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FORMAL HEARINGS
of the
COURT OF JUSTICE
of the
EUROPEAN COMMUNITIES
1976

Contents

Funeral oration for Mr W. Strauß delivered by Mr R. Lecourt, President, on 20 January 1976	5
Speech by Mr R. Lecourt, President, delivered at the formal hearing on 3 February 1976 on the occasion of the departure of Mr R. Monaco, Judge.....	9
Speech by Mr R. Monaco, President of Chamber, delivered at the formal hearing on 3 February 1976.....	13
Speech by Mr R. Lecourt, President, delivered at the formal hearing on 3 February 1976 on the occasion of the arrival of Mr F. Capotorti to take up his duties as Judge.....	17
Biographical Note – Prof. F. Capotorti.....	21
Funeral oration for Mr L. Delvaux delivered by Mr R. Lecourt, President, on 25 September 1976.....	23
Speech delivered by Mr R. Lecourt, President, at the formal hearing on 7 October 1976 on the occasion of the departure of Mr A. Trabucchi, Advocate-General.....	27
Speech delivered by Mr A. Trabucchi, Advocate-General, at the formal hearing on 7 October 1976.....	31
Speech delivered by Mr R. Lecourt, President, at the formal hearing on 7 October 1976 on the occasion of the arrival of Mr G. Bosco to take up his duties as Judge.....	37
Biographical Note – Prof. G. Bosco.....	41
Speech delivered by Mr H. Kutscher, President of Chamber, at the formal hearing on 7 October 1976 on the occasion of the departure of Mr R. Lecourt, President.....	43
Speech delivered by Mr R. Lecourt, President, at the formal hearing on 7 October 1976 on the occasion of his departure.....	49
Speech delivered by Mr H. Kutscher, President, at the formal hearing on 26 October 1976 on the occasion of the arrival of Mr A. Touffait to take up his duties as Judge.....	55
Biographical Note – Mr A. Touffait.....	58
Visit of HM the Queen and HRH the Duke of Edinburgh on 9 November 1976.....	61
Composition of the Court of Justice of the European Communities for the judicial year 1976-1977.....	64
Former Presidents and Members of the Court of Justice.....	64

**Funeral oration for Mr W. Strauß delivered by Mr R. Lecourt,
President, on 20 January 1976**

The list of those who have honoured our Court and who have passed away is already long.

It is not yet 24 years since our institution came into existence, and now it is in mourning for the tenth time: Walter Strauß is no longer with us.

For seven years he shared in our work, enriched our discussions with his experience and contributed to the development of the case-law of the Court at a time of vital importance in the judicial history of the Community.

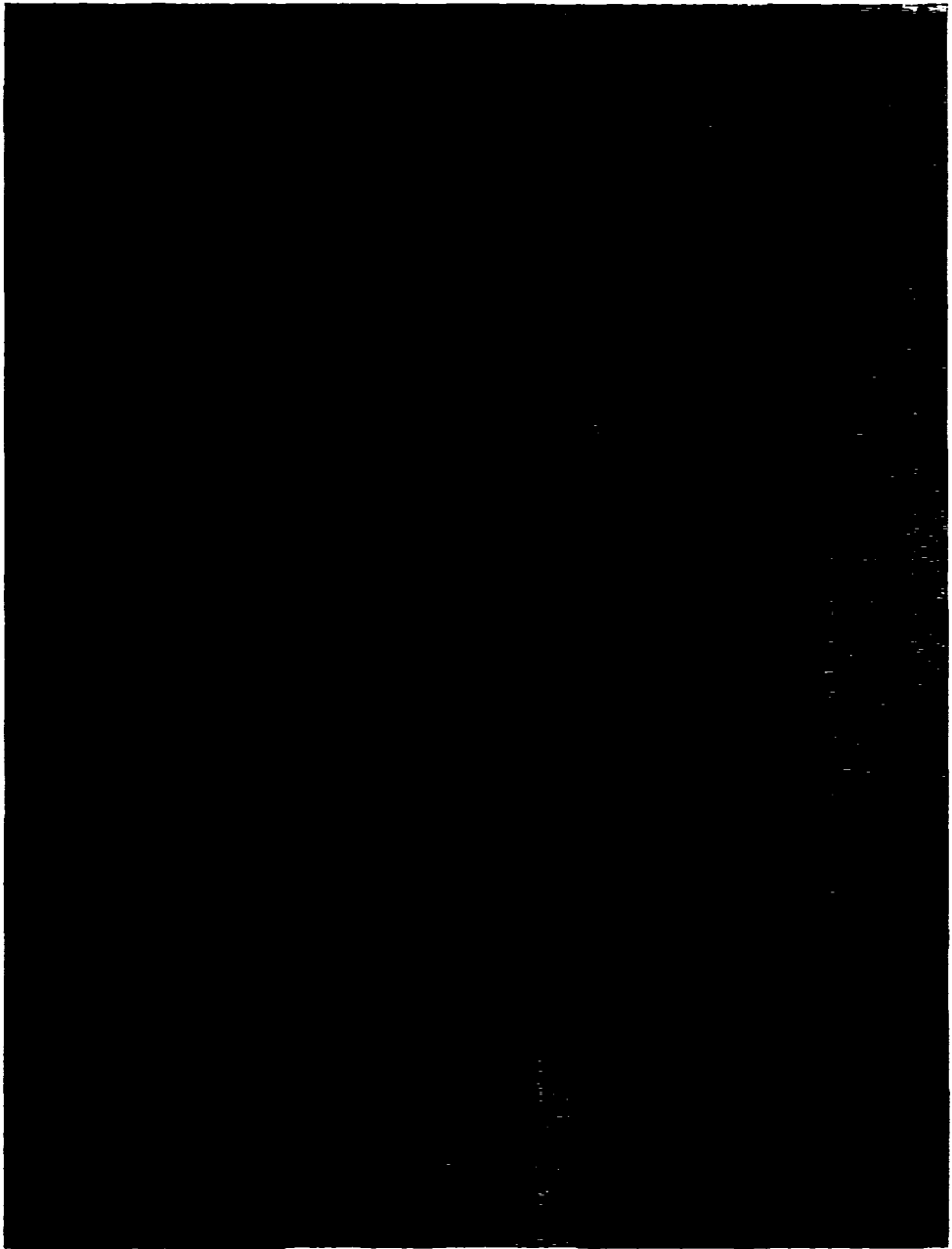
But he had experience of far wider fields of cultural activity.

Legal, economic and historical studies pursued at the Universities of Freiburg im Breisgau, Heidelberg, Munich and Berlin gave him a solid basic education. Thanks to them he became Referendar and Doctor of Laws at the University of Heidelberg at the age of 24.

This laid the foundation of a working life which was remarkable both for its diversity and for its unity. For nearly half a century the lawyer in him was in competition with the economist: the man of study with the man of action.

We find him, first, from 1924 to 1926, attached to the Chamber of Commerce and Industry in Berlin. In 1927, however, he became an auxiliary judge in that same city. But for only a short while. Two years later we find him established in the Ministry for Economic Affairs. Established? It was not to be, since in 1935 he was ostracized and dismissed.

He then had the courage to face a complete and difficult change. Having been forced to abandon the Civil Service, which was now barred to him, he plunged, at the age of 35, into the uncertainties of an independent profession, as an expert and independent adviser to groups of lawyers and to ecclesiastical organizations. He spent eleven years in this way before the possibility finally arose to devote himself once more to the public service.



Photograph by Kutter

Judge Walter Strauß

But these trials had both strengthened his character and widened his experience. In 1946 he became Secretary of State with responsibility for the Land of Hesse. One year later he became Assistant Director of the Economic Administration of the Bizonia and, in 1949, Head of the latter's Legal Service. Economics and law, the public and private sectors thus prepared him for the positions of authority which awaited him thereafter.

Fresh duties were laid upon him, first of a national character, as Secretary of State at the Federal Ministry of Justice, a post which he occupied for 14 years, from 1949 to 1963, then at a European level, as Judge at the Court of Justice of the European Communities, with effect from that last date.

