerie enjoys the support of both the Federal Government and all the German *Länder* and for that reason also is entitled, both legally and politically, to perform the joyful task of offering the contribution of the Federal Republic of Germany to the artistic decor of the Court of Justice.

Finally, my pleasure in having been able to participate in the preparation of this contribution also derives from the fact that our Foundation is thus represented in Luxembourg in a country which, owing to its situation and resolute spirit, has become one of the instigators of European unification. And anyone who is familiar with history will not fail to realize that this act on the part of the Stiftung Preußischer Kulturbesitz brings to a close with restored friendship and reconciliation – as we believe and hope – an era of European history which, for more than a century from the second partition of the country in 1815, brought Luxembourg into contact with a neighbour to the east, Prussia, with which its relations were both mixed and strained. The vestiges of that period of history remaining in Luxembourg offer ample scope for reflection: from the cemetery of the Prussian garrison sheltered by the suburb of Clausen to the tomb of Wilhelm Voigt, the cobbler, who, adopting the name of 'Hauptmann von Köpenick', pushed to absurd limits the traits of the Prussian military State during the final stages of its development. Today, great Prussia has disappeared into the whirlwind of history, whereas little Luxembourg lives on, livelier and more full of promise than ever. Although out of respect above all for Prussia's achievements in the field of cultural policy our Foundation continues proudly to bear the name of that State, it too is an institution of the Federal Republic of Germany which looks to the future and today rejoices at having been able to send to Luxembourg works of contemporary art rather than pointed helmets.

My sincere wish is that these works of art may take their place at the seat of the Court of Justice of the European Communities alongside their European counterparts and give great pleasure to those who gaze upon them.

**FORMAL SITTING**  
on 30 October 1980



Hans Kutscher

*Photograph: CEC*

**Address by President H. Kutscher delivered at the formal sitting held on 30 October 1980 on the occasion of Mr Everling's taking office as judge**

Your Excellencies,  
Mr Everling,  
ladies and gentlemen,

It is in accordance with an established custom of this Court that new members are installed in office at a formal sitting. It is the duty of the President, as the spokesman of the collegiate body, to perform this pleasant task. If I am not mistaken, this is only the second occasion in the history of this Court on which the retiring member has welcomed his own successor. In October 1967 Mr Hammes, then the retiring President, extended a welcome to Mr Pescatore, his successor as judge and then junior Member of the Court of Justice. I am delighted that it falls to me, as my last official act, to welcome my successor in judicial office, Mr Ulrich Everling.

To those who are acquainted with European law and European politics Mr Everling is no unknown figure. He already has the reputation of an experienced practitioner and a distinguished academic who for more than two decades has worked in his profession for the economic unification of Europe.

Mr Everling was born in Berlin in 1925. After the end of the Second World War he studied law and political science at the University of Göttingen, which is so rich in tradition. He passed the first part of the State law examination in 1948 and the second part in 1952. In that year Mr Everling graduated in Göttingen as a Doctor of Laws. In 1953 the then 28-year old 'Assessor' was appointed 'Hilfsreferent' in the Federal Ministry of Economics. To that Ministry Mr Everling has now been attached for more than 25 years, holding positions of ever greater responsibility which have culminated in that of Head of Department and 'Ministerialdirektor'.



Ulrich Everling

*Photograph: Luxnews*

Mr Everling, from the beginning of your work in the Federal Ministry of Economics you have been concerned with external economic questions and it looks as though at a very early stage you had acquired a special taste for the many economic and legal problems of European integration. As early as 1955 and 1956 you took part, on behalf of your country, first in the preliminary conference and thereafter in the negotiations on the EEC Treaty in which you were occupied primarily with questions relating to the right of establishment. You have therefore watched and experienced the process of the economic unification of Europe from the outset. You later had, and availed yourself of, the opportunity of assisting that process in many ways and of advancing it.

In 1958 you were entrusted with the running of the section dealing with the law of the European Communities within the newly-established European Division of the Ministry. You were involved in numerous negotiations within the Community on important issues. You were at that time also responsible for representing the Government of the Federal Republic of Germany before this Court.

In 1967 you became head of the branch known as 'European Common Market and Relations with Non-member Countries'; three years later, in 1970, you took charge of the important 'European Policy Division'. In that position, which you held until today, it was your task to contribute, within the area for which your Ministry was responsible, to the coordination of the Federal Government's policy towards the European Communities and the individual Member States. You have taken part in almost all of the so-called summit conferences, in meetings of the Council of Europe and in numerous sessions of the Council of the European Communities. You are well-versed in the policies of the Community and the Member States in the economic field. There can be no doubt that your intimate knowledge and your experience will be of very great value to the Court of Justice in deciding difficult questions. You will know what is involved when the validity of economic decisions and the relevant legislation of the Council or the Commission are challenged.

I would be painting an incomplete picture of your knowledge, ability and inclinations were I to content myself with recalling the various stages of your professional work in the economic administration.

As the author of a treatise of fundamental importance on the right of establishment, as a commentator on the Treaty establishing the European Economic Community and the author of numerous papers, partly in the nature of treatises, you have made a notable contribution to the development and the broadening of Community law. You have acquired the reputation of a leading



expert on European law and the problems of the common market far beyond the frontiers of your own country. The list of your publications is impressive. Your papers embrace almost every field of Community law and European politics. Since 1971 you have lectured at Münster University on the law of the European Communities, with special reference to economic law. In 1975 that university awarded you the distinction of an appointment as honorary professor.

Mr Everling, for almost 27 years you have been engaged in an administration concerned with economics and, at that, in a field in which administration, government and politics are inseparably linked. On occasions an attempt has been made to contrast the character of the administrator and his specific abilities and attributes with the character of a judge and his qualities. I do not think that the distinction is a fruitful one. But be that as it may, the carefulness of thought which distinguishes you appears to me to guarantee that the specific judicial virtues will be yours. Moreover, you may always have in mind that two of your predecessors, Mr Strauss and myself, were, like you, administrators for many years before they became judges. In you the Court of Justice acquires a highly-qualified practitioner of European economic integration and at the same time a man of scholarship – and a European. You are beginning your work as a judge at a time in which it is an open question what path the Community will take. If it wishes to master the tasks lying before it, the Court of Justice will require all the knowledge and abilities of all its Members and their whole energy. Great legal acuity and the specific kind of imagination which distinguishes the sound lawyer will be just as necessary as careful reflection and an insight into the economic and political background and context, without a knowledge of which many cases cannot be understood and cannot, in any event, be properly decided. You, Mr Everling, have all the attributes necessary to meet successfully the challenge which lies in participating in the collegiate decisions of the Court.

I am sure that I speak once again for all the Members of the Court when I bid you a very sincere welcome.

**Address by the President of the Second Chamber of the  
Court of Justice, Mr Pierre Pescatore, at the formal sitting  
on 30 October 1980 on the occasion of the retirement of the  
President, Mr Hans Kutscher**

Mr President,

On 26 October 1970 you took office as a judge at the Court of Justice of the European Communities. On 7 October 1976 you were elected President by your colleagues and that confidence in you was renewed once again on 7 October 1979. Today, of your own volition, you come to the end of your term of office.

For 10 whole years therefore, you have contributed to the work of this Court of Justice. It was a significant part of your life, the pinnacle of an outstanding legal career, the culmination of your life's work. At the same time these 10 years also represent a chapter in the history of our Court of Justice and therefore of the European Community which you have energetically helped to fashion. Your contribution to this chapter of European history bore the stamp of rich legal experience, of remarkable factual knowledge in each of our many and varied fields of activity, and your consistent European conviction, but, more than that, of all the personal qualities which in our eyes have made you such an amiable and respected colleague.

The Community Treaties provide that judges shall be chosen only from those persons 'who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are juriconsults of outstanding ability'. My dear President Kutscher, you have met the first requirement to the full; the second you have more than satisfied. Let me offer proof of those two assertions.

You completed your legal studies having enjoyed that right of a student, which is peculiar to the German university system, to change universities:

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Original text: French.

Graz, Freiburg im Breisgau, Berlin and Hamburg were the stopping-places in your intellectual training; your doctorate was conferred in far-away Königsberg. Even during your years as a student, which you completed brilliantly stage by stage, a distinct leaning towards public law soon became apparent. So naturally you felt attracted to the public service and spent a short period in the Central Economic Administration in Berlin, and then, after the events of the Second World War, in the regional administration of Baden-Württemberg.

To my mind 1951 represents a decisive turning-point in your career. In that year you were enlisted by the Foreign Office of your country to participate in the negotiation of the 'Bonn Treaties' which were signed in May 1952 and brought into force in 1955. They were significant and difficult negotiations representing a milestone in the restoration of the international status of the infant Federal Republic. At about the same time you were given appointments in the administration of the German parliament: you were made both Secretary of the Legal Committee of the Bundestag and Secretary-General of the Conciliation Committee of the Bundestag and Bundesrat. In the latter capacity you found yourself in those years at the point of balance between the interests of the *Bund* and *Länder*.

By that time your achievements and abilities had met with such recognition that in 1955 you were appointed to the highest judicial office which the Federal Republic can confer – judge at the Federal Constitutional Court. You worked in Karlsruhe for 15 years before being appointed by decision of the governments of the Member States to the European Court of Justice.

Along with your official capacities you have kept yourself busy both in scholarship and in published work. At the Technical High School in Karlsruhe you taught constitutional and administrative law, and commercial administrative law, too; in 1965 you were appointed honorary professor at the University of Heidelberg where you will have learnt that such an occupation is not only appropriate for the teaching, training and the inspiration of young people but above all that it provides tremendous enrichment for the teacher himself: *docendo discimus*. As a colleague we have learnt much from you. From that period date numerous publications from your pen on subjects relating to constitutional and administrative law which bear the unmistakable mark of your intellectual character. By that I mean objectivity, precise content, and the reliability of all you have written. That is scholarship in the best sense of the word.

It was therefore an extremely rich source of knowledge and practical

experience which you brought with you to the European Court of Justice. You were no stranger here, for mutual visits between Karlsruhe and Luxembourg had enabled personal contacts to be established. Your appointment to the European Court of Justice was not only proof of the high esteem in which you were held in the Federal Republic; those close to you knew that this appointment was in accordance with your wishes. I still vividly remember the pleasure which the news of your appointment evoked here.

Now the strength of this Court of Justice lies precisely in the fact that, first, all of us are lawyers and therefore right from the start we have much in common in our ways of thinking and in our values; but at the same time it lies in our different intellectual and professional backgrounds which on the whole ensure that there is a broad spectrum of expertise and views. Without any doubt your life experience has meant a special kind of enrichment from our bench. Your detailed knowledge of the federal State system and your many years spent as a practising constitutional judge have opened up new perspectives in the Court and made us aware more than ever that we act in a constitutional structure which does not want for federalist characteristics. Here, as there, lies the point at which law and politics meet and combine at the highest level, where contacts and tensions between the centre and the periphery emerge; here, as there, the object is not only to rule on conflicts but to resolve them.

For those tasks you were eminently prepared. You are a man imbued with basic principles. You have constantly shown us that a court, which, within the bounds of its jurisdiction, has the final and decisive say on the entire gamut of interests existing in a community, can never permit the leading principles of the constitution to be infringed, that it must have the courage to use appropriate means to tackle the problems referred to it and that, when conventional methods fail, it must not eschew the invention of new solutions. At the same time you are also a man of conciliation. I say of conciliation and not of compromise for you seek to identify that point at which the legitimate interests of all who come within the law are satisfactorily, and therefore lastingly, reconciled.

Beyond the controversial problems concerning the political order of the Community you have shown special concern for the protection of the rights of the individual. Shortly before you joined us the Court of Justice had made its first tentative move to recognize basic rights in the legal system of the Community. It was indeed here that your all-round experience acquired through your many years of work in the Federal Constitutional Court was crucially important for us. All the problems in this area have still not been

solved and nor have all the difficulties been ironed out; however, with your help the foundation has been laid and your colleagues and your successor will preserve what has been so far achieved as a special legacy from your good self.

What has proved to be of inestimable value to us in all the many spheres of our law-giving has been your far-ranging knowledge of your own national legal system, which is notable for its particularly dynamic development and has therefore in many respects become a signpost for Community law. If nowadays in the European sphere certain legal concepts are gaining more and more ground, such as the requirements of constitutionality, the proportionality of intervention by sovereign bodies and the safeguarding of the expectations of those subject to the law, to name but a few, and if through Community law those concepts are having an effect on the laws of the various Member States, then your merits as a mediator are not to be overlooked.