He arrived at the Court at a time when cases arising from the Treaty of Rome were beginning to proliferate and when questions referred for preliminary rulings were beginning to show a rate of increase which since then has never failed. However, it was also a period during which our Court was required to consider the first of a line of cases through which certain of the fundamental principles of Community law were first stated, in particular, those of direct effect and primacy. Finally, it was also during that period that the first cases concerning competition came before the Court, these being cases in which our colleague felt peculiarly at ease, owing to the extent to which they reflected both his taste, his education and his experience. When he left the Court in 1970 it had, with his participation traced the broad outlines of a case-law which has been unfailingly followed since then by the courts of the various Member States.

Having left our Court, Walter Strauß returned to it only too rarely, on ceremonial occasions. One felt that he was worried about his health and failing sight.

We received the news of his death with sadness a few days ago. He was in his 76th year.

Mr Strauß enjoyed the friendship of everyone in the institution. He leaves in their minds an image of uprightness, distinction, discretion and also of courage in adversity.

To Mrs Strauß, whose personal qualities were much in evidence during her presence here, the Members and staff of the Court convey their heartfelt sympathy and condolences. Their memory of her husband is of a man whose whole life was devoted to the service of others.

Speech by Mr R. Lecourt, President, delivered at the formal hearing on 3 February 1976 on the occasion of the departure of Mr R. Monaco, President of Chamber

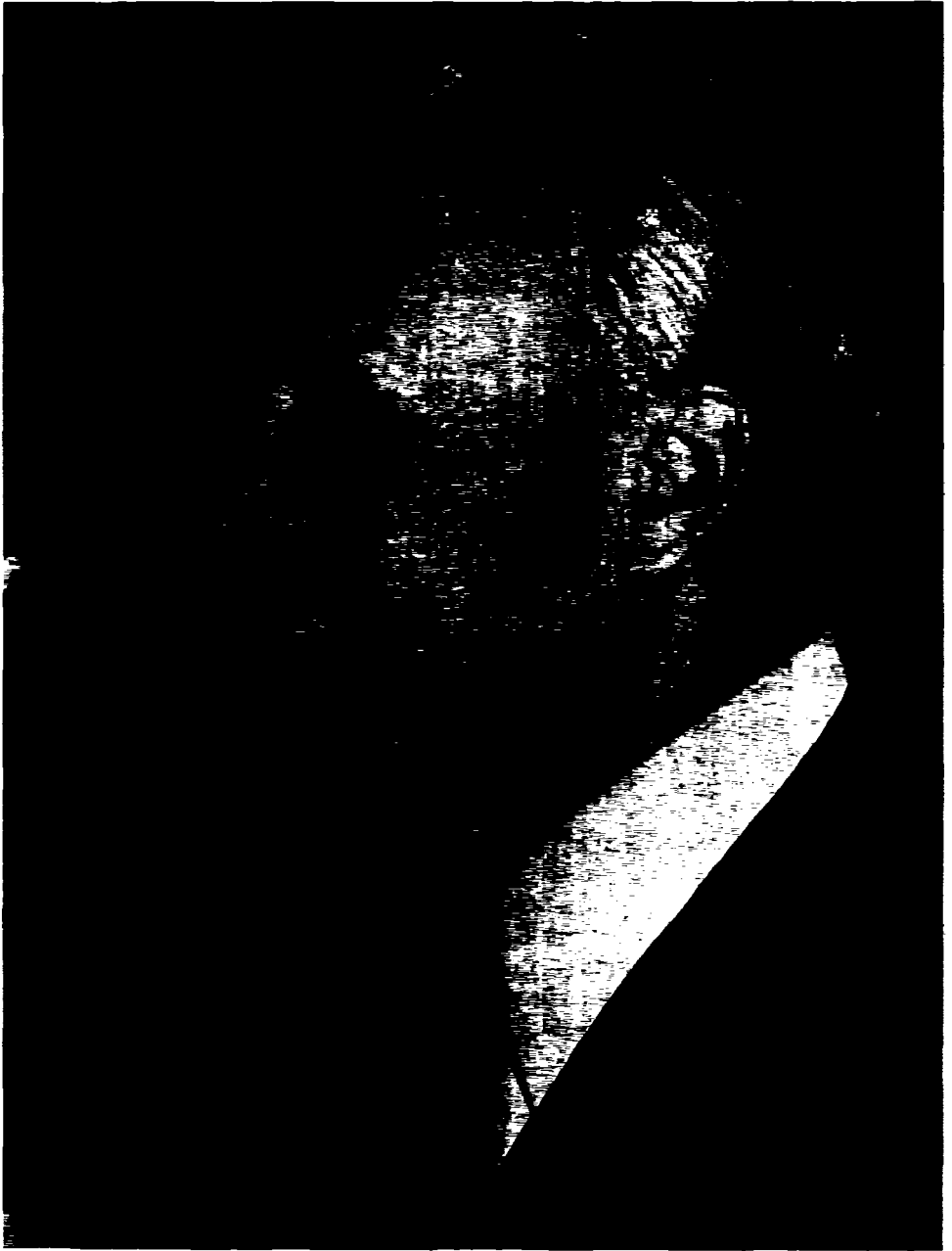
When he arrived amongst us the Court had just established the first milestones along the course of the future case-law of the Economic Community. Now, as he leaves us, the jurisdiction of our Court covers three Communities, nine Member States and, since a matter of a few weeks, the subject-matter of a judicial Convention of great promise.

When he sat with us here for the first time the integration of Community law was a matter of discussion even in his own country. At the time of his departure the Constitutional Court of that country is proclaiming the primacy of Community law and many courts of that State are giving intelligent impetus to a constant flow of questions referred for preliminary rulings.

The time between these events has been spanned by the presence, contribution and activity as Judge at the Court of Justice of the European Communities of our colleague Professor Riccardo Monaco.

We were well aware that even the most efficient of collegiate bodies must be constantly renewed. But we were taken by surprise to learn that the International Institute for the Unification of Private Law should so soon choose from amongst the members of this Court its future Secretary-General. Could it be that this new transfer of duties – the second within a year – will lend credence to the idea that the Court may be destined to be a rich source on which to draw? The honour which this attitude would bestow could not, however, soften the sorrow which it feels at each new departure.

Indeed, what a charming personality is now leaving us. A professional training which has made him one of the leading experts in international law, a flair both for private and for public law which is in the tradition of the Italian internationalists of his generation, a long acquaintance with the work of the courts where the law comes face to face with everyday life, an experience of international affairs in which his insights have often been used by his Government, all this enriched by the publication of many works, covered with international



Photograph by Tony Krier

Judge Riccardo Monaco

renown, enlivened by the resources of a fertile mind, the versatility of a finely-tuned dialectical sense, an extreme good nature and a willingness to seek reconciliations while maintaining the objectives which he has set himself: such is Riccardo Monaco who, as a Member of the Court since 1964, has contributed to the development of a body of Community and social case-law which will always remain implanted in the judicial life of the nine Member States.

A university professor, judge and diplomat: his life has revolved around these three vocations. The Court could only profit from any choice which it might make between them.

If the Court had to highlight, within the very spirit of the authors of the Treaties, the position, the originality, the power, the motive force of Community law it could turn to the Doctor of Laws of the University of Turin who had passed through all stages of university teaching as a holder of a chair of Cagliari, Modena and Turin and professor of international organizations and later of international law at the faculty of political science in Rome.

If it had to marry the law to a complex factual situation, temper its rigour to the requirements of fairness or exercise a fine sense of what is possible the Court could profit from the experience of the former judge of Turin who, having played an active part in the working of the Commission for the Reform of the Legal Codes with the Italian Ministry of Justice, was a member of the Consiglio di Stato, which he left with the title of Honorary President of Section.

If it had to situate Community law in the context of international law the Court could benefit from the contribution of a man who was, respectively, legal adviser to the Italian Ministry for Foreign Affairs, head of the Treaties Department and head of the Diplomatic Legal Service, Governmental Delegate to many international conferences and a member of the Italian delegation to the General Assembly of the United Nations.

The value of a court of law depends upon the coincidence, at an ideal point, of the qualifications of its members and of their human qualities. I mean by this that apart from the contributions made by our colleague in knowledge and experience he was extremely valuable to the Court in that he placed at its disposal the fruits of an active life which has developed in him a spirit of initiative, a feeling for dialogue and the art of constructive compromise which, out of respect for the opposing party, consists in refraining from imposing one's opinion and knowing how, where it is impossible to obtain the whole, to be satisfied with the essentials.

It is not therefore surprising that today the organization which has called him from us has exercised a kind of right of pre-emption over so many values as sound as these, which have, moreover, been endorsed by so many illustrious

bodies to which he has belonged and of which he remains an active member, such as the Institute of International Law, the Permanent Court of Arbitration, the Committee on Legal Cooperation of the Council of Europe, of which he was President, the Appeals Council of UNESCO, of which he was also President, quite apart from the various Italian bodies concerned with cooperation with Greece, Germany and the United States, for example.

My dear colleague, you have spent eleven years with us at a stage in the development of the Court where you were able to be the most useful to it. You arrived here at a time when the case-law arising from the Treaty of Rome was taking root. You leave us at a time when the consolidation both of Community law and of legal cooperation appears to be fully assured. You have taken your rightful part in obtaining these results – to such an extent indeed that, at the announcement of your impending departure, for a matter of four months destiny seemed to be suspended as if wishing to hold you back.

How is it possible not to combine with our appreciation of the contribution which you have made to the Court a sense of sadness at your departure? Our sadness is all the stronger for your warmth of manner and the tender good nature of Mrs Monaco at your side.

However, our thoughts must be for the future: we must have in mind the fresh duties which you will be exercising in the cause of the unification of private law. You go with our very best wishes and hopes that those duties will bring you to that exalted plane which is the meeting place for those who believe in effective legal cooperation so that man may finally discover, in this bitter and divided world, the paths – which in its sphere the Court of Justice is attempting to establish – towards a fuller measure of unity, justice and peace.

**Speech by Mr R. Monaco, President of Chamber, delivered at
the formal hearing on 3 February 1976**

Mr President,
Members of the Court,
Mr Registrar,
Your Excellencies,
Representatives of the other institutions of the Communities,
Ladies and Gentlemen,

My first sentiment at this moment is gratitude to you, Mr President, for the words of high praise, perhaps even too high, which you have spoken of me; and also the great satisfaction I feel in seeing gathered here so many eminent persons, high officials in the Communities and friends whose presence gives me particular pleasure.

When I arrived here, more than eleven years ago, I was well aware that I was seeing the realization of one of my most cherished aspirations because the European ideal I had nurtured for many years was crowned by my appointment to a high and entirely new judicial office. I reached a pinnacle in my career.

Today on my departure I see the most important period in my legal and judicial life draw to a close.

Thanks to the spiritual and technical help which you have lavished on me, Mr President and dear colleagues, I leave richened and strengthened in my European idealism; now more than ever I believe that the ideal of constructing a united Europe which we have pursued together is a question of faith rather than of science and reason since, faced with apparently insuperable difficulties, only faith can sustain the will of man.

In this spirit Luxembourg represents for me far more than the glorious period when I took part in the work of the Court of Justice. Indeed long before my appointment as judge, this city was closely bound up with the course of my life. Since 1952 when I came with a devotion resembling that of a disciple to present my best wishes to President Pilotti, that eminent jurist and grand old man whom the older ones amongst us will certainly recall, and in the following years when

I was called on by the early committees of experts of the European Coal and Steel Community; or when in a context closer to Community law, I was invited as the Italian representative to take part in the drafting of the first Rules of Procedure of the Court; or when I had the honour, as Agent of my Government, of pleading before the Court in the first cases before it; and more recently, in following all the stages of European construction and in finding that the work of the Court played a fundamental role, my trips to Luxembourg have been very frequent and have represented milestones in my career.

As the Court grew larger and moved from the small Villa Vauban to the Côte d'Eich and finally to this great palace, I have seen the city of Luxembourg grow larger and more modern within this Europe for which I believe I have fought the good fight at the side of my colleagues.

When I think of the long legal path we have trodden together, it is with deep feeling that I recall the figures of judges and of advocates-general who are no longer at the Court with us and of whom some are unfortunately no longer alive. There is no need to say any more as their memory is writ large in the annals of the Court as each one has been honoured and commemorated by our Presidents.

However I do not wish to give the impression that we are here to remember an ageing lawyer since, as the President has just said, I shall continue my task in Rome, my adopted home, undertaking work not so very different from my work here as judge since its final aim is also the unification of law.

Since I shall retain the European faith which I have cherished for thirty years, I shall attempt to involve the Institute where I shall be working in future in drawing closer together various legal systems in Europe.

Clearly Luxembourg represents an important part of my life; therefore my first duty is to express my feelings of profound respect to the Grand Ducal family which has received us with such kindness on many occasions; to the members of the Luxembourg Government with whom we have had the most cordial contacts; to the authorities of the Grand Duchy of Luxembourg with whom I have maintained most friendly relations.

Mr President, you have traced in a most impressive way the portrait of one who today, with great emotion and gratitude, is leaving you and once again I thank you.

I should also like to thank your wife Marguerite whose kindness is equalled only by her warm-heartedness.

I must also express my gratitude to my colleagues and to their wives - I cannot name them all individually. Throughout the years, and today once again

by their presence and their friendliness, they have made our meetings more agreeable and have helped to make my stay here particularly enjoyable.

My gratitude must also go to the Registrar, one of my oldest friends, and I also convey my best wishes to his wife, Antoinette.

As to the officials at the Court of Justice I hope they know that I am well aware that it is due to them and to their work that during my stay I have been able to carry out my task. Miss Maggioni deserves special mention for having helped me so many times in my research into theory and decided cases.

I should now like to make special mention of the invaluable assistance given by my immediate collaborators: Mr Neri who faithfully interpreted my ideas – and also his own – thus producing sometimes a fine synthesis to submit to the Court; Mrs Franzosini who ensured for this long period the smooth running of my chambers; Mrs Roseren who in the last few years has made a valued contribution to our team. Particular thanks must also go to Mr Natante who has driven me faithfully and in complete safety not only in Luxembourg but throughout Europe.

My departure is a sad occasion for me but I leave confident that my task here at the Court will be maintained as my place is being taken by a colleague, Professor Capotorti, whom I have known for many years and of whose value and capacities I have the highest opinion.

At every leavetaking one promises to return soon, as long-established habits of life and work are not so easily broken. May I too make that promise in the certitude that I shall keep it? I can indeed and I reaffirm that I shall retain in my memory and in my heart all the benefits I have received from the Court and all that I have learned from you Mr President and from my well-loved colleagues.

Speech by Mr R. Lecourt, President, delivered at the formal hearing on 3 February 1976 on the occasion of the arrival of Mr F. Capotorti to take up his duties as Judge

In filling the place left vacant by the departure of Professor Monaco, the Member States have chosen one whose career has been similar to that of his predecessor at this Court. Like Professor Monaco, he is a product of the university world, like him, he has many publications to his name, and like him, he has been very active in the international sphere. He thus emerges, from the main highlights to be discerned in his career, as one who will carry on where the member to whom we have just said farewell has left off. Such unchanging change is surely something full of advantages for a Court such as ours.

Having the fine sense of timing to make his arrival amongst us coincide – to within a few days – with the achievement of his half century, Mr Francesco Capotorti brings us his threefold experience as a university professor – from a highly regarded university – as an author – whose writings are greatly esteemed – and as a practising lawyer familiar with the ways of the highest international tribunals.