Your life experience, acquired principally in the province of constitutional law, has combined perfectly with your deep-seated conviction that European unification is indispensable. With that unflinching steadfastness, which is an essential part of your nature, you have held firmly to the line taken by your predecessors. Allow me to quote you here. By force of circumstance it fell mainly to you to offer words of farewell, not to one, but to two of your predecessors holding the office of President. In the farewell speech to President Robert Lecourt you underscored the 'profoundly European views' of your predecessor and pointed out that he was part of that generation of Europeans 'which had realized that only a united Europe was capable of survival and that it should be constructed to take the place of the eternal quarrels which had marked relations between the nations of our continent'. Shortly afterwards you chose similar words with respect to our colleague Andreas Donner who had presided over the Court at a decisive stage of its development. ' "Amour de la démocratie" ', you then said, 'today ... will have to be accompanied by "amour de l'Europe" and the sober understanding of the need to unite Europe if it is to survive and keep its identity'.

In uttering those words you were not just praising your predecessor; you were expressing your own deep personal conviction. That is and remains the solid foundation on which we have stood united throughout the years we have spent together. That, in the final analysis, is the purpose of the solemn duty, which we have all undertaken, to protect the law in independence and according to the freedom of our conscience as is provided in our Community in its constitutional instruments. We thank you for the devotion and consistency with which you have pursued that mission.

On that basis, with your unfailing power of judgment and that quiet, considered manner of yours, you have helped to clarify and solve the diverse problems which are referred to us day by day in ever new variations, frequently in contexts having important implications. You are endowed to a specially high degree with the ability to listen in silence and then to examine what you have heard with a wholesome sense of reality. Those who study our case-law say that the 'storm and stress' of the early period has now been replaced by a 'new realism'. Both styles have their justification and their own persuasive force; after the declarations of principle of the 1960s, which put Community law permanently on the right road, came the period of deep immersion in the practical problems which we, as judges of the second or even third generation, have to master. That was a task which was ideally suited to your intellectual style.

Such a sketch of our President would be very incomplete indeed were I not to highlight the human qualities which have made our 10 years of work together such a rewarding experience. Amiability and warmth in human relations typify your character. Add to that your well-meaning humour which shows that you know how to make the best of life and get the best out of your fellow men. Together with interests outside the rationality of the law, how else is your receptiveness to history to be explained and also your special predilection for modern art, to which you have set up permanent memorials at the seat of the Court of Justice!

You have presided over our work with skill and enduring patience. Even in the cross-fire of our discussions, which time after time was intensified by the difficult nature of the problems before us and by lively temperaments as well, you knew at the end of the day how to give rein to friendly accord. By contrast to many international bodies in which tension predominates, our Court of Justice was, thank Heavens, always a kind of large family; are not all judges, to borrow an English phrase, 'brothers' on the same bench? Through your efforts you have contributed day by day to the maintenance and strengthening of that spirit. In doing so you received effective support from your wife. Mrs Irmgard Kutscher, by her openness, her warm-heartedness as well as her outstanding knowledge of languages, knew perfectly how to bring and keep together this large family in friendship.

The choice of the moment when you wish to leave us is your personal decision. We would have willingly gone further down the road with you; yet at the same time we gladly and cordially welcome the new German judge into our midst especially as we have reason to believe that your successor is a man after your own heart.

My good friends Hans and Irmgard, you are leaving us fit in body and lively in mind. Now that you are freed from the burdens and duties of office may you both undertake and enjoy all those things which have had to remain undone and unrealized. We hope that among the pleasures of the future there will be many opportunities to revive and preserve friendships with your old colleagues.

As for the Court of Justice, I can assure you, my good friend, President Kutscher, that we who remain here will continue along the path on which you have set out, with our eyes firmly fixed on the ultimate goal of a united Europe, towards the realization of which we as jurists have our special contribution to make.

**Address by President H. Kutscher at the formal sitting held on  
30 October 1980 on the occasion of his retirement**

Your Excellencies,  
ladies and gentlemen,  
and, especially, my dear colleagues,

I am grateful to you, Mr President of Chamber – *et cher ami* – for the very kind words of farewell which you have addressed to me. It was not without some emotion that I listened to your words in my honour and in my praise – all too much in my praise. I am no less grateful – and I feel no less honoured – that so many people of distinction are attending this sitting of the Court of Justice, including some former Members of the Court of Justice with whom I feel a close bond of friendship. I thank especially former Presidents Donner and Lecourt and also Mr Sørensen for having come to Luxembourg today.

The Members of the Court of Justice are privileged in many ways. Most importantly they are doubly privileged inasmuch as they are not subject to any compulsory retirement age and may resign their office at any time. I have availed myself of the second of these privileges, after having been a Member of the Court of Justice for 10 years, before the expiry of my term of office. But please believe me when I say that leaving the Court of Justice and Luxembourg does not come easily, even though I am giving up office of my own choosing. I cannot with any joy cease taking part in the work of a Court of Justice which, as one of the institutions of the European Communities, has contributed and is contributing, in its own way and within the limits imposed on every court, to the peaceful unification of Europe and to the safeguarding of its legal foundations. It is particularly hard for me to bid farewell to my colleagues. I thank them for their understanding and their support, without which I could not have carried out the duties of my office.



My thanks extend also to the Registrar of the Court of Justice who bears the main burden of the Court's administration, which is difficult and over the years has also become very wide-ranging. I should particularly like to thank the members of my hard-pressed chambers: Mr Daig, who has stood beside me with his extensive knowledge and varied talents for many years; Mr Jung and Mr Dausès and, more recently, Mr Grass, who with their expertise, discretion and energy have helped me to perform the many and varied tasks which fall upon the President of the Court; Mrs Lavall and Mrs Laubenthal who have performed their many and often difficult tasks with profound skill, with intelligence, with great organizational and technical ability and with remarkable patience. Often tired and yet untiring they have cheerfully suffered countless hours of overtime. Finally, I am grateful to Mr Van Velzen who has managed to drive me safely – without accident and without breaking an axle – over the highways of Luxembourg and who has made it possible for my wife and I to enjoy carefree journeys to almost all the countries of the Community.

Ladies and gentlemen, the Court of Justice is also only temporarily accommodated in Luxembourg. No one, however, contemplates moving the seat of the Court of Justice elsewhere. I think I speak for all of us when I thank the Luxembourg Government and administration for the liberality, the cooperation and the kindly and helpful attitude which they have shown towards the Court and its Members on many and sometimes difficult questions. I would also like to express those thanks both in a personal capacity and on behalf of my wife.

My wife and I are grateful for the many bonds of friendship which we have formed in our 10 years in Luxembourg. We shall ensure that those bonds do not fall apart; we shall remain attached to our Luxembourg friends.

Your Excellencies,  
ladies and gentlemen,  
my dear colleagues,

I have wondered whether it is one of the duties of a departing President to attempt in his farewell address to sketch the development of the case-law of the Court of Justice during the years which have passed. It was here that in October 1976 Robert Lecourt gave a masterly summary of the case-law of this Court since 1962, at which time the first important legal issues arising out of the Treaty founding the European Economic Community were pending. Between 1962 and 1976 the Court in fact identified clearly and unequivocally adhered to the leading principles of the Community legal order of the six, and subsequently nine, Member States: the independence – the autonomy – of the

Community legal order; the direct effect of its rules for all official bodies, courts and citizens in the Member States; the pre-eminence of the rules of Community law over all provisions of national law. By 1976 the Court of Justice, through its decisions, had authoritatively interpreted numerous important provisions of Community law and laid down the fundamental principles which govern, for example,

- the Community's external relations;
- the division of powers between the Community and the Member States;
- the full realization of the common market through the removal of all obstacles to the free movement of goods;
- the right of migrant workers to free movement, including social security for them;
- the right of men and women to equal pay for equal work;
- the law relating to the organization of the markets in agricultural products;
- competition law;
- and – last but not least – the safeguarding of the citizen's fundamental rights in regard to legislative and executive acts of the institutions of the Community.

Has the Court of Justice since 1976 added anything essentially new to this established and consistent body of case-law? In my view it has not. Accordingly, so far as the case-law since 1976 is concerned, I may confine myself to a few remarks and later I shall point to an exception, namely, the decisions given by the Court on the Brussels Convention.

Since 1976 the Court of Justice has of course developed legal principles which were laid down earlier and has applied these to new factual situations. This is especially true of the safeguarding of fundamental rights of individuals, the external relations of the Community and the division of powers between the Community and the Member States, the free movement of goods and ensuring freedom of movement for migrant workers. The law concerning the non-contractual liability of the Community (Article 215 of the EEC Treaty) has been defined more specifically and been developed in certain decisions.

In the interpretation and the application by analogy of Article 174 of the EEC Treaty the case-law of the Court has given a fresh aspect to the old contradictions between justice and legal certainty. In a judgment delivered only yesterday the Court of Justice attempted to safeguard the fragile system of checks and balances which the Treaties created in the relationships between the institutions of the Community. The actual case concerned the participation of the Parliament in the legislative process.

It is not, and cannot be, disputed that the Court of Justice without having overstepped the limits to which all judicial activity is subject, by its dynamic interpretation of the Treaties, directed towards the achievement of their goals, has contributed – both before and after 1976 – in no small way to the economic and social integration of the Member States. That case-law of the Court and the principles of Community law laid down in it belong without doubt to the *acquis communautaire*.

The number of judgments and the cases dealt with has increased not inconsiderably since 1976. To a certain extent the workload of the Court depends on the inaction or on the action of the institutions of the Community. If the Council does not agree upon a fisheries policy then many difficult cases are brought. If the Commission and the Council are of the opinion that the steel industry is in a state of 'manifest crisis' and thus – perhaps – a system of production quotas is introduced, that very certainly means more actions. Should the monetary compensatory amounts be abolished that means fewer actions.

The amendments to the Rules of Procedure of the Court which entered into force a year ago made it possible to constitute three chambers – instead of the previous two – and to assign more and different cases to those chambers for decision. These rules have proved their worth. Only through them has it been possible to master the growing workload.

As I have already mentioned, there is one exception to the statement that since 1976 the case-law of the Court has not produced any essentially new development.

In the autumn of 1976 the first cases in which the Brussels Convention on Jurisdiction and the Enforcement of Judgments required to be interpreted came up for decision. In the four years since then 20 judgments interpreting that Convention have been delivered. The Convention appears to govern very special, technical questions of international procedural law. It is none the less of great importance and in view of the ever increasing cross-frontier traffic in goods and services, this Convention is of great significance for small and medium-sized undertakings. So far as I can see, the Brussels Convention has for the first time entrusted the interpretation of a multilateral agreement in the field of procedural law to a single court and thus ensured that the Convention will be uniformly interpreted for all the contracting parties. The danger of divergent interpretation by the supreme courts of six – and before long, nine – contracting States is averted. That is an important step on the road to legal unification and legal certainty in Europe.

Some years ago a good acquaintance and a friend of this Court jocularly remarked that the interpretation of the three basic Treaties did not make any very great demand on the jurisprudential abilities of the Members of the Court. But, he said, it was different with the law of international civil procedure as, for example, with the interpretation of the Brussels Convention. There it was possible to show whether one really was a sound lawyer. I hope that in the 20 judgments which it has given in the last four years the Court of Justice has to some extent lived up to those standards.

Uniform and mandatory interpretation of a multilateral agreement by one court, which is laid down for the Brussels Convention, is, in my opinion, a success. Why do the Member States hesitate to transfer this successful solution to the numerous other multilateral agreements in the field of civil and commercial law which are in force between them and which stand in close relationship to the objectives which the founding Treaties seek to bring about? Mr Lecourt made that suggestion in the 1970s. Unfortunately, the nine governments show little inclination to put these suggestions into effect. Why do they not make use of the opportunities which are open to them in this field?

The interpretation of the Brussels Convention involves important questions which, however, are predominantly in the nature of technical questions of law. National courts have accepted the decisions of the Court of Justice without hesitation. In other fields of case-law, however, difficult situations have arisen which have called for a reminder of the functions which the founding Treaties assigned to the Court of Justice. The Community is not just an economic and social Community. It is also a legal Community. The Court of Justice has the task of ensuring that the law is observed (Article 164 of the EEC Treaty). Walter Hallstein has pointed out that in drawing up the Treaties it was the intention to crown the constitutional structure of the Community with a supreme court which is a constitutional body in the full sense of the word. The Court of Justice has not disappointed those expectations; so said Walter Hallstein in 1979. It is impossible to imagine the development of the Community without the independent work of the Court in giving precise and practical guidance, in making adaptations and in filling lacunae, in short, in giving a lead. Through its decisions, the Court of Justice has given European law 'authority with governments and official bodies, with Parliament and citizens'. At the sitting on 7 October 1958 at which the Court of Justice of the three Communities was constituted Robert Schuman described the Court of Justice as 'l'institution la plus originale de cette Communauté européenne, une instance de contrôle, instance impartiale, instance aussi d'arbitrage en cas de litiges'; its judges are 'les garants de la constitutionnalité de toute l'activité au sein de la Communauté'.