He was born in Naples, and he was educated in that same city. It was at Naples that at the age of 20 – a record! – he obtained the degree of Doctor of Laws. It was at the University of Naples that, in the following year, he became an assistant lecturer. And when later, after having – at the age of 26 – obtained the 'libera docenza' in international law, he goes to teach in other universities, it is with a solid background behind him acquired in the brilliant light of the famous Bay of Naples. Following Italian tradition, he had, like others before him, drunk at the wells of international law, both private and public.

His next step was to go to Cagliari, to a lectureship in the institutions of public law, and then international law. Two years later he was appointed first Professor of International Law at the University of Bari. He was to stay there for 13 years. But Naples could not fail to exercise its irresistible appeal over him. Hence it came about that in 1968 he was invited to take up a professorship at the University of that city on international organizations. The wheel seemed to have come full circle. But not for long! For all roads lead to Rome . . . Thus from 1970 we find him teaching private international law there.



Photograph by CEC

Mr. Advocate-General Francesco Capotorti

However promising this gradual rise in the university world may have been, it was in reality a preparation for another career with wider horizons.

Carried forward by the discipline of legal studies, for which people are enthusiastic at a time when distances are being reduced, when the interdependence of the nations is becoming the rule, and also when international problems are becoming more difficult, the inevitable happened and Mr Capotorti was forced to leave his own university.

Thus he went to teach abroad: at the University of Valladolid and at the School for International Civil Servants in Madrid, at the Academy of International Law at The Hague, and at the International Centre for European Studies and Research in Luxembourg. There thus already began to take shape within him, through his teaching, a Community outlook which he was to retain, and which was confirmed by his lectures at the University Institute for European Studies at Turin and became more and more apparent in his writings. For he has been a writer as well as a university professor.

He has written articles for legal magazines and for academic bodies. He has been on the academic committee of two important Italian publications on international law, and has taken part in the editing of a set of works on this particular subject. He has been a governor of the Italian Council for International Organization, and a member of numerous legal associations. He thus enlarged his horizon, already prepared by study and thought, towards wider objectives.

The number of articles which he published was indeed large. It must be said that his field was international law. Yet what a large variety of matters has occupied his mind! In his writings one again finds the disciplines of public international law and of private law running side by side. Nevertheless certain predilections are discernible: conflict of laws, company law, the acceptance of foreign judgments, international mandate, the rights of man and, as regards the Community legal order: the law on competition, the right of establishment, company law, and the uniform interpretation of the Treaties. What a wonderful array of studies from which the Court cannot fail to benefit!

It was thus quite natural that Italy should think of other openings for him than teaching.

Such openings arose first in his own country. He became a member of the Committee for Contentious Diplomatic Business at the Ministry for Foreign Affairs, a member of the Italian Consultative Committee on the Rights of Man, and a member of the Italian Commission for UNESCO. He took part in several important negotiations on behalf of the Italian Government, and was chairman of the working party on the European company.

He was to represent Italy at the United Nations, both in the General Assembly and in the various branches of activity of this organization. He was to be heard defending the Italian point of view successively in conferences on the rights of man and on the law of treaties, in the special committee for the definition of aggression, in the committee for the peaceful use of space outside the atmosphere, and in the commission for combating discriminatory measures and for the protection of minorities. He has even been one of the rapporteurs of a symposium, organized at Oslo by the Nobel Institute, on the international protection of the rights of man.

So it is one with a mind open not just to the great international problems of our time but also to the special characteristics of Community law who is joining our Court. Learning and action, theory and practice, all combine within him, and are moulded together by his wealth of experience. Might I add, digressing here for a moment, that this admirable breadth of understanding also applies, in a different way – certainly – but no less exactly, to Mrs Capotorti, who is an assistant in the Faculty of Medicine at Naples?

Our new colleague is arriving at the Court at a time when the trend of the matters in dispute before it is moving increasingly towards the kinds of problems of which he has made a special study. Thus it is that he is called upon to take up a new task.

He will find the task at once burdensome and exciting.

Burdensome? Yes, because the increasing number of cases means an increasing number of hearings and an increase in the work which follows them. Exciting? Yes, for he will be contributing to a long-term task to be accomplished through both firmness and wisdom; only in the next century will it be possible to say that it did or did not make its mark on the legal history of our time. Today it has only a reasonable chance of succeeding in doing this. Even so, this is the chance that those who have left us have worked for. My colleague, it is to that chance that, together with you, we shall be devoting our efforts.

Does any finer calling exist? Or one more worthy of being pursued by a man of your worth and of your stature? So it is that the Court takes pleasure in welcoming you.

Biographical Note on Professor Francesco Capotorti

Born in Naples on 9 February 1925. University studies at Naples, 1941–1945. Graduated (with distinction) in Law in 1945.

Assistant Lecturer at the University of Naples from 1946 to 1952. Awarded grants for research in France, at the Hague Academy of International Law and in Germany (1947, 1949, 1951).

Professor ('Liberò docente') in International Law, 1951. Responsible for International Law in the University of Naples and in the Naval University Institute of Naples from 1951 to 1954. Finished among the first three candidates in the competition, held in 1953, for the Chair of International Law at Naples University. Professor extraordinary of Institutions governed by Public Law in the University of Cagliari from 1 February 1954 and, in the following year, of International Law in the same University. From December 1955 to February 1968, resident Professor of International Law at Bari University. From 1956 to 1968 Director of the Institute of International Law and Political Science at Bari University. From 1 February 1968 Professor of International Organization at the University of Naples. On 1 November 1970, Director of the Institute of Public Law in the Faculty of Economics and Commerce, again at Naples University.

At present Professor of Private International Law in the Faculty of Political Science at the University of Rome.

Has, by invitation, conducted courses at the Universities of Messina, Cagliari, Bari and Naples on the history of treaties and international politics, Italian constitutional and comparative law, the theory of the State and international organization.

Conducted short lecture courses at Victoria (summer courses at the University of Valladolid) in 1956 and in 1971; at Madrid (School for International Civil Servants) in 1962; at the Hague (Academy of International Law) in 1963 and in 1971; at Turin (University Institute of European Studies) and at Rome (the Luigi Sturzo Institute of Sociology) in 1964, 1965 and 1966; and, in 1966, at the International Centre for European Studies and Research in Luxembourg.

Has lectured in the Universities of Vienna (1966) and of Liège (1971) and at the Austrian Diplomatic Academy (1966). In 1956, awarded a NATO Research Fellowship and, in 1960, the prize for jurisprudence instituted by the Accademia Pontaniana. As the nominee of the Italian Government, took part in Stage IX of the European Studies at Strasbourg in 1959 and in the study seminars on human rights organized by the United Nations between 1962 and 1966. Was one of the rapporteurs at the second international conference at Vienna on the European Convention for the protection of human rights (1965) and of the Symposium organized at Oslo by the Norwegian Nobel Institute on the international protection of human rights (1967).

Is a member of the Technical Committee of the 'Rivista di diritto internazionale', the 'Rassegna di diritto pubblico' of the 'Rivista di diritto internazionale privato e processuale', and of the review 'L'Italia e l'Europa'. Serves on the Technical Research Committee on Italian Practice in International Law (whose first reports were published by Oceana Publications in 1970). Since 1961, co-Director (with Professors Sperduti and Ziccardi) of research into Italian case-law in matters of international law (now in course of publication by Jovene). A member of the Governing Board of the Italian Society for International Organization, the Italian Consultative Committee on Human Rights and of the Italian Commission for UNESCO. Is an associate member of the Accademia Pontaniana of Naples, the Centro Nazionale di Prevenzione e Difesa sociale of Milan, the American Society of International Law, the International Law Association, the British Institute of International and Comparative Law, and of the Italian Association of European Jurists.

Was a member of the Italian delegation to the General Assembly of the United Nations, from 1960 to 1971, to the United Nations Conference on Human Rights at Tehran, in 1968, and to the United Nations Conference on the law of treaties in Vienna, 1968 to 1969. Also took part in the Austro-Italian Conferences at Milan, Klagenfurt and Zurich (1961) and served on the Austro-Italian Committee of Experts on the Alto Adige question at Geneva in 1964. Italian representative on the Special Committee of the United Nations on the question of defining aggression (1968 to 1971) of which he was Vice-President, in 1968, and on the United Nations Legal Sub-Committee on the peaceful uses of outer space (1970 to 1971). Since 1963 a member of the United Nations Sub-Commission of experts on the prevention of discrimination and the protection of minorities and, in 1971, was asked to produce a special report on minorities. Has served since 1965 on the Consiglio del contenzioso diplomatico at the Ministry of Foreign Affairs.

**Funeral oration for Mr L. Delvaux delivered by Mr R. Lecourt,
President, on 25 September 1976**

To witness the departure of a colleague when age brought his career to an end and severed links formed during a long period of work in common and of problems faced together; to welcome him from time to time and to notice with concern the signs of illness on his face, accentuated by his secret regret that he would no longer enjoy the companionship, the routine and the surroundings of former times; and, finally, after a long separation, to learn that death has finally claimed him: such is the sequence of events which has already taken so many to their graves and of which we have so often been witness.

This was the sequence of events in the case of Louis Delvaux, from his departure from the Court in 1967 to his return among us for a short time – for the hearing at which we welcomed our colleagues from the new Member States and opened this building – until 24 August 1976, when he died at the age of 81.

Our colleague came here as judge in 1952. He was, therefore, one of those who launched the Court of Justice and of the first Coal and Steel Community. Then aged 57, he had a long and brilliant career in Belgium marked by the diverse disciplines of law, politics and journalism.

The courts were his first love. As a doctor of law he joined the Louvain and, later, the Nivelles Bar. Then, for nearly fifteen years he devoted himself to his profession as an advocate. Its influence upon him was a profound one, enough at any rate for him to join us 30 years later as one of the most vigilant custodians of the rights and obligations of the profession.

In 1936 he was elected Deputy for the Arrondissement de Nivelles in the Chambre des Représentants. He remained there for ten years. After the war, he was trusted with what, in that period of widespread shortage, was the most difficult and certainly the most thankless task of Government when, in 1945, he became Minister for Agriculture.

But, for reasons best known to himself, he felt impelled to retire from public life. In 1946 he decided to leave it once and for all in order to return to the Bar. But those who have tasted of the bitter-sweet attractions of public life do not



Photograph by Kutter

Judge Louis Delvaux

tear themselves away so easily. This was obviously true of our colleague who, for some reason unknown to us, went back again, but this time to a position above all political battle.

He had given up all elected office but this did not mean that he was no longer interested in serving the public. At the Government's request he proceeded to make use of the experience which he had required in the dual capacity of lawyer and politician, and served for four years as President of the Conseil d'Administration de l'Office des Sequestres. Shortly afterwards he was appointed Comptroller of the Banque Nationale. Finally, the former Minister for Agriculture agreed to accept the post of Administrator of the Société Nationale de la petite propriété terrienne (National Association of Smallholders).

Throughout these stages in his career, journalism had an attraction for Louis Delvaux which he could not resist, especially as he considered that field of activity to be the natural complement to his political role. From 1932 to 1946, with the exception of the war years, he contributed to several periodicals, among them 'Le Vingtième Siècle', 'Le Soir' and 'La Cité de Bruxelles'.

When, therefore, he came to the Court on 3 December 1952 it was as a battle-hardened veteran of public affairs. He brought to his new task not only a wealth of experience as a lawyer and as a politician but also the virtues of the humanist. And when he reached the age at which he had to leave us, he modestly retired to his house in Jodoigne. He was 72 years of age.

Seeing Louis Delvaux as a Member of the Court one could well say that the judge is the man. Level-headedness, a sense of proportion and wisdom: that was the man. That was also the judge. There was no watertight division between them but a straightforward transfer of common sense from the one into the attitude of the other. For him the law was, at the end of the day, the servant of human requirements. Who could have been more tolerant, more forward-looking and more impatient of extremes?

Is this the same as saying that, in reality, this equanimity sometimes disguised the by no means humourless scepticism in which on occasion, he took refuge?

It would be unwise to rely too much on appearances. It would be a mistake to confuse the care which he took to avoid upsetting the susceptibilities of others with the real nature of the man. Though willing to consider every point of view, this did not mean that he had none himself. This was readily apparent when the argument was about the Community's aims, so dear to this long-standing European, or about the fate of the underprivileged, about whom he was always concerned.

Moderation, courtesy, wisdom and magnanimity are not the ingredients of scepticism but the mark of the type of man who prefers the agreed solution and who, in our era of intolerance, passion and violence, is growing increasingly rare.

So, those who knew Louis Delvaux remember him as a colleague whose serenity helped to create the atmosphere of goodwill and candour which is a feature of our Institution. I trust that Madame Delvaux, her children, her grandchildren and his former colleagues will accept this tribute to his career and character as a sad expression of the Court's deep sympathy and as a token of the extent to which it shares their sorrow.

Speech delivered by Mr R. Lecourt, President, at the formal hearing on 7 October 1976 on the occasion of the departure of Mr A. Trabucchi, Advocate-General

Why must it be that the address that the President of the Court, acting in his personal capacity, customarily makes upon the renewal of the Court every three years, must, on this occasion, start on a sour note in the context of the Community today.

How can one fail to observe with sadness that not all the members of the Court have yet been appointed on the very day when, as the Treaty requires, they ought to have taken up their duties? The Community is a legal entity and not a mere arrangement founded on convenience. The institutional provisions of the Treaties and the dates when they are to be applied are binding and leave no room for discretion.

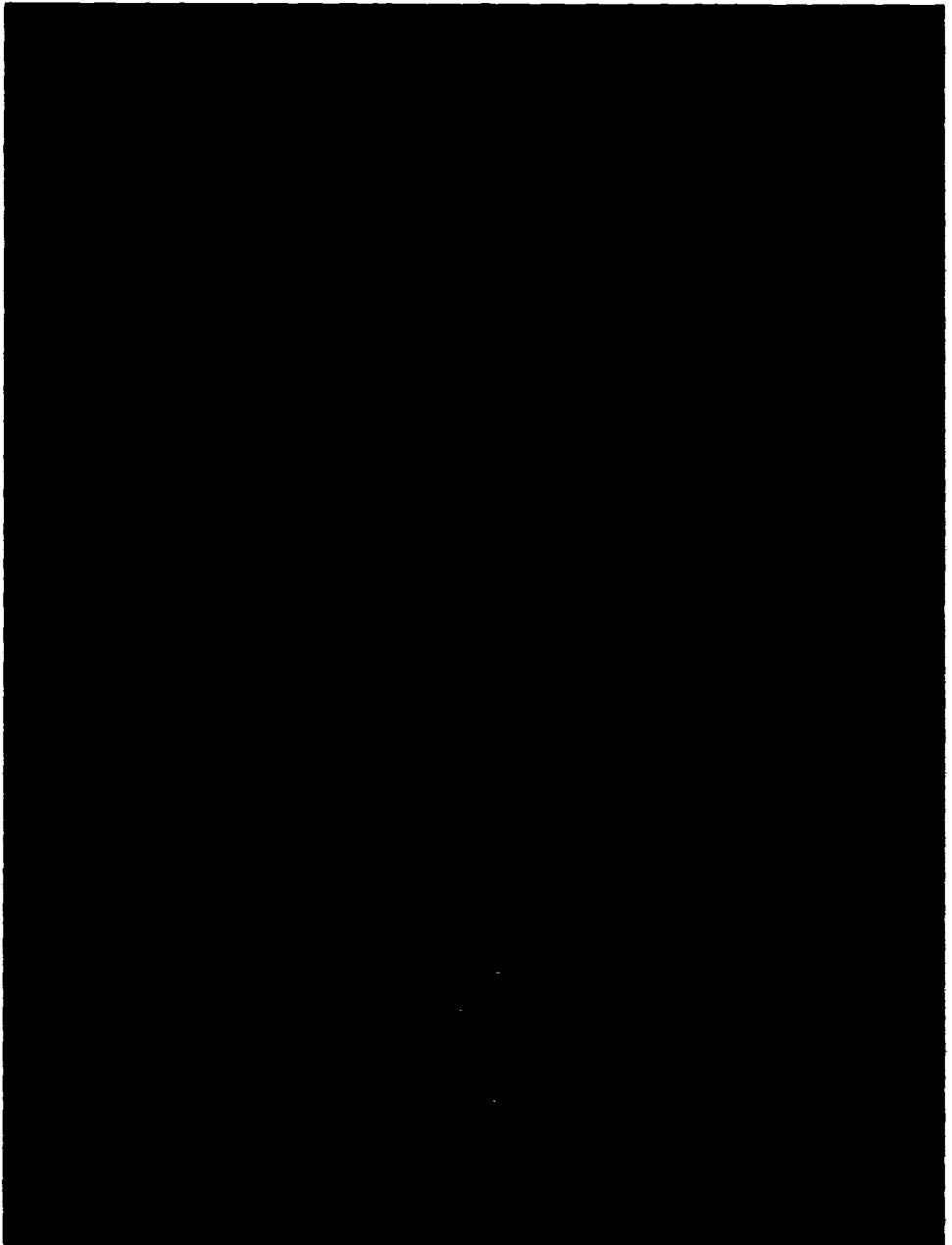
Yet for the first time since its creation, the Court of Justice – required by Article 164 to ensure that in the application of the Treaty the law is observed – finds itself in the humiliating position of seeing the renewal of its composition impeded and its work disrupted.