But if we look beyond the inevitable and indeed necessary criticism, is it correct – or is it still correct – that through its decisions the Court has given Community law authority with governments, courts, official bodies and citizens? Until 1978 the answer to that question would have presented no difficulty. Today, one hesitates to answer with an unqualified yes.

In this I leave out of consideration the intemperate attacks which certain political groups direct against the Court of Justice and its Members. That criticism affects the Court only superficially; it is aimed at reducing the Community to a form of loose cooperation between independent States. It is also possible to leave out of account certain reservations held by the constitutional courts of the Federal Republic of Germany and Italy in the field of fundamental rights and of the so-called structural principles of the constitutions of free democratic nations. Those reservations will not – or so it may be hoped – present any great difficulties.

On the other hand, it would have to be regarded as a more serious matter were a supreme national court no longer prepared to fulfil its duty under the Treaties to seek a preliminary ruling in accordance with Article 177 of the EEC Treaty. Continued failure to fulfil that duty would seriously endanger the uniform interpretation and application of Community law in all Member States by which the Community legal order stands or falls. It would however be a gross exaggeration were one to believe it necessary to state that the relationship of the Court of Justice of the Community to the Member States has been marked by growing resistance on the part of the national courts.

The fact that a Member State refused for more than a year to take account of a judgment of the Court is more serious. The judgment is that of 25 September 1979 in which the Court held that, by continuing after 1 January 1978 to apply its restrictive national system to the importation of mutton and lamb from the United Kingdom, the French Republic failed to fulfil its obligations under Articles 12 and 30 of the EEC Treaty. I have often been asked whether the disregard of that judgment has been detrimental to the authority of the Court. I have always answered that question in the negative. It is not the authority of the Court which is called in question but the authority of the law, the authority of the Community as a Community based on law and the binding nature of the Community legal order. To that extent it is necessary to adhere to the statements which were made by the Court some years ago in another case – statements which at the same time contain an unmistakable exhortation not to call in question the legal basis of the Community. In a judgment in February 1973 the Court stated:

'In permitting Member States to profit from the advantages of the Community, the Treaty imposes on them also the obligation to respect its rules. For a State unilaterally to break, according to its own conception of national interest, the equilibrium between advantages and obligations flowing from its adherence to the Community brings into question the equality of Member States before Community law and creates discrimination at the expense of their nationals. ... This failure in the duty of solidarity accepted by Member States by the fact of their adherence to the Community strikes at the fundamental basis of the Community legal order'.

I took office as a judge at the Court 10 years ago in October 1970 convinced that, through economic and monetary union, the Community was on the way to becoming the European Union. At that time the Community, so I thought, was a Community in the process of advancing integration, as the German Federal Constitutional Court once described it. Only a fully-integrated Europe, an economically and politically unified Europe, had a chance – so one believed – of keeping its identity and surviving the next 20 years in the face of the challenges from East and West. I believe that a realistic analysis of the position of Europe confirms that that conviction, which then prevailed, is also justified today and is correct.

At the Paris Summit Conference in October 1972 the Heads of State and the Heads of Government of the Member States resolved to strengthen the Community through the creation of an economic and monetary union. At that time they set themselves the goal of transforming before the end of the decade the entirety of the relationships between the Member States into a European Union, always within the terms of the Treaties which had already been concluded. That intention was repeated and confirmed at the summit conferences in Copenhagen in December 1973 and in Paris in December 1974. At the Copenhagen Conference a document on the European identity was adopted which again emphasized that the nine Member States had the political will to succeed in the construction of a united Europe. The basis and the aim of the European Union were described in the classic formula: 'The Nine European States ... have overcome their past enmities and have decided that unity is a basic European necessity to ensure the survival of the civilization which they have in common'.

In recent years silence has descended upon the European Union. Undoubtedly, progress may still be recorded: last year the Members of the Parliament were elected for the first time in direct general elections by the peoples of the States which are joined together in the Community; likewise, in

1979 the European Monetary System was created and put into effect. Particularly in technical fields, considerable progress has been made.

But is that enough? Does there still exist today the political will 'to succeed in the construction of a united Europe'? Are the governments of the nine Member States still prepared, in recognizing 'that unity is a basic European necessity' to press on with the unification of their States?

The answer, I fear, is plain.

If the Community may no longer be defined as a Community in the 'process of advancing integration' then the function of the Court of Justice also changes. In the coming years there will fall to the Court the primary task of safeguarding the *acquis communautaire* and of defending it against all attacks and against centrifugal pressures.

In conclusion may I fall back on something which has stood the test of time: the wish to be found on the medal struck to celebrate the 10th anniversary of the foundation of the Court, with which Mr Donner closed his farewell address a year and half ago: *Sol iustitiae illustra nos.*

**FORMAL SITTING**  
on 12 January 1981



**Protocol for the formal sitting of the Court of Justice  
at 11 a.m. on Monday, 12 January 1981**

1. The Court shall sit in its present composition, the new Member having been shown beforehand to the place reserved for him in the court-room.
  2. The President shall open the formal sitting.
  3. The President shall invite the Registrar to read the decision of the representatives of the governments of the Member States concerning the appointment of a new Member.
  4. The Registrar shall read the decision of the representatives of the governments of the Member States appointing a judge to the Court of Justice.
  5. The President shall deliver an address welcoming Alexandros G. Chloros.
  6. The President shall invite the judge to take the oath.
  7. The new judge shall take the oath.
  8. The sitting shall be adjourned in order to allow the Court in its new composition to hear the solemn undertakings of the Members of the Commission and of the new Member of the Court of Auditors.
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9. The sitting shall be resumed with the Court in its new composition, the new Member of the Court of Auditors and the Members of the Commission having beforehand taken the places reserved for them in the court-room.

10. The President shall invite the Registrar to read the decisions concerning the appointment of the new Member of the Court of Auditors and the Members of the Commission.
11. The Registrar shall read the decision of the representatives of the governments of the Member States appointing a Member of the Court of Auditors and the decision of the representatives of the governments of the Member States appointing the President and the Members of the Commission of the European Communities.
12. The President shall deliver an address.
13. The President shall first invite Georges Vitalis to read the words of the solemn undertaking in his mother tongue and to sign the solemn declaration.
14. The President shall then invite in succession:

President Gaston Thorn  
François-Xavier Ortoli  
Wilhelm Haferkamp  
Finn Olav Gundelach  
Lorenzo Natali  
Claude Cheysson  
Antonio Giolitti  
Viscount Étienne Davignon  
Christopher Samuel Tugendhat  
Giorgios Contogeorgis  
Karl-Heinz Narjes  
F.H.J.J. Andriessen  
Ivor Seward Richard  
Michael O'Kennedy

to read the words of the solemn undertaking, each in his mother tongue, and to sign the solemn declaration.

15. The President, upon request by President Thorn, shall call upon him to speak.
16. President Thorn shall deliver an address.
17. The sitting shall be closed.

**Address by J. Mertens de Wilmars, President of the Court,  
at the formal sitting on 12 January 1981  
on the occasion of the taking up of office by  
Judge Alexandros Chloros**

The Court of Justice is conscious of the honour which you bestow upon it with your presence at this formal sitting. It finds therein reason to persuade itself that it continues to enjoy the confidence which has hitherto been shown it and without which it could not perform the task which the Treaties assign to it and of which it believes itself to be worthy. This expression of thanks is addressed to all those who are present today, whether they be here in their personal capacity or as representatives of governments and institutions. Nevertheless, perhaps I may be permitted, addressing myself to Prime Minister Werner, and through him to successive governments of his country, to repeat my thanks for the sake of emphasis. As the government of the Member State which is host to the Court of Justice, you have always been attentive to the needs of our institution and have made a constant contribution towards facilitating the performance of its task.

Mr Chloros,

Here I must be careful not to preach to the converted. Perhaps you will permit me, as I welcome you, to borrow from you that sentence, which I have taken from one of the works which have established your reputation as an expert in comparative law. Just as you are not by any means unknown to us, our institution and Community law are not for their part *terra incognita* for you. A career which has harmoniously combined academic research, teaching and the responsibilities of being actively involved in the creative development of the law fully justifies your choice as judge at the Court and the pleasure felt by its Members at having you sit amongst them henceforth.

You come to us with an established reputation as a specialist in comparative law. Having first trained in that discipline at Athens, then at

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Original text: French.



Alexandros G. Chloros

Oxford and London, and later training others in it, you have enjoyed a particularly illustrious university career. From 1951 you taught at the University College of Wales. In 1959 the University of London invited you to teach comparative law and to direct the Centre for European Law there. From 1971 to 1974 you were Dean of the Faculty of Law at King's College. Your established reputation as an authority on comparative law led international institutions and governmental authorities to call upon your services. You drafted the Civil Code of the Seychelles. You performed important missions on behalf of the Council of Europe; you were involved in the creation of the European University Institute. At the same time you widened your academic audience on a European scale by means of your publications, including your work as a collaborator on the International Encyclopedia of Comparative Law, and by means of teaching engagements which took you – like a Renaissance scholar – to most of the European universities. You taught at Belgrade, Luxembourg, Louvain, you have been Visiting Professor at Paris, Freiburg, Uppsala and in the past few years in Athens. This last stage in your career was not a result of chance. In 1976 the Greek Government called upon you to take an active part in the negotiations for the accession of Greece to the European Communities. Thus by a route which combined academic thought and legal activity, familiar to several of your colleagues and indicative of the characteristic trend of our age, moving towards the creation of unprecedented legal orders, the teaching and practice of comparative law have led you to Community law and that experience will constitute a valuable asset for a proper perception of the particular objectives, working methods and distinctive requirements derived from the bonds which our peoples and their governments have established amongst each other and which they wished, and still wish, to make indestructible.

Thus you come to take your place within the Court of Justice remarkably well-prepared and equipped. The tasks which await you amongst us and the contribution which you will bring to the Court's performance of the task which the Treaties assign to it are, as has been fully recognized beyond the compass of these walls, of fundamental importance for the future of the integration sought by those Treaties. Those tasks are absorbing, always demanding, sometimes arduous by reason of the steadfastness which they require; in their entirety they are expressed in the texts under which the Court must ensure that in the interpretation and application of the Treaties the law is observed. That implies amongst the various powers which have been vested in it two responsibilities which, above all others, seem essential. The first, which quickly became familiar to observers, lies in ensuring the uniform application of Community law throughout the Community, because without that uniformity there would be no equality of rights and obligations, and no

Community law, with the result that the Community would cease to exist. The second responsibility, perhaps less swiftly perceived, consists in ensuring the institutional balance which, in pursuit of the objectives which our peoples and States set themselves, the Treaties have established between the Member States acting in the areas left to their sovereignty and the institutions acting in the areas which the Treaties assigned to them in the common interest, in addition to the institutional balance between the institutions themselves.

In this regard, each enlargement of the Community poses for all the institutions, and so for the Court of Justice too, the difficult problems of coordination between the national legal systems and the Community legal system. The Court intends to ensure the maintenance of that balance in all its dimensions, with regard to interinstitutional relations, and also in relations between the Community and the Member States. It intends to maintain that balance, and its decisions bear ample witness to that intent, both when it is a question of seeing that the institutions respect the prerogatives of Member States and when it is a question of ensuring respect for the prerogatives of the institutions. It considers it essential that each party should appreciate the benefits bestowed upon it by the common rule accepted by the others and the obligations arising from the common rule accepted by it and by the others alike. Whilst, like any other human activity, the work performed by the Court is not immune from errors or imperfections, any picture other than that which I have just drawn of what the Court constantly endeavours to achieve would be incomplete and thus inaccurate. We are speaking of a sublime, noble and sometimes difficult undertaking, but one that is worthy of your talents. It can fulfil a man's life and it entitles him to happiness. For its part, the Court is pleased to hail you and it extends to you a warm welcome.

May I invite you to take the oath and give the solemn undertaking referred to in the Statutes of the Court.

**Curriculum vitae  
of Mr Alexandros G. Chloros**

Born in Athens on 15 August 1926

*Educated*

Varvakeios Model School, Athens

University of Athens, Faculty of Law

University College, Oxford.

In 1951 he obtained his BA degree in jurisprudence and in 1955 his MA degree (Oxford University)

LLD, University of London (1972)

*University or academic posts*

University of Wales:

Assistant lecturer in law 1951-54

Lecturer in law 1954-59

University of London:

Lecturer in laws, King's College 1959-63

Reader in Comparative Law 1963-66

Professor of Comparative Law 1966-81

Dean of the Faculty of Laws, King's College 1971-74

Director of the Centre of European Law, King's College 1974-81

Visiting or other posts:

Hayter Scholar, Institute of Comparative Law, Belgrade, 1963-64

Vice-Dean, International Faculty of Comparative Sciences, Luxembourg, 1961-64

Professeur associé, University of Paris I, 1975

Visiting Professor, Uppsala University, 1976

Visiting Professor, University of Freiburg, 1977-78

Visiting Professor, University of Athens, 1978-80

### *Distinctions*

Medal of the University of Zagreb  
Associate member, International Academy of Comparative Law, 1976  
Corresponding member, Academy of Athens, 1976  
Corresponding member, Royal Uppsala Academy, 1977  
Knight of the Polar Star (Sweden)  
Officier des Palmes Académiques (France)  
Fellow of King's College, London

### *Professional activities*

Drafted the Civil and Commercial Codes of the Seychelles.  
Member and Vice-President of the Subcommittee on fundamental legal concepts, Council of Europe, Strasbourg.  
Represented the Committee of Vice-Chancellors in the negotiations leading to the setting-up of the European University Institute, Florence.  
Member and Vice-President of four conferences of European law schools, held under the auspices of the Council of Europe; President of the conference for 1976.  
Visiting lecturer, Universities of Louvain and Uppsala.  
Director, British Council scheme for the training of young European lawyers.  
Director, student exchange, London – Aix-en-Provence.  
External examiner, Universities of Exeter, Bristol, Dublin, Cork, Belfast, Lausanne.  
Member of various professional bodies, e.g. the British Institute of Comparative Law, the Society of Public Teachers of Law, etc.  
Lectured extensively in universities and other academic institutions in Europe.  
Member of the Greek negotiating team, negotiations for the accession of Greece to the European Communities 1976-79.  
Adviser to the Minister in charge of European Affairs, Ministry of Coordination, Athens, 1979-80.

### *Publications*

Editor, Vol. IV Family Law and contributor to the International Encyclopedia of Comparative Law, Max Planck Institute.  
Editor, European Studies in Law (North Holland).  
Editor, Bibliographical Guide to the Law of the United Kingdom, 2nd ed., 1974.  
Editor, Liber Amicorum Ernst J. Cohn, 1975 (with K.H. Neumeyer).  
Editor, The Reform of Family Law in Europe, 1978 (Luxembourg Seminar).  
Yugoslav Civil Law, 1970.



Codification in a Mixed Jurisdiction, 1977.  
The EEC Treaty (1978) (Unofficial translation into Greek).

Numerous essays and studies in various legal periodicals.

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Professor Alexandros Chloros is Professor of Comparative Law in the University of London and Director of the Centre of European Law at King's College, London. He was born in Athens on 15 August 1926.

After completing his elementary and secondary education in Greece he registered as a student at the Law School of the University of Athens where he studied for two years. Subsequently, he graduated in jurisprudence from the University of Oxford. In 1951 he became assistant lecturer in law and lecturer in law at the University College of Wales, Aberystwyth. In 1959 he became lecturer in laws at King's College, London. In 1963 he was appointed to a readership in Comparative Law and in 1966 to the chair of Comparative Law in the University of London. He is an LLD of the University of London. In 1974 he was also appointed Director of the Centre of European Law at King's College. He has been a Hayter Fellow at the Institute of Comparative Law of Belgrade and a visiting professor at the Universities of Paris I, Uppsala, Freiburg and Athens.

He has given courses in a variety of subjects, including comparative European law and comparative commercial law. After Britain's accession to the EEC he was the first (jointly with the late Professor E.J. Cohn) to teach European Community law at King's College, London. He is a well known specialist in Marxist and East European law. In London he has also taught French law and was responsible for setting up, at King's College, in conjunction with the University of Paris I, a dual degree in English and French law.

He has lectured widely in Europe and taken part in the work of the Council of Europe and the EEC. In 1976 he was elected President of the Conference of European Law Faculties under the auspices of the Council of Europe. He has spent periods overseas on legislative work and has drafted the Civil and the Commercial Codes of the Seychelles. He has held, upon a regular basis, seminars in various European institutes (e.g. in Luxembourg, Turin, etc.), and is the editor of Vol. IV of the International Encyclopedia of Comparative Law, published by the Max Planck Institute of Hamburg.

Since Greece applied for membership of the European Communities, he has been one of the five-member task force negotiating Greece's entry into the EEC and has been responsible especially for the legal aspects of the negotiations and for the Treaty of Accession. From 1979 to 1980 he acted as legal adviser on EEC matters to Minister Contogeorgis, Greek Minister responsible for European Affairs.

Professor Chloros has written extensively on matters of his interests and has received many distinctions including corresponding membership of the Academy of Athens, the International Academy of Comparative Law and the Royal Uppsala Academy. He is also a Knight of the Polar Star (Sweden) and an Officier des Palmes Académiques (France).

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the solemn undertaking given by  
the new Member of the Court of Auditors  
and the Members of the Commission**

Once again we are gathered together to hear the solemn undertaking which betokens the bond joining to the Community the individuals called upon, through the unanimous confidence of the governments of the Member States, to exercise crucial responsibilities in the working of the Community institutions and in the attainment of the aims of the Treaties.

The fitting solemnity which surrounds this ceremony is, for the second time in the history of the Community, heightened by the fresh requirements – not to say challenges – which arise from the accession of a new State to the existing Community, which thus acquires, from the geopolitical aspect, economically and socially, intellectually and culturally as well as from the institutional aspect, a new dimension. Perhaps I may be permitted, so as to emphasize the importance of this occasion in our common history, to begin by addressing to those of our new fellow citizens of Europe who are about to participate in the action of the different institutions, the Court's best wishes for the success of their mission.

This second increase in the number of peoples and States of the old continent, resolved in spite of a thousand setbacks to forge together a destiny which they share, but which they have chosen, rather than the vicissitudes of a destiny imposed upon them, is an act of faith in the future. The Hellenic Republic will bring to the common task a presence in respect of which, in the immediate future, all of us – but especially the Council and the Commission, in the performance of their joint activities – will be able to gauge both the problems which it creates and the benefits which it brings.

Perhaps our universal familiarity with classical antiquity has, wrongly, cast a shadow over the adversity which the Greek people has shown itself able

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Original text: French.

to endure and, at last, to overcome in the course of centuries. After all, there was perhaps less merit in a life of glory when Athens reigned from the Parthenon over familiar seas than in a battle to survive without losing its soul when that same Parthenon served as a powder magazine for occupying forces. It is not only a prestigious past which joins us together, but a valiant present and, if together we so wish, a promising future. In the same way as the other Member States, the Hellenic Republic brings to us, in addition to its own experience in the creation of the modern nation States and its firm conviction of the necessity – a feature of our age – of consolidating the sovereignty acquired at such a high price and of preserving its essential nature by joining together, in certain respects, to exercise it in a spirit of solidarity that looks to the future. That perspective conditions the context in which the Members of the Commission, of the Court of Auditors, of the Court of Justice and – not least, though subject to different conditions – the Members of the Council of Ministers and of the European Parliament work within the different institutions in the exercise of the powers which they derive from the Treaties.

It was for this reason that my predecessor, President Kutscher, rightly emphasized the similarity of the terms in which the solemn undertaking required of the Members of some of the institutions is worded in the Treaties, because, notwithstanding the indispensable separation of powers, the duties are of the same nature. Three expressions shed light on them: independence, the general interest of the Community, impartiality. It is in this spirit that I greet Mr Vitalis on the occasion of his assuming the office of Member of the Court of Auditors and express to him the Court's congratulations and good wishes.

In accordance with a practice which has become traditional, that is to say a symbol with a value of its own, the newly-constituted Commission has chosen to give, before the Community Court, the undertaking which its Members enter into, accepting the achievements which they inherit from their predecessors, not only with a view to consolidating them but with the intention of adding to them until the aims of the Treaties are achieved in their entirety.

Your predecessors, gentlemen, have acted in difficult times and in sometimes arduous conditions. Many of you know that from personal experience; some through the previous exercise of powers within the Commission, others – and particularly you, President Thorn – from long experience of the responsibilities which the Treaties place upon the Council of Ministers. To maintain the Community patrimony and to seek to attain the objectives of the Treaties at a time of economic crisis and generally in a gloomy

situation, poses unforeseen and awesome problems. But your predecessors have always known, I think, how to distinguish between disappointment and disillusionment, aware of the fact that, in common with the members of all the institutions, they were committed to an undertaking almost without precedent in history, namely to construct in peace the new edifice which the Community constitutes. In peace means by the twofold path of persuasion, as embodied in the institutional mechanisms, and observance of the law – the principal cement for the union of such peoples as are deeply attached to liberty. It is only proper that tribute should be paid to them by the institution which has the duty of subjecting the Commission's activity to vigilant judicial review, albeit a review accompanied by a keen awareness of the difficult responsibilities borne by your institution and one which we hope may be found encouraging and positive even when it results in criticism.

You are taking up a torch, gentlemen. The aggregate of talents, experience, insight into the governance of men and of things which you have between you is, if I may say so without flattery, considerable. Those qualities are necessary for the great enterprise which it will be your duty to pursue; they are not excessive for those who, having heard the call of the age in which they live, strive to make a lasting impression on the fabric of history.

By pledging yourselves to that enterprise in this place and before this tribunal, you indicate your justifiable conviction that if the law is not upheld nothing can be done and everything may be undone. The Court is about to receive your solemn undertaking; in return kindly accept the Court's own sincerest wishes for the success of your mission.

**Address delivered by Gaston Thorn,  
President of the Commission,  
at the formal sitting of the Court of Justice of the European  
Communities on 12 January 1981**

Mr President,

Permit me on behalf of my colleagues and myself to express my gratitude for the warmth with which you have welcomed us here today on this occasion, the solemnity of which is felt by each and every one of us.

Your words have moved us deeply and we, for our part, would like to join in the tribute which you have just paid to Greece, which has recently become the 10th Member State.

I am convinced that with the aid of this second enlargement we will accomplish the necessary changes in order to make relations between the institutions both more efficient and more confident, as urged by the President of the Court.

On behalf of my colleagues I would in turn like to congratulate Judge Chloros on his appointment as a Member of this Court and Mr Vitalis on his appointment as the first Greek Member of the Court of Auditors.

At this time, when we appear before you as the Commission, the Community must contend with many economic and social difficulties which put to the test the Member States and indeed the world as a whole.

The challenge presented to us is such that it cannot be met by the Member States acting individually.

The importance of European solidarity has been clearly demonstrated. Indeed, the Community, which has recently been strengthened by the

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Original text: French.

accession of Greece, provides and will continue to provide in the first place for its members a state of progress and stability. That is why the first task common to both our institutions is to ensure that the fundamental principles enshrined in the Treaties are observed.

A second concern will be to preserve that which has already been achieved; we must not allow the *acquis communautaire* constantly to be attacked or threatened by erosion.

In order that the Community may effectively fulfil that twofold imperative, the Community institutions must work in harmony and in close cooperation with each other. In that regard it should be pointed out that that has always been the case, as far as the relations between the Commission and the Court are concerned. I am convinced that the same will hold true in the future.

The Commission, for its part, does not intend to waver before the task which awaits it in these difficult times. We are a political institution and intend to act as such. Let it be understood: we shall not be content with day-to-day administration. We must be prepared courageously to tackle the formidable problems which the Community faces.

The Commission must exercise in full its prerogatives: initiator of Community action and guardian of the Treaties.

It is clear that in order to fulfil the tasks required of us we must always act constantly with independence. It must not be imagined that the solemn undertaking which we have made before you today is a mere formality; it represents a fundamental requirement of our mandate.

However, independence does not mean isolation. Our action must be taken against the background of the necessary understanding with the Member States and the other institutions.

I have emphasized the independent nature of our institution. That requirement assumes even more fundamental importance in the case of the Court. As the supreme court responsible for interpreting Community law, the Court plays a vital role in the development of the Community. It is true that that noble task is not always one of the easiest. In ensuring that in the interpretation and application of our fundamental provisions the law is observed, the Court must achieve the often very delicate coexistence of a body of entirely new rules and 9 – today 10 – different legal systems and traditions.

There is no doubt that the European Community will not be built by resounding political initiatives alone. It will be constructed above all by means of specific action unfolding day by day. In that regard the contribution made by your Court over the past few years has above all been the manner in which it has made the interests of European citizens its primary concern.