Moreover the established practice whereby the renewal of the composition of our Institution always took place several weeks before the beginning of the judicial vacation, since the time when our work expanded to cope with the abundance of litigation, has this year been changed in so novel and disconcerting a way that it has already resulted in the cancellation of several hearings, held up urgent cases, obstructed the efforts of the Court to adjudicate speedily upon the questions referred by the national courts, and brought about delays in the latter which are not of the Court's own making.

Has this situation also caused the departure of Mr Advocate-General Trabucchi?

It is thus, my dear colleagues, that you will be deprived of the aid of this great civil lawyer, at the very moment when the first cases arising from the Brussels Convention would have rendered his opinions particularly valuable.

In marking, with regret, your going away, Mr Advocate-General, how can I do otherwise than stress the common legal destiny which brings together yet



Photograph by CEC

Mr. Advocate-General Alberto Trabucchi

a little more closely the two Members of our Court who are leaving it today. With a difference of only a few weeks, they will have been associated with its work over the same period. For you have been amongst us for many a year. A judge first, and then an Advocate-General, you are not only one of the most eminent of jurists but also a friend and colleague with a warm and open heart.

The jurist who arrived at Luxembourg at the beginning of 1962 already enjoyed an enviable reputation.

Born in the romantic city of Verona, you went to win your university laurels at Padua. Hardly were you twenty years old when, in 1928, the university of that latter city conferred upon you, with the greatest distinction, the degree of Doctor of Laws. At twenty-two you became an assistant lecturer in the philosophy of law. In 1935 you obtained your *agrégation* in civil law 'libero docente'. You were twenty-eight years old.

It was at Ferrara that, from 1935 to 1942, you then went to take up your first lectureship: in the city which was the birthplace of Savonarola, the 'unarmed prophet', according to Machiavelli's cruel expression and whose avenging statue you could observe every day when going to the university. What a subject for meditation for the young jurist called upon to teach and then to practise the spirit of balance and of tolerance!

But already your talents obliged you to divide up your time. From 1939 to 1942 you also worked at the glorious 'Ca' Foscari', at Venice, as Professor Extraordinary. Then, since 1942 and up to the present, you have held the chair of civil law at Padua. Not only held but graced it! You have reigned – and 'reign' is indeed the right word – for thirty-four years as a kind of monarch in a university where you are both respected and admired. Thus it is that the students who hasten to your lectures – and the throng of them streams out into the corridors of the faculty – turning their backs upon the sterile agitation which is a hallmark of our times in order to follow the teachings of a master, bear witness to the value of your teaching and to your qualities as an orator.

It should also be noted that, covering the whole field of private law, you have, since 1953, given the lectures in comparative law concerning that subject. Moreover, you are, in practice, the editor of, amongst other publications, the glorious 'Rivista di diritto civile'. Hence the long list of university honours and distinctions which have been showered upon you is not surprising.

It was thus a confirmed jurist who arrived amongst us in 1962. What shall I say of the judge that he was and of the important part that he played in giving direction to the case-law for which the Court today is famous? The fact that the deliberations are secret prevents me from speaking about this at length. Going as far as I may, let me say, my dear colleague, that your feeling for the right

word, which I daresay comes from your thorough knowledge of Roman law, has been the basis – and has been so since your first year here – of the clarity and precision of some of the most famous grounds of our judgments, which have become classical ‘selected passages’ of Community law. While amongst us as a judge, you have been the guardian of private law. Paraphrasing Cicero, it may be said of you that again at the Court at Luxembourg you have been the ‘*iuris civilis custos*’.

But in 1973, the personal opinions which characterize the contribution of the Advocate-General seemed to you to be more attractive than the anonymous nature of the collective decisions of our Court. So you abandoned the bench for advocacy and you were appointed Advocate-General. Although you no longer took part in decision-making except ‘*auctoritate*’, the moral authority of your opinions nevertheless continued to exercise a considerable influence on the Court by virtue of the freedom to express your personal views, which is for you, as I know, particularly precious.

So much for the jurist. What now of the man? Over the years, we have learnt to know him and to appreciate him. He is an ‘*honnête homme*’ in the classical sense of the term, that is to say a man nourished on the refinements of culture. He was unable to hide for long his taste for literature and poetry, and his love of the great writers – Dante and Manzoni in particular – and of certain modern writers also, provided that they avoid the pitfalls of abstraction. The true aesthete that you are, in literature as in art, has a love of the beautiful provided that it represents something, and that its meaning is clear. In you the classical splendour of a Tiepolo seems to find an echo in the form of voices within which can be sensed in your very eloquence. In matters of taste, at least, you will not deny that you are conservative! So are you also in your role of *pater familias* in the true sense of the term, that is to say, not only in your family but also in your village of Illasi and in your university. You know how to combine firmness with kindness; sometimes – it is said – strictness with advice. Your colleagues, at all events, have only found in you a harmonious mixture of friendship and loyalty. In reality, behind the Roman mask, the face of a generous man attempts to hide, but in vain.

Such is the memory of you that will remain with all those who were your colleagues and it is one which they will unfailingly associate with Mrs Trabucchi. At all events, your colleagues will again rediscover the essential features of the jurist and friend that they have had the fortune to know in the course of fifteen years of work in common. The reports of the cases before our Court will preserve from the time you have spent among us the indelible mark of a great judge whose departure will be keenly regretted.

Speech delivered by Mr A. Trabucchi, Advocate-General, at the formal hearing on 7 October 1976

Thank you, Mr President,

In this short reply, consisting of a few recollections, reflections and a tribute to the Court I am leaving, my first thought is naturally of you.

The stages of my long life as a lawyer are measurable in decades. Last year, I completed 40 years in my Chair at Padua; today I recall my twenty years' association with the Court of Justice, five of them as counsel, eleven as a judge and four as Advocate-General. But, when I look more closely at my working life, there seems no point in trying to express its essential unity in terms of time and although, while at the Court, I continued to concern myself with civil law, I have always tried (and I hope that this will continue to be true of the Chair I occupy) to imbue the minds of the young with the ideals of Community law, whose creation, deep significance and substantial contribution to the life of Europe are all associated with this Court.

We have witnessed its birth and seen it grow as other historic developments have grown but, in this case, the architect and builders were not peoples but the men who, in this workshop, wielded the tools of law.