In order to do so the Court has not hesitated to display imagination and dynamism. That approach has played an active part in reinforcing the integration of the Community.

Permit me to point out another of the Court's achievements: I have in mind those important cases in which the Court held that the Community as such possesses all the powers which it may require in order to maintain with non-member States, and indeed with international organizations, any relations necessitated by the requirements of international life.

I am confident, Mr President, that as in the past we shall not lack the support and encouragement of your institution.



**FORMAL SITTING**  
on 10 February 1981

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the solemn undertaking given by  
Poul Dalsager, a Member of the Commission  
of the European Communities**

Mr Commissioner,

The Court formally takes note of and recognizes the solemn undertaking which you have just given and offers its sincere congratulations.

You succeed a remarkable man.

By his ability, his high ideals, the high demands which are his nature and his devotion to the task entrusted to him, Finn Gundelach honoured and served well his country and the European Community. You shall continue his work. The exercise of governmental responsibilities which has familiarized you with the problems of the common agricultural policy, has prepared you for that task.

The Court offers its congratulations and wishes you every success in your noble mission.

**FORMAL SITTING**  
**on 26 February 1981**



Jean-Pierre Warner

*Photograph: Luxnews*

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the departure of Mr Advocate General  
J.-P. Warner**

Your Excellencies,  
ladies and gentlemen,

Each time we gather together in formal session to bid farewell to a Member who is leaving us or to welcome a new Member, we are able to witness the cordial and constant interest that those who honour us with their presence take in the Court of Justice and for this we thank them warmly.

My dear Mr Advocate General and colleague,

When on 9 January 1973 the President, Robert Lecourt, welcomed you on the occasion of your taking up the duties of Advocate General, the United Kingdom had been a member of the Community for nine days. What uncertainty there was then, and how much perplexity about the problems, which seemed formidable and were indeed genuine, raised by the acceptance into the legal orders of the new Member States of Community law with its dictates and its demands! On that day, 9 January 1973, you took the oath to perform your duties impartially and conscientiously. The way in which, in the course of these last eight years, you have fulfilled the undertaking you entered into on that occasion has been exemplary. Thanks to your mastery of the law, your ability as a lawyer and the qualities which must be the natural attributes of those in high legal office, you have ensured that that undertaking brought all the success it promised. In so doing you have made a significant contribution to the development of the case-law of the Court following the accession of the new Member States and a contribution which is no less significant towards maintaining inviolate those rules which are the foundation of the Community legal order, and towards the understanding and acceptance of them by lawyers in the United Kingdom.

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Original text: French.

If the Europe of the judiciary – which in no way implies any kind of government, but merely serves to express the methodical and trustful cooperation between national courts and the Court of Justice, each within its reciprocal and complementary sphere of responsibility for upholding the law – has encountered no great obstacle in its extension to the judicial and legal institutions of your country, and if, to use a now classic expression, the tide of Community law has come into full flood, it is in large measure due to what you have accomplished in the course of those years.

Your contributions and your opinions have, however, ranged far beyond the problems inherent in the first enlargement of the Communities. There is no sphere of Community law which has not been illuminated by the understanding brought to it in your opinions. That implies much work, reflection and research. Over 200 opinions, always clear in style, at once so enlightening through their line of reasoning and so effective because of their foundation on reality. In those opinions you have always attached special importance to precedent, thus helping to enhance the value placed upon the element of case-law in Community law by means of a contribution which is peculiarly characteristic of common law.

I should be failing in my duty, however, if in my thanks I omitted to give special emphasis to the exceptional efforts which you and your colleagues, Mr Advocate General Reischl and Mr Advocate General Capotorti, were called upon to make, and have certainly made, since poor health sadly prevented Mr Advocate General Mayras from attending our Court and later led him to tender his resignation.

The delay encountered in nominating his successor has not facilitated the proper functioning of the Court or the accomplishment of our duty to dispense justice. That the Court nevertheless succeeded in delivering in 1980 approximately the same number of judgments as in the previous year, is due to the considerable increase of work which was accepted, with exemplary devotion to duty, by the advocates general. We are indeed grateful to you, and to your colleagues.

You are leaving us, to our regret, in order to take up in the United Kingdom judicial duties of a particularly high order – and in that we rejoice. We rejoice not only on your behalf, but also on our own. The Members of the Court, both judges and advocates general, much to our advantage, have come to us in many instances from the highest national courts. But you are the first, if I am not mistaken, to travel that path in the opposite direction and in doing so you are going to open the way to a new form of cooperation between the

Court of Justice and those higher courts. The result can only be to enhance the relationship born of mutual respect and trust which constitutes the corner-stone in maintaining the Community legal order.

With pleasure and gratitude I extend the thanks I have just expressed to Mrs Warner. All the Members of the Court, along with their wives, have known her kindness, her consideration for others and the true nature of her friendship. Of her, too, we shall retain a constant and happy memory.

In the good wishes we extend to you both, we look towards the future. You have, Mr Justice Warner, found and experienced in this very place how much our peoples' lines of destiny are henceforth intertwined in order to form ties which the law can turn to lasting benefit. We know that behind the robes you will don in exchange for ours you will not lose sight of those convictions. Our best wishes go with you.

## Address delivered by Mr Advocate General Jean-Pierre Warner

Mr President,

If you will bear with me I should like to begin my reply in my maternal language. No doubt I shall shortly yield to the temptation of continuing in my paternal language.

I speak of replying to you, Mr President; what I really mean is that I must thank you for such kind, warm and all too flattering words – too flattering, that is, to me, not to my wife.

As you may imagine, this is for me a very moving occasion. To be a Member of our Court – and I still have a few minutes in which I may call it 'ours' – is a privilege and an honour without equal in Europe. This privilege and this honour have been mine for more than eight years. Through the friendships – the many enduring friendships – that I have made here and through the knowledge I have gained of Community law and of the laws of countries other than my own I have become, not a European, for that I have always been, but a European lawyer, convinced that it is possible, on all the territory of free Europe, to substitute the rule of law for the rule of the strongest. That is the task to which our Court devotes itself, that is the duty placed upon it by the Treaties on which our Community is founded. Nothing can be more heartening for a European lawyer than to play a part, even a modest one, in bringing about that achievement. Nothing can be sadder for him than to realize that in certain Member States of the Community there are still people who would like to impede it. But, Mr President, it is not for that reason that I have chosen to leave the Court, to go back to the level of the national judiciary. The reason is at once simpler and more personal. It is



known to you. Rightly or wrongly I work with greater satisfaction when I change my work from time to time. That is the whole reason and my whole career so far bears witness to it. And so it is with very mixed feelings that I leave Luxembourg.

And now, my Lords, for what I want to say in my paternal language.

I want, first, to thank my personal staff for all their kindness, and for all their kindnesses, to me – foremost among them Helene Weaver and David Anderson, who have been with me since the very beginning. I thank them both, from the bottom of my heart, for their constant help and wonderful loyalty over all these years. I have had the benefit also of a succession of most able and tolerant legal secretaries. Three of them have gone home to teach Community law in British universities. Today I say thank you and farewell to Richard Plender and Paul Lasok. Last, but by no means least, I have been lucky enough to have had a succession of delightful and extremely competent secretaries *simpliciter*. To Juliet Davies I also express today my very warmest thanks. The number of disasters from which the members of my personal staff between them have saved me, I cannot count. But I also owe an immense debt of gratitude to other members of the staff of the Court. As I go, there crowd into my mind memories of the help I have received from people in all the branches of our staff. I could name names, but that would be invidious. So I confine myself, if I may, to saying 'thank you' to everyone on the staff.

I turn, very briefly, to a different and sadder topic. Everyone knows that this Court cannot, with its present volume of business, function properly with fewer than five advocates general. Yet for months now, owing to a mean wrangle between the governments of the Member States, it has been forced to limp along with only three. The existence of that wrangle has been an affront both to the spirit and to the very terms of the Treaties. A limping Court means justice delayed, which is justice denied. It means a weakening of the rule of law in the Community, and thereby a weakening of the Community itself. I am sorry to hand over to my successor under such conditions. I express the fervent hope that they will not last and that the Court will soon be provided with the number of advocates general it needs.

May I in conclusion, my Lords, commend my successor to your Lordships. I have known him a long time. You will find him, I know, an able lawyer and a very nice person.

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the taking up of office by Advocate General  
Sir Gordon Slynn**

The Court welcomes you in what it regards as the most propitious circumstances conceivable because your career and Mr Advocate General Warner's are so much alike. We well know the importance of *stare decisis* in the system of the common law and on that precedent we rest all our hopes.

After completing your studies, as did Mr Warner, at Trinity College, Cambridge, you chose to make your career at the Bar and in 1956, at the age of 26, you became a member of Gray's Inn. Your reputation at the Bar was quickly established and it was not long before important government departments in the United Kingdom sought your advice. In 1967 you became Standing Legal Representative and Outside Legal Adviser to the Ministry of Labour. A little later, it was the Treasury which was to call upon you. From 1968 to 1974 you held the office of Junior Counsel to the Treasury, that is to say, First Counsel to the Crown, in Queen's Bench Division matters, and you met there Jean-Pierre Warner who since 1964 had held the same appointment in matters affecting the Chancery Division. In 1974 you became Leading Counsel to the Treasury, a new office of which you were the first holder. In the meantime you were awarded honours at the Bar. In 1970 you became Master of the Bench of Gray's Inn and in 1974 you were appointed Queen's Counsel or, to use the old and colourful English expression, you took silk. But it is not only the courts of the United Kingdom which have had the benefit of your talents. You represented your country's government before the International Court of Justice at The Hague, the Court of Human Rights at Strasbourg and, last but not least, the Court of Justice of the European Communities which has twice seen you appear at its bar.

However, as is frequently the case with eminent counsel in the United Kingdom, you were selected for judicial office. Starting with the part-time



Sir Gordon Slynn

*Photograph: Luxnews*

judicial appointment of Recorder of the City of Hereford you were elevated in 1976 to the bench of the High Court of Justice as a Member of the Queen's Bench Division. In that capacity you became President of the Employment Appeal Tribunal in 1978. Under your presidency that tribunal was, on at least two occasions, to bring before the Court of Justice questions on the interpretation of Community law, particularly in the difficult field of equal pay for men and women. You are thus the first to have successively pleaded before this Court, to have referred questions to it for a preliminary ruling and thereafter to give it, as an advocate general, the benefit of your abilities. That means that this establishment now holds few secrets for you and we welcome a colleague who, through performance of the duties of the high offices which he has held and through his careful conduct of the important matters entrusted to him, is particularly well prepared to carry out the duties of the post to which he has been called by the unanimous vote of confidence of the governments of the Member States.

Your arrival in our midst coincides, to within a few days, with your 51st birthday. You thus belong to the Court's younger generation, the generation which, looking towards the final decades of this century, will carry the cherished hopes of those who believe in the beneficence of the law and the need to respect it for the success of the great venture which has brought together at first 6, then 9 and now 10 States and peoples deeply attached to liberty, progress and peace.

To you the Court offers its most sincere wishes for every success in your work and it cordially extends its congratulations and good wishes to Lady Slynn.

May I invite you to take the oath of office?

## Curriculum vitae of Sir Gordon Slynn

Sir Gordon Slynn was born in 1930 and educated at Sandbach School and Cambridge University. He qualified as a barrister, being called by Gray's Inn in 1956 and was elevated to the rank of Senior Advocate (one of Her Majesty's Senior Counsel) in 1974. He was the Standing Legal Representative and Outside Legal Adviser of the Ministry of Labour from 1967-68 and to the Treasury from 1968-76 (Junior Counsel to the Treasury (Common Law) 1968-74; Leading Counsel to the Treasury 1974-76). From 1971-76 he held a part-time appointment of Senior Criminal Judge for the City of Hereford (Recorder) in which he retains an honorary civic appointment. He joined the governing body of Gray's Inn, becoming a Master of the Bench, in 1970.

Between 1968 and 1976 Sir Gordon Slynn on numerous occasions represented the United Kingdom Government before the International Court of Justice at The Hague, the European Commission of Human Rights and Court of Human Rights, and the European Court of Justice in Luxembourg.

Following his appointment to the High Court of Justice, as a judge of the Queen's Bench Division, in 1976, he became President of the Employment Appeal Tribunal in the summer of 1978.

Among many international interests and activities Sir Gordon Slynn has been Vice-President of the Union Internationale des Avocats from 1973-76, of which he continues to be an Honorary Vice-President, Member of the International Affairs Committee of the Legal Professions of England and Wales, Governor of the International Students Trust since 1978, and Honorary Member of the Canadian Bar Association since 1979. He has lectured frequently to groups of lawyers in Brussels, Canada and the United States.

**FORMAL SITTING**  
on 18 March 1982



Simone Rozès

*Photograph: Luxnews*

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the taking up of office by  
Mrs Advocate General Simone Rozès**

Your Excellencies,  
ladies and gentlemen,

The kind courtesy shown by the persons attending the Court's formal sittings has lately been, if not put to the test – I hope that you would consider that expression to be too strong – then at least drawn upon, as on four occasions in the space of five months new Members of the Court – judges and advocates general – have taken the oath of office. I wish to welcome those persons – *quater repetita placent* – and express the Court's gratitude.

Such is the life of the institutions, a life both of change and of continuity. Such is also the life of those who devote themselves to public service and who, when their reputation is established, will soon gain experience of a variety of tasks which those who are marked out by their ability for greater responsibility may successively be called upon to perform. That is true in your case, Madam, as it was true in the case of Mr Advocate General Henri Mayras, to whom I express the Court's gratitude and pay the tribute which he undoubtedly deserves for the exemplary and most able contribution which he made for eight years to the Court's performance of its task of ensuring that the law is observed in those areas which the Treaty has committed to the organized solidarity of our nations and States. Ill-health keeps him apart from us and a few weeks ago the Court was able privately to express its feelings for him. It was necessary, however, that those sentiments should be repeated publicly.

Madam, you succeed a line of advocates general of exceptional ability. Today the Court is confident that that succession is in good hands, guaranteed as it is by your character, experience and learning. You come to us from a body whose function is to pronounce independently upon the law and that is what



Article 166 of the EEC Treaty expects of you. You have held important posts in the judicial administration and in the magistrature and that is precisely the kind of experience and knowledge which Article 167 requires of advocates general and judges of the Court.

Even at university, on completing your law degree, you opted, as if by premonition, for further studies in public law, political economy and political science and the Court is indeed situated at the crossroads of those disciplines.

After commencing your career at the Bar, you held various posts at the Ministry of Justice. In 1962 you were appointed as a judge at the Tribunal de la Seine and seven years later as Vice-President of the Tribunal de Grande Instance, Paris, of which you became President in 1976, having in the meantime become the Director of Approved School Education at the Ministry of Justice and an administrator at the École Nationale de la Magistrature.

At the Tribunal de Grande Instance you presided over the famous Seventeenth Chamber, which regularly heard actions involving the press and those cases which are referred to as being 'specifically Parisian'. In your capacity as President, you soon demonstrated your mastery of the difficult handling of that delicate instrument of legal protection, the interlocutory injunction, particularly in the types of cases which I have just mentioned. Thus, a felicitous blend of administrative and judicial experience has provided an excellent grounding for the performance of the duties which will be yours at the Court of Justice and the Court is delighted with this valuable addition to its Members.

It may have caused some surprise that as yet I have not mentioned the fact, and an important one in our eyes that it will be the first time that a woman has ever become part of this institution. It is not that the Court does not perceive the significance of that event, which is a reflection of the finest spirit of modern times. On the contrary, the case-law of the Court bears witness to the fact that, in so far as the Treaty calls upon it to do so, this institution watches attentively to ensure that the principle of equal treatment for men and women is observed.

However, the truest expression of that rule of equality I discovered in the speech which Jean d'Ormesson made a little while ago in honour of Marguerite Yourcenar on the occasion of her being received at the French Academy. The idea which he developed on that occasion seems to me to be fitting in your case and I would like to paraphrase it. If you are here, it is neither because . . . nor in spite of . . . It is simply due to the fact that each person knows that the

duties conferred upon you can be performed no better than by entrusting them to you.

The Court offers to you its warmest congratulations and wishes you every success in your mission.

May I invite you to take the oath of office?

**Curriculum vitae**  
**of Mrs Simone Rozès, née Ludwig**

Born 29 March 1920 in Paris

Married to Gabriel Rozès, Administrateur Civil, Director of Administration and Finance at the Agence Foncière et Technique de la Région Parisienne

Children: Denis, a notary in Paris  
Marie-Anne Halfon, a doctor of medicine

*Decorations*

Chevalier de la Légion d'Honneur  
Officier de l'Ordre National du Mérite  
Médaille de l'Education Surveillée  
Médaille de l'Administration Pénitentiaire  
Commandeur de l'Ordre du Mérite [Bundesverdienstkreuz] of the Federal Republic of Germany

*Qualifications*

Licence en Droit [Bachelor of Law]  
Diplôme d'Etudes Supérieures de Droit Public [Master of Public Law]  
Diplôme d'Etudes Supérieures d'Economie Politique [Master of Political Economy]  
Diplôme de Sciences Politiques [Graduate in Political Science]

*Activities*

National:

Member of the Committee for Coordinating Research in Criminology;  
President of the Jury for the Gabriel Tarde Prize  
Member of the Scientific Committee of the Institute for Training and Research in Delinquent Education  
Former Member of the Study Group on violence, criminality and delinquency  
Member of the Council of the University of Paris I (Panthéon-Sorbonne)

*International:*

Member of the International Society of Criminology

Member of the United Nations Committee on the prevention of crime and delinquency (Economic and Social Committee)

Member of the Board of the International Social Defence Society

Member of the Board of the Association for Exchanges between French and German lawyers since 1956

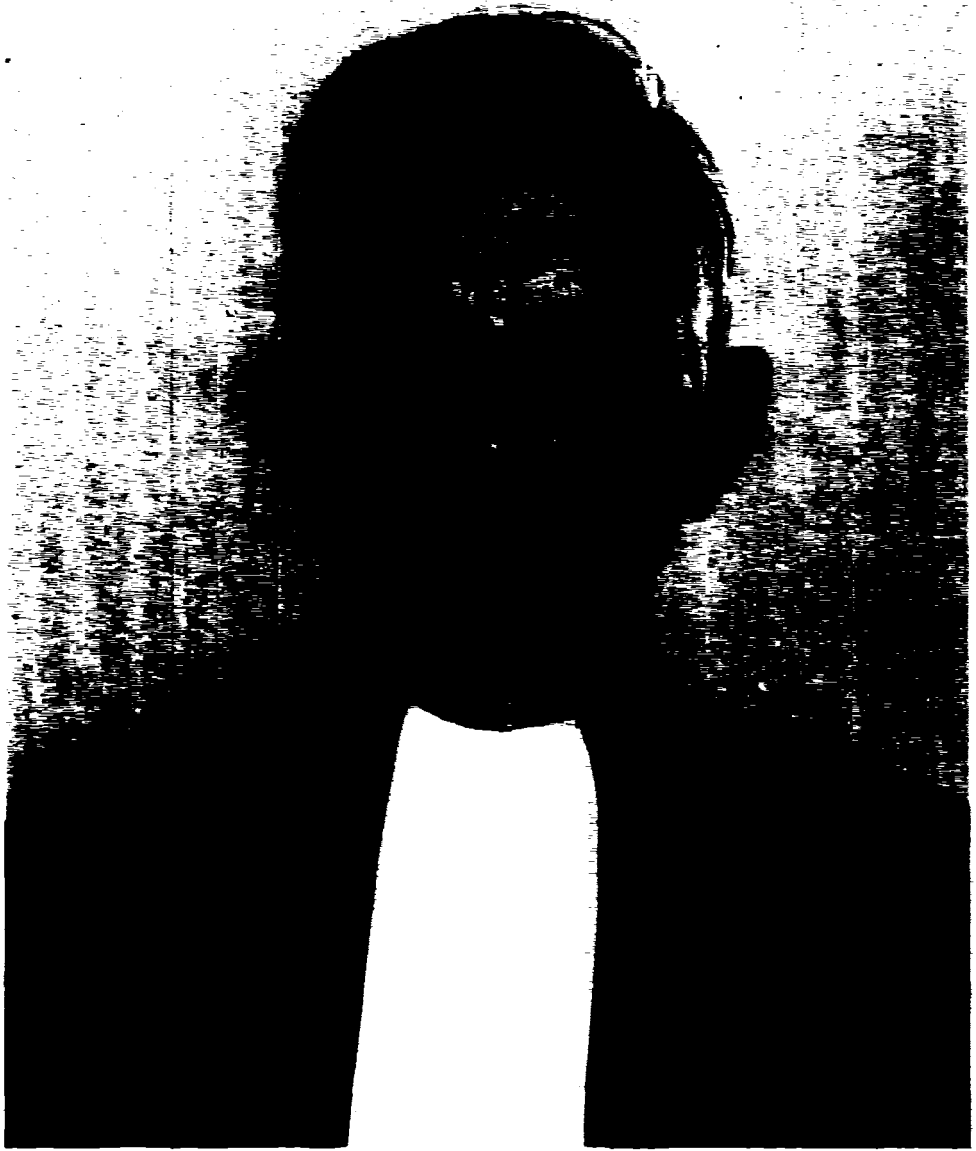
Member of the Board of the Association of European Jurists since 1960

*Career*

- 1946, 15 November : Probationary attaché in Paris
- 1947, 10 December : Trainee lawyer in Paris
- 1949, 20 July : Deputy judge in Bourges
- 1950, 7 August : Permanent attachée at the Ministry of Justice (Private Office)
- 1953 : Substitut détaché at the Chancellerie
- 1958 : Head of the Private Office of the Minister of Justice
- 1962, 15 September : Judge at the Tribunal de la Seine
- 1969, 31 December : Vice-President of the Tribunal de Grande Instance [Regional Court], Paris
- 1973, 4 May : Director of Approved School Education at the Ministry of Justice
- 1973, 7 May : Member of the Supervisory Committee on publications intended for children and young persons
- 1974, 15 March : Member of the Joint Commission on publications and press agencies
- 1974, 30 September : Administrator, École Nationale de la Magistrature
- 1974, 11 October : Member of the classification jury for Auditeurs de Justice
- 1976, 6 February : President of the Tribunal de Grande Instance, Paris

**FORMAL SITTING**

**on 4 June 1981**



P. VerLoren van Themaat

*Photograph: Luxnews*

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the taking up of office by Mr Advocate General  
P. VerLoren van Themaat and Judge F. Grévisse**

Your Excellencies,  
ladies and gentlemen,

The regularity with which the formal sittings, which you do us the honour of gracing with your presence, have succeeded each other during the past few months might give the impression of a profound change in the institution which today welcomes two new Members.

If that is so, then that impression is false. Changes in the composition of the Court, whether they are due to the replacements which stand out as milestones in the life of any constituted body or represent new thoughts concerning its organization, leave, and it could not be otherwise, intact the features which make a high court what it must be.

It has certainly been the wish and the legitimate hope of all those who have participated in the institutional process which culminates in the ceremony today that these changes should enable the Court, throughout the inevitable history of change in the course of European integration, to continue effectively and independently to exercise the powers and fulfil the responsibilities which it derives from the Treaties and which place upon it a strict duty to ensure that the law is observed in the Community legal order.

The two persons who will shortly take the oath of high office shall henceforth devote themselves to the exercise of those powers and to the fulfilment of those responsibilities.

Equality which is the golden rule between the Members of the Court and



Fernand Grévisse

*Photograph: Luxnews*



seals the bond which unites them in a common task admits of no apparent exception other than those of seniority in office and, on a par with such seniority, the demands of the diary.

I would therefore first like to address Professor VerLoren van Themaat. It is not to be expected, Mr Advocate General, that I should welcome you as though we had not already known each other for many years and as though during those years strong ties of mutual esteem and friendship had not grown up between us, precisely as a result of our collaboration in the sphere of establishing a Community legal order. In that sphere you have taught many, and I gladly count myself among them.

Your own school is in Leyden, where in 1939 you passed the Netherlands 'doctoraal' examination and seven years later, immediately after your country's liberation, secured acceptance of a remarkable thesis on 'International Belastingrecht' [international tax law], which even then presaged the international contours of your later career and indicated your interest in socio-economic law and questions of economic organization.

From 1948 to 1958 you held various posts of ever-increasing responsibility in the Netherlands Ministry of Economic Affairs, in particular in the sphere of the legislation for the post-war reconstruction.

When the EEC Treaty entered into force, the Commission of the European Communities called upon you to occupy the post of Director-General of the Directorate-General for Competition. The drafting and application of Regulation No 17 are largely your work. In that post, however, not only were you in charge of European cartel policy, but your responsibilities also extended to aid, fiscal policy and the harmonization of laws. The momentum which you gave to that branch of European policy can still be felt today.

Since 1967 you have applied your wide reputation and recognized authority both at national and European level to the academic pursuit of European and economic law as Professor of Socio-Economic Law at the State University of Utrecht and as a member of the editorial committee and subsequently as editor-in-chief of the journal 'Sociaal-economische Wetgeving' [Socio-Economic Legislation].