As one recalls the first ECSC cases (for example, the series of cases on ferrous scrap), one realizes from the way in which the Court at that time went about its work that, while the procedure followed the lines of an international hearing, the subject-matter was little different from one before a national court and even one steeped in civil law found himself side by side with colleagues from a different legal background.

Then, just at the time when I was appointed to the Bench, a very new and different development took place. How can I describe it? Was this new Community law created, or discovered and revealed? I cannot tell nor do I want to commit myself. We can, however, be confident that, in the history of legal institutions, this assertion of case-law will go down as a happy and unique event. And for us it was an exciting experience to assert the new system, an amalgam of rules and principles, and even more to see it followed and applied. At that stage, of course, the civil lawyer's approach played a vital role; this was to be

expected because the real significance of the kind of revolution which was taking place was to be found above all in the recognition of the direct effect of the new law upon individuals and precisely because those individuals have had to appreciate that in the hierarchy of rules designed to regulate their relationships there is now to be found a source of law which prevails even over the law of their own States. The expression of this new concept of a law common to all owes much to the protection of the private parties who have been so often involved in the disputes reaching the Court in the form of a request for a preliminary ruling under Article 177. Thus defined in terms of law, what could such a community be, other than a community of citizens for whose special benefit a new *jus civile*, transcending frontiers, is being developed? The development of this law common to all has enabled us as lawyers to discover practical and cultural interests which are wholly new. A new conception underlying the system puts the Community relationship in an entirely new light.

However, it was not merely a question of adapting procedures already in use: even though, generally speaking, the significance of this new development was not fully appreciated because, if it was to gain acceptance, its creation had to be presented as an aspect of existing law. At all events, we avoided the greatest danger, which was that of grafting the new order on to the systems of classical international law.

In subsequent years, the assertion of the new law has been refined and its application has become more extensive and obvious. Often, it must be admitted, we have gone ahead without any encouragement from the States concerned and, what is worse, sometimes despite the indifference of some of them, even though, in the course of time, all of them, sometimes at a heavy cost to themselves, have learned to understand and come to terms with the new development.

In this work, which I carried out in conjunction with my fellow-judges, I subsequently experienced greater pleasure when, in a different personal capacity, this time as Advocate-General, I had to insist on both the reconciliation of those principles with the Treaty from which we had built them up, and the need to keep developments within those limits of certainty and effectiveness which befit the Court of Justice of a Community whose foundation is, and must continue to be, the law.

It was in this new capacity that I took part in the exchange of ideas which, in my view, has contributed so much to the evolution of the new 'Rechtsbewußtsein' as I changed roles in the dialogue between the two main sources of the development of case-law, the judge and the advocate-general.

I do not propose to pay tribute to the role of an advocate-general, or even remind you of his tasks, one of which, of course, is that of making clear the

scope of the rules to be observed by all the Institutions, none of which, least of all our own, is above the law.

For this I may perhaps be dubbed a conservative. I would not quarrel with that. I must say, however, that in our work, none of us at the Court has ever forgotten that our task is not merely that of *suum cuique tribuere*, vital as that task is, but we have tried to ensure that, subject to the traditional part played by the authority of the law in the life of the peoples, the force of the law makes a real impact in the new system of Community relationships. The Community spirit has been the guiding star which, regardless of the interests involved, has constantly beckoned us forward on our chosen path.

The Community spirit asserted itself conclusively, finally emerging as dominant in the concerto for many different voices which found a common chord which was to lead to closer harmony. Law and economics, substance and procedure, circumstances and rules were brought together in this Court and this was vital for the life of a Community which, without losing sight of its social mission, derives its strength from the unity of the market. As an example of this amazing *concordia discors* the future historian of those days might care to compare the first and second of the main judgments on competition in the Ruhr, the rapporteur of the first having been a famous economist who was a distinguished Member of this Court, while the rapporteur in the second was an expert on the civil law.

But I must draw to a close: it is already evening and the labourer must wend his way homeward.

The Italian Government took a decision on my behalf which I dare not take myself, even though the time had come to take it. In any case, anyone who works with a will knows that he must go on to the best of his ability so long as Providence gives him the strength – even when he changes jobs. In this sense, the principles of European law can be studied with the same zeal in Italy as in Luxembourg.

On the sound principle of replacing me with a younger man, the Italian Government has appointed as my successor my colleague and friend Francesco Capotorti, who has also served as a judge of this Court. I offer him my very special good wishes.

As I leave the Court for the last time, I recall, perhaps in idealized terms, the Presidents with whom I have shared this rewarding experience and who, in terms of time, represent successive stages of a common task. First, Massimo Pilotti, a gentleman of considerable prestige, who seemed able to preside and conduct proceedings with a mere wave of the hand. He was succeeded by my great and dear friend André Donner, who is undoubtedly one of the pioneers of the new law. Combining great erudition, which he possesses as a typical

Continental lawyer, and the instinct of an English lawyer for pragmatic solutions, his youthful energy has helped the old Court to assume the heavy responsibilities of the present day. Then there was Charles Léon Hammes, the 'local' President, who, despite his Socratic affection for substantive law and his loyalty to the principles in which he was trained, succeeded in imbuing our deliberations with the spirit of innovation open and unashamed.

And finally, Lecourt, I mean, of course, Robert Lecourt.

We may go but the Court remains and with it and for it there remains the task of building up the system – with faith and care.

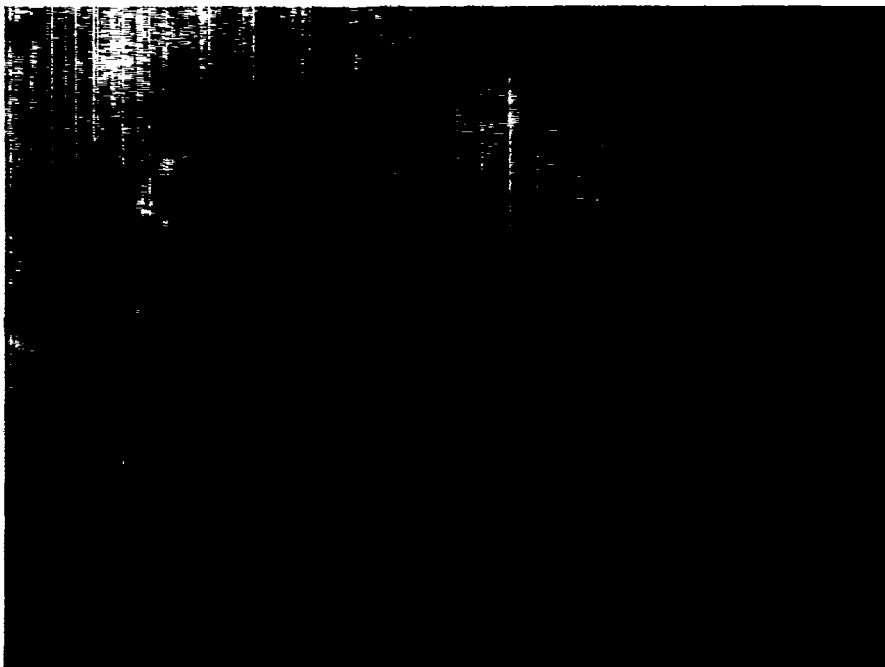
Aedificare per machinas transitura domum mansuram.

In other words, may the building remain solid and, in our case, may the tree never lack fresh water at its roots.

We must not confuse the autumn of life in the case of individuals with the permanent passing of summer for society as a whole; in the case of Europe our time here can only be a spring of abundance!