Your commentaries on the judgments of the Court of Justice, your many learned contributions in the field of economic law, your 'Inleiding tot het Recht van de Europese Gemeenschappen' [Introduction to the Law of the European Communities], which was published jointly with Kapteyn and

immediately became a classic work, and your pioneering book on the 'Rechtsgrondslagen van een Nieuwe Internationale Economische Orde' [Legal Bases for a New International Economic Order] make you one of the masters of Community and economic law. It is scarcely possible to imagine a more valuable addition to the Court in the task entrusted to it of declaring the law than this rare blend of experience in an official capacity, legal learning, insight and belief in the great venture which has now united our States and peoples for a generation and the Court therefore expects to benefit greatly, Mr Advocate General, from your participation in its activities, in anticipation of which it expresses its gratitude here and now.

I have not, Mr State Councillor, had the privilege of knowing you for as long as Mr VerLoren van Themaat, but in your case too your reputation has preceded you and it is a person of great renown whose authority was known to us whom we greet and welcome.

You bear a name honoured amongst grammarians, but also, thanks to you and, may I add, thanks to Mrs Grévisse, also known and honoured not only amongst specialists in administrative law but also amongst those who appreciate the extent to which in our modern societies administrative and economic law combine to form a new discipline, of which Community law constitutes both one of the areas of choice and, frequently, the testing ground.

Born in 1924, you graduated first in the class of 1950 from the École Nationale d'Administration, a class which also included the name of Jean Moulin. You entered the Conseil d'État and, from that moment onwards, you followed the career path so closely resembling the *cursus honorum* of ancient Rome, which the Republic often reserves to members of that illustrious institution.

Legal Adviser to the French Ambassador to Tunisia in 1956, you became in 1959 the Director of the Cabinet du Garde des Sceaux and then for several years the Director of Civil Matters at the Ministry of Justice. In that office you were the draftsman of a large number of legislative provisions in the field of civil law and consequently it is a lawyer versed in legislative techniques whom we have the great benefit of welcoming today.

From 1964 to 1966 you performed important duties in the Ministry of Agriculture: Director-General for Waters and Forests in 1964 and Director-General for the Rural Area in 1965.

From 1967 to 1973 the Minister of State responsible for the Civil Service

called upon you to take over the Directorate-General for the Administration and the Civil Service.

Appointed to the Conseil d'État in 1973 you presided over the First Subdivision of the Contentious Proceedings Division and in 1980 became a member of the Tribunal des Conflicts, which is responsible for settling disputes concerning jurisdiction between national supreme courts.

Administration of justice and legislation, agriculture, public service, administrative justice, settlement of disputes at the highest judicial level; who can fail to see that for each of these areas of activity and reflection there is a corresponding area of activity and reflection in the field of Community law, in which the Court of Justice may be required to pronounce upon the law.

Thus you bring with you experience in administrative duties and in the exercise of judicial office within the highest national administrative court. And what a court! The very one which, by its patiently drafted decisions of exceptionally high quality, has been instrumental, more than any other, in resurrecting in the countries which have a written law the concept of creative case-law by demonstrating its need and beneficial nature.

That is a precept by which the Court of Justice occasionally seeks to be guided. Less so, perhaps, than may sometimes be said. Nearly a century and a half ago Alexis de Tocqueville observed in his celebrated work on American democracy that the human mind invented things more easily than words; that was the reason, he added, for the use of so many improper terms and incomplete expressions. Like any court, the Court of Justice endeavours as its judicial experience grows to give expression in the most fitting manner, that is to say in the most faithful manner possible, to the decision taken a generation ago by our governments and peoples, in a word by our States, to pool their resources with a view to achieving a grand design by the acceptance of common rules, of which the Court is the guardian.

From this day onwards, Judge Grévisse, you shall assist us greatly and we would like to express our gratitude in advance.

To both its new Members the Court of Justice offers its warmest congratulations and best wishes for the success of their mission.

May I invite you, Mr Advocate General, to take the oath provided for by the Statutes of the Court of Justice?

May I invite you, Judge, to take the oath provided for by the Statutes of the Court of Justice?

## Curriculum vitae of Mr P. VerLoren van Themaat

Born on 16 March 1916 in Rotterdam

Attended primary school and the Pre-university College of Nijmegen.

Studied law at Leyden. Passed his 'doctoraal' in Netherlands Law in 1939. Defended his law doctorate thesis in 1946 earning the distinction *cum laude* on the topic 'International Belastingrecht' (international tax law).

1942-45: worked for the legal department of the National Office for the Iron and Steel Industry.

1945-58: held various posts in the Ministry for Economic Affairs, later became Principal Adviser to the Minister of Foreign Affairs and Director of Market Organization.

Beginning of 1958 to 1 September 1967: Director-General of the Directorate-General for Competition at the Commission of the European Communities and in that capacity responsible for European policy on monopolies, control of national aid, the application of the provisions of the EEC Treaty prohibiting tax discrimination, the harmonization of laws pursuant to Articles 99 to 102 of the EEC Treaty and for the preparation of agreements made pursuant to Article 220 of the EEC Treaty.

Since September 1967 Professor of Social and Economic Law at the University of Utrecht.

Besides his thesis on international law he has published the following works *inter alia*

- (a) (With J.A. Muilwijk) 'Handleiding bij de Wet op de Bedrijfsorganisatie' (Manual on the law of industrial organization);

- (b) (In cooperation with L.A. Gellhoed) 'Rapport over het Nederlands Economisch Recht' (Report on Netherlands Economic Law, a report presented to the Commission of the European Communities, Brussels 1973);
  - (c) 'Het Economisch Recht van de Lid-Staten van de Europese Gemeenschappen in een Economische en Monetaire Unie' (The Economic Law of the Member States of the European Communities in an Economic and Monetary Union);
  - (d) (With P.J.G. Kapteyn) 'Inleiding tot het Recht van de Europese Gemeenschappen' (Introduction to the law of the European Communities), third edition 1980;
  - (e) 'Rechtsgrondslagen van een Nieuwe Internationale Economische Orde' (Legal Bases for a New International Economic Order) 1979;
- as well as several other less lengthy works in the Netherlands and many other countries concerning *inter alia* various aspects of international tax law, Netherlands economic law and comparative, European and international economic law.

Member of the Royal Netherlands Academy of Science and Literature.

## **Curriculum vitae of Mr Fernand Grévisse**

Born on 28 July 1924 at Boulogne-Billancourt (Seine)

Married on 1 December 1958 to Suzanne Seux, Maître des Requêtes at the Conseil d'État (two children: Christine and Françoise)

### *Studies*

Lycée Janson-de-Sailly, Paris

### *Career*

Student of the École Nationale d'Administration (1948-50)

Auditeur at the Conseil d'État (1950)

Maître des Requêtes (1956)

Commissaire Adjoint (1954), then Commissaire du Gouvernement at the Assemblée Plénière du Conseil d'État, with responsibility for contentious proceedings (1957)

Director of Civil Matters at the Ministry of Justice (1960)

Director-General for Waters and Forests (1964)

Director-General for the Rural Area at the Ministry of Agriculture (1965)

Returned to the Conseil d'État (1966)

Director-General for the Administration and the Civil Service at the General Secretariat of the Government (1967-1971)

Conseil d'État (since 1973)

President of the First Subdivision of the Contentious Proceedings Division of the Conseil d'État (since 1975)

Professor at the Institut d'Études Politiques, Paris

### *Decorations*

Officier de la Légion d'Honneur

Médaille militaire

Commandeur de l'Ordre National du Mérite

Croix de Guerre 1939-45

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
on the occasion of the solemn undertaking given by Edgard Pisani,  
a Member of the Commission of the European Communities**

Mr Commissioner,

The undertaking which will shortly be made before the Court expresses with fitting solemnity the importance of the duties which that undertaking entails, itself a reflection of the importance of the office and of the responsibilities which will henceforth be yours.

The Treaty expresses the requirements by stating that the Members of the Commission are to be chosen 'on the grounds of their general competence' – a quality which is not required, at least not formally, of the Members of the Court, but one which the latter nevertheless strive to fulfil – and that their 'independence' is to be 'beyond doubt' – a requirement which is common to all of us in the exercise of our collective duties and powers.

Mr Commissioner, you have demonstrated throughout a long career devoted entirely to public affairs that you have achieved this exacting combination. A prefect, a senator and a member of the National Assembly, a Member of the European Assembly, a minister of General De Gaulle, the President of the Council of Ministers of the Community; you are familiar with the service of the great interests of State and the service of the great interests which our States have sought to pool by entrusting them to common institutions.

You were one of the architects of the common agricultural policy which is one of the main – but not the only – pillars of the common market. European and world developments have indeed not been slow to reveal the compelling need for a progressively more extensive approximation of all economic policies, as stated in Article 2 of the EEC Treaty, because such comprehensive

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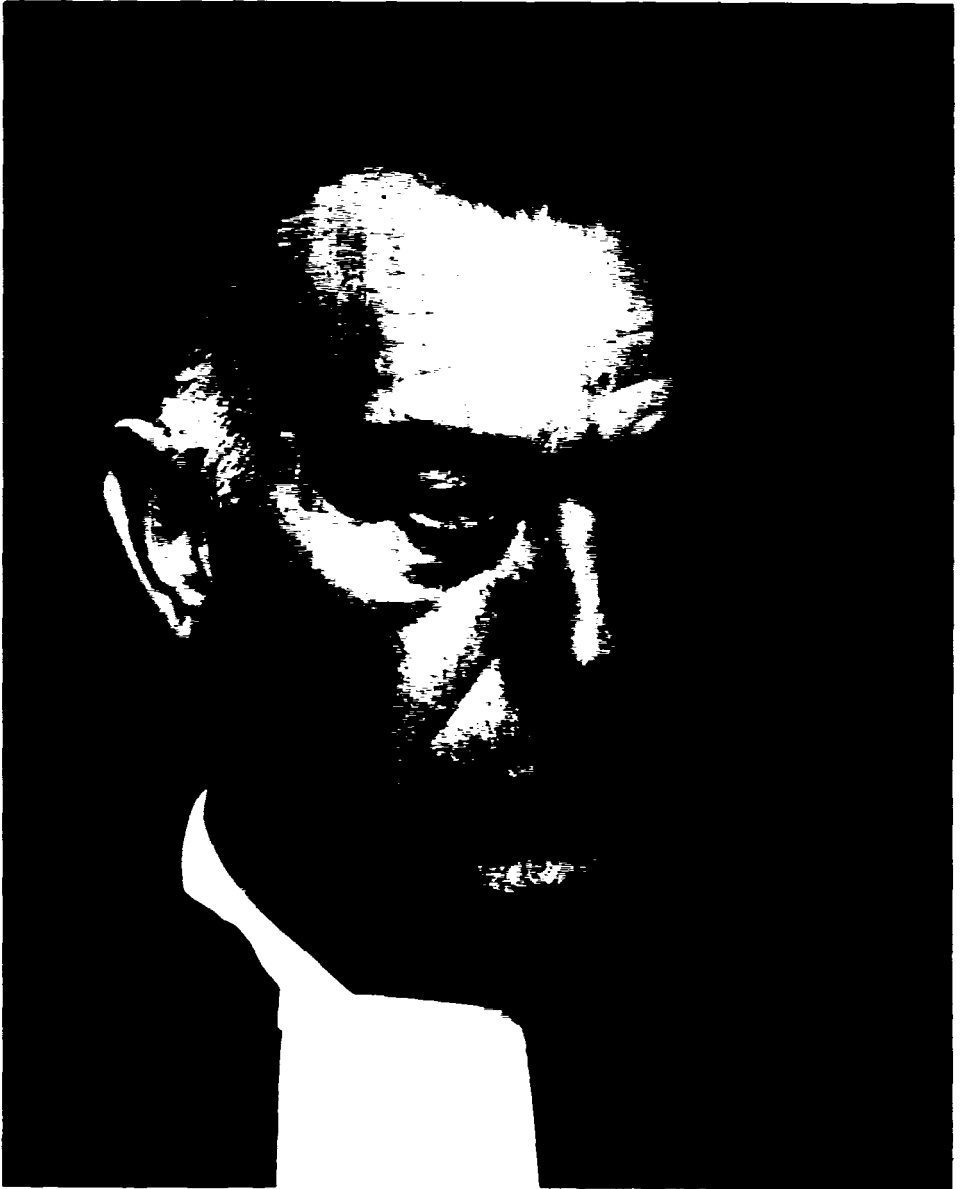
Original text: French.

approximation is the pledge and the condition of greater solidarity – that is to say greater justice – within the new economic and social zone created by the common market and of more generous cooperation with the Third World. In that regard the common industrial policy and the common policy on development are of primary concern. You, Mr Commissioner, are to assume the responsibilities of the common policy on development aid; it is an immense field in which a large part of our future probably lies, but one which can be embarked upon only with regard to all the objectives which unite our States and peoples: 'a challenge for the world and a campaign for Europe' as you yourself expressed it not so long ago in a message which has not gone unnoticed. In receiving the undertaking which vests you with these responsibilities, the Court offers you its warmest congratulations and at the same time wishes you every success in your mission.



**FORMAL SITTING**

on 13 October 1981



Max Sørensen† 11.10.1981

*Photograph: CEC*

**Address delivered by J. Mertens de Wilmars,  
President of the Court,  
in honour of Max Sørensen,  
a former Judge at the Court of Justice of  
the European Communities,  
who died in Risskov (Denmark) on 11 October 1981**

In October 1979, while still in the prime of life and at the peak of his extraordinary ability, Max Sørensen departed from us after playing an active part in the work of the Court of Justice for six years. He left us with that tall stature, that lithe gait and that incisive gaze, which made him bear such a striking resemblance to his Viking forebears. At that time he was 66 years of age.

Who could have thought or imagined that two years later we would be gathered here to mourn his death, to honour his memory and to reflect on this exemplary life and the message which it contains.

And yet Max Sørensen is no longer with us. He was quickly stricken by a relentless illness which, after a seemingly successful serious operation, allowed only a respite measured by his lucidity and for just a little while gave to his friends, students, colleagues and all those who loved and admired him false hope, which was soon to be cruelly disappointed.

When he resigned from office in 1979 upon expiry of a term of office which, to the regret of all concerned and despite the requests which he had received, he did not wish to see renewed, it was in order once again to devote his time to the great purpose which dominated his life, namely the furtherance of international law.

The great attempts to establish peace between nations by means of the law and to restrain the nations from rising up against each other were indeed always foremost in his thoughts and had a decisive influence on his activities.

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Original text: French.

The great institutions which symbolize those attempts were his chosen domain. The United Nations, the International Labour Organization, the Council of Europe, the International Court of Justice at The Hague, the Academy of International Law, the Commission and the Court of Human Rights each in turn benefited from his collaboration and legal learning and felt the strength of his conviction at the same time as he taught international and constitutional law at the University of Aarhus.

Thus it was an internationalist of world renown who, immediately after the accession of the Kingdom of Denmark to the European Communities, took his place amongst us. For six years his extensive knowledge of and insight into international law stimulated our discussions, enlightened our deliberations and bore fruit in our judgments. However, his collaboration was just as valuable in the other areas in which the Court has jurisdiction, even if they did not figure amongst his preferences. The most complex economic aspects of Community law, the arduous problems concerning the rules governing the liability of the institutions and the difficult questions of an institutional nature were the subject of his lucid analyses, carefully considered views and proposed solutions, which always identified the central issues. An astonishing ability to convince, which he derived from the rare blend of exceptional intelligence and an unrivalled sense of morality, established once and for all his authority within the Court. His contribution to the development of Community case-law, even if it was relatively brief, was none the less of extraordinary importance and will continue to leave its mark.

However, in his heart of hearts and, perhaps I should say, deep in his conscience, his preference remained for international law. With his great intellect he indeed saw that European integration was an essential element in world peace and that was why he contributed toward it with such exemplary commitment, but a powerful sentiment persuaded him that his own mission lay in another field, where the law knows no frontiers, even broader ones. He responded faithfully to that calling by regaining his freedom in 1979 and by resuming his place at the Court of Human Rights. It was to that calling that he devoted himself to the last moment, for it was whilst he was still attending the sitting of the Institute of International Law in Dijon during the month of August last year that he felt the angel of death pass over him for the first time.

His expounding and personification of these two aspects of the law – European and universal – in the cause of peace through the medium of the law is in my view the most important part of the legacy which he bequeathed to us.

We remember Max Sørensen; we shall remember Max Sørensen, we shall remember him for a long time. We shall retain the memory of a lawyer who was entirely devoted to the prospect of a better world, of a judge, impartial by nature, so forceful in the manner in which he expressed his views, so just at the moment of the decision; we shall remember finally the man who lived amongst us as a colleague and a friend, amicable, congenial, intelligent, shrewd and exceptionally loyal, a man of loyalty both in mind and deed and a fascinating and perfect example of what it means to be given a purpose in life by devoting oneself to a great ideal, the freedom of men.

The words which I have just spoken are also, and indeed primarily, addressed to Mrs Sørensen in the hope that she may find in them some consolation and in order that she may know how profoundly the Court shares in her grief.

I hope that she will find in these few words the heartfelt expression of our deepest and most sincere sympathy.

I also offer the Court's condolences to the representative of the Kingdom of Denmark and request him to convey them to his government. His country has been deprived of a great citizen.

May I invite you to join us in a few moments of thought for Max Sørensen.

The sitting is adjourned for a moment as a token of our grief.

## Composition of the Court

### Order of seniority

from 7 October 1980 to 11 January 1981

H. KUTSCHER, President of the Court<sup>1</sup>  
P. PESCATORE, President of the Second Chamber  
G. REISCHL, First Advocate General  
T. KOOPMANS, President of the First Chamber  
J. MERTENS DE WILMARS, Judge  
H. MAYRAS, Advocate General  
J.-P. WARNER, Advocate General  
LORD MACKENZIE STUART, Judge  
A. O'KEEFFE, Judge  
F. CAPOTORTI, Advocate General  
G. BOSCO, Judge  
A. TOUFFAIT, Judge  
O. DUE, Judge  
A. VAN HOUTTE, Registrar

from 12 January 1981 to 17 March 1981

J. MERTENS DE WILMARS, President of the Court  
P. PESCATORE, President of the Second Chamber  
LORD MACKENZIE STUART, President of the Third Chamber  
G. REISCHL, First Advocate General  
T. KOOPMANS, President of the First Chamber  
H. MAYRAS, Advocate General  
J.-P. WARNER, Advocate General<sup>2</sup>  
A. O'KEEFFE, Judge  
F. CAPOTORTI, Advocate General  
G. BOSCO, Judge  
A. TOUFFAIT, Judge  
O. DUE, Judge  
U. EVERLING, Judge  
A. CHLOROS, Judge  
A. VAN HOUTTE, Registrar

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<sup>1</sup> On 30 October 1980 Hans Kutscher, President of the Court, retired from office and Judge Everling took up office on 31 October 1980.

<sup>2</sup> On 26 February 1981 Mr Advocate General Warner retired from office and Advocate General Sir Gordon Slynn took up office on 26 February 1981.

from 18 March 1981 to 3 June 1981

J. MERTENS DE WILMARS, President of the Court  
P. PESCATORE, President of the Second Chamber  
LORD MACKENZIE STUART, President of the Third Chamber  
G. REISCHL, First Advocate General  
T. KOOPMANS, President of the First Chamber  
A. O'KEEFFE, Judge  
F. CAPOTORTI, Advocate General  
G. BOSCO, Judge  
A. TOUFFAIT, Judge  
O. DUE, Judge  
U. EVERLING, Judge  
A. CHLOROS, Judge  
Sir Gordon SLYNN, Advocate General  
S. ROZÉS, Advocate General  
A. VAN HOUTTE, Registrar

from 4 June 1981 to 6 October 1981

J. MERTENS DE WILMARS, President  
P. PESCATORE, President of the Second Chamber  
LORD MACKENZIE STUART, President of the Third Chamber  
G. REISCHL, First Advocate General  
T. KOOPMANS, President of the First Chamber  
A. O'KEEFFE, Judge  
F. CAPOTORTI, Advocate General  
G. BOSCO, Judge  
A. TOUFFAIT, Judge  
O. DUE, Judge  
U. EVERLING, Judge  
A. CHLOROS, Judge  
Sir Gordon SLYNN, Advocate General  
S. ROZÉS, Advocate General  
P. VERLOREN VAN THEMAAT, Advocate General  
F. GRÉVISSE, Judge  
A. VAN HOUTTE, Registrar

from 7 October 1981

J. MERTENS DE WILMARS, President  
F. CAPOTORTI, First Advocate General  
G. BOSCO, President of the First Chamber  
A. TOUFFAIT, President of the Third Chamber  
O. DUE, President of the Second Chamber  
P. PESCATORE, Judge  
LORD MACKENZIE STUART, Judge  
G. REISCHL, Advocate General  
A. O'KEEFFE, Judge  
T. KOOPMANS, Judge  
U. EVERLING, Judge  
A. CHLOROS, Judge  
Sir Gordon SLYNN, Advocate General  
S. ROZÈS, Advocate General  
P. VERLOREN VAN THEMAAT, Advocate General  
F. GRÉVISSE, Judge  
A. VAN HOUTTE, Registrar



## Former Presidents of the Court of Justice

PILOTTI (Massimo) died 29 April 1962	President of the Court of Justice of the European Coal and Steel Community from 10 December 1952 to 6 October 1958
DONNER (Andreas Matthias)	President of the Court of Justice of the European Communities from 7 October 1958 to 7 October 1964
HAMMES (Charles Léon) died 9 December 1967	President of the Court of Justice of the European Communities from 8 October 1964 to 7 October 1967
LECOURT (Robert)	President of the Court of Justice of the European Communities from 8 October 1967 to 6 October 1976
KUTSCHER (Hans)	President of the Court of Justice of the European Communities from 7 October 1976 to 30 October 1980

## Former Members of the Court of Justice

PILOTTI (Massimo) died 29 April 1962	President and Judge at the Court of Justice from 10 December 1952 to 6 October 1958
SERRARENS (Petrus J.S.) died 26 August 1963	Judge at the Court of Justice from 10 December 1952 to 6 October 1958
VAN KLEFFENS (Adrianus) died 2 August 1973	Judge at the Court of Justice from 10 December 1952 to 6 October 1958
CATALANO (Nicola)	Judge at the Court of Justice from 7 October 1958 to 7 March 1962
RUEFF (Jacques) died 24 April 1978	Judge at the Court of Justice from 10 December 1952 to 17 May 1962
RIESE (Otto) died 4 June 1977	Judge at the Court of Justice from 10 December 1952 to 5 February 1963
ROSSI (Rino) died 6 February 1974	Judge at the Court of Justice from 7 October 1958 to 7 October 1964
LAGRANGE (Maurice)	Advocate General at the Court of Justice from 10 December 1952 to 7 October 1964
DELVAUX (Louis) died 24 August 1976	Judge at the Court of Justice from 10 December 1952 to 9 October 1967

HAMMES (Charles Léon) died 9 December 1967	Judge at the Court of Justice from 10 December 1952 to 9 October 1967, President of the Court from 8 October 1964 to 7 October 1967
GAND (Joseph) died 4 October 1974	Advocate General at the Court of Justice from 8 October 1964 to 6 October 1970
STRAUSS (Walter) died 1 January 1976	Judge at the Court of Justice from 6 February 1963 to 27 October 1970
DUTHEILLET DE LAMOTHE (Alain) died 2 January 1972	Advocate General at the Court of Justice from 7 October 1970 to 2 January 1972
ROEMER (Karl)	Advocate General at the Court of Justice from 2 February 1953 to 8 October 1973
Ó DÁLAIGH (Cearbhall) died 21 March 1978	Judge at the Court of Justice from 9 January 1973 to 11 December 1974
MONACO (Riccardo)	Judge at the Court of Justice from 8 October 1964 to 2 February 1976
LECOURT (Robert)	Judge at the Court of Justice from 18 May 1962 to 25 October 1976, President of the Court of Justice from 8 October 1967 to 6 October 1976
TRABUCCHI (Alberto)	Judge at the Court of Justice from 8 March 1962 to 8 January 1973, Advocate General at the Court of Justice from 9 January 1973 to 6 October 1976
DONNER (Andreas Matthias)	Judge at the Court of Justice from 7 October 1958 to 31 March 1979, President of the Court from 7 October 1958 to 7 October 1964
SØRENSEN (Max) died 11 October 1981	Judge at the Court of Justice from 9 January 1973 to 6 October 1979
KUTSCHER (Hans)	Judge at the Court of Justice from 28 October 1970 to 30 October 1980, President of the Court of Justice from 7 October 1976 to 30 October 1980
WARNER (Jean-Pierre)	Advocate General at the Court of Justice from 9 January 1973 to 26 February 1981
MAYRAS (Henri)	Advocate General at the Court of Justice from 22 March 1972 to 18 March 1981



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