I go, but my departure is saddened by separation from my immediate colleagues. The first of them is Paolo Gori. He represents a rare combination of talent, culture and faith. Although we differ in both temperament and training (but indeed perhaps because of this) he has worked with me in a way which could not have been closer or more productive. His independence of mind was equalled by the way in which, in his work with me, he remained sensitive and loyal to the requirements of partnership with the man officially in command. Then there is Carla Malnati, a secretary beyond compare, who is the person to be thanked if ever my written work was correct and did not suffer from want of form. She never asked me if she could leave the Court even when it was several hours after the official time to go home. She was the embodiment of caution, the jealous custodian of confidences, and fell in with all my likes and dislikes, professional and personal. Along with her, and imbued with her spirit of orderliness, I must mention Carla Tognarini Simon, my other secretary. For fifteen years I placed my life in the safe hands of Ottavio Brezzi, my driver, who knew that behind him sat a man whose eyes were glued to his watch, a man for whom time was a precious commodity and who, thanks to him, never once arrived late. I express my thanks to all.

My parting words are addressed to all my colleagues, Judges and Advocates-General and the Registrar. As I go, I realize how much I have learnt from them and of this I am certain, my wife and I will take with us cherished memories of them and of the kind ladies who did so much to make us happy during our stay in Luxembourg. The *amicus curiae* who, in the broadest sense of the words, is the



"Three Piece Reclining Figure: Draped"
Henry Moore

Advocate-General, remains the friend of the judges at work and in their private lives. Although, Members of the Court, I dare not describe myself, in my recent capacity as your Advocate-General, as a Virgil showing Dante the way through the 'forest wild' of legal principles and regulations, today I can at least say to all:

'non aspettar mio dir più né mio cenno
libero, dritto e sano è tuo giudizio'.

To the Advocates-General, as my dearest and closest colleagues, I should like, in the words of the same poet, to leave you with an expression of faith in your task:

'fatti sicur chè noi semo a buon punto
non stringer, ma rallarga ogni vigore'.

Now, as we continue to look ahead, the time has come to hand over.

So I conclude with a greeting to all the officials of the Court, to this dear city whose guests we are, to the Grand Duke and his family, who have always extended the greatest courtesy to me and my wife, to the authorities of this worthy State, to the Community and to the men who, through it, represent the new Europe.

Speech delivered by Mr R. Lecourt, President, at the formal hearing of 7 October 1976 on the occasion of the arrival of Mr G. Bosco to take up his duties as Judge

It was last February that Mr Capotorti, after the departure of Mr Monaco, was appointed a judge of your Court. His arrival amongst us constituted an important step in a brilliant university career which until that time had taken place mainly at Naples and Rome. Immediately upon taking up his duties, he made apparent the breadth of his knowledge, the liveliness of his mind and the subtlety of his thinking. It now comes about, my dear colleagues, that the advantages which you derived from these qualities in preparing your judgments have been taken away from you. For he ceases to be a judge; but he becomes an Advocate-General. Hence it is that in another way you will continue to benefit from his assistance and from now on you will be able to extract the essential elements of your decisions from the weighty opinions that he will deliver to you.

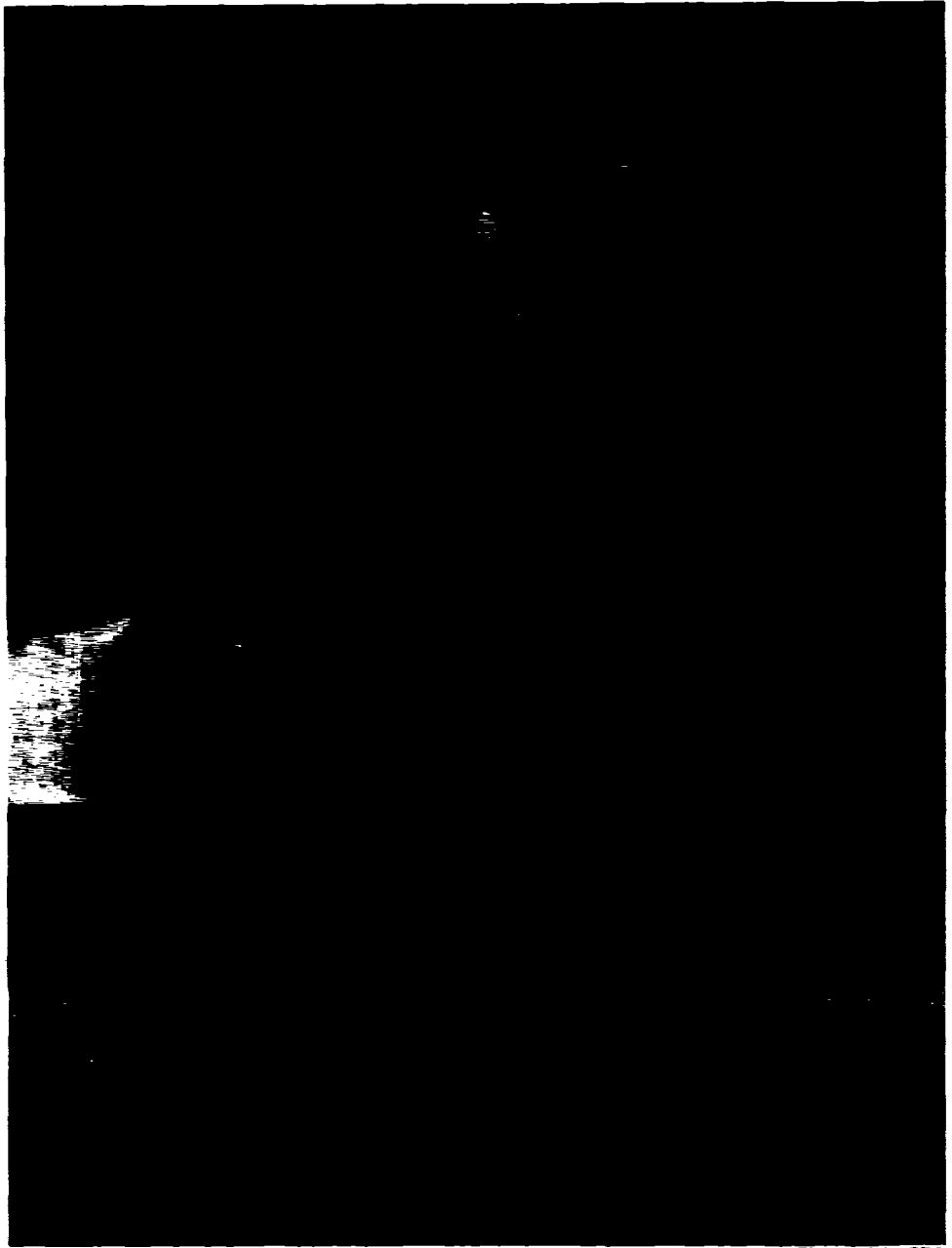
Mr Giacinto Bosco, who succeeds him as judge, is not unknown to us. Both at Rome and at Luxembourg our Court has had a number of occasions to meet him in the high offices bestowed upon him by his country.

He belongs to a great family of Southern jurists, both by birth and through his studies. Is Naples the cradle of Community law in the Peninsula? At all events it was at Santa Maria Capua Vetere that, in 1905, our new colleague was born. It was at the University of Naples that in 1925 he acquired his degree in law.

Attracted by the teaching vocation he 'went up' to Rome where, from 1929, he was a lecturer in international law. He became a professor in 1932. Thereafter he graced the universities of Urbino, Florence and, again and finally, Rome, devoting himself to the disciplines of public law, in particular international law and, yet more particularly, to the law of international organizations.

When, under the pressure of events Europe began to be organized, Mr Bosco specialized in the study of European law. Not content to give lectures in this speciality, he did not hesitate to take the initiative of creating in Rome a school of higher learning for the development of European studies.

Our new colleague knew how to combine practice with theory. This,



Photograph by CBC

Judge Giacinto Bosco

indeed, he had shown previously when, after passing a competitive examination with brilliant success and passing out head of the list, he became deputy secretary to the Ministry of Foreign Affairs from 1927 to 1932.

The fullness of his activities did not prevent Professor Bosco from publishing numerous works and articles, highly regarded by the specialists for their quality and their merits. Amongst so many works, it is interesting to make special mention of those that our new colleague has devoted to the relationship between Community law and the internal legal order of the Member States. I should also mention the articles published in the Review of European Studies of which he has been the director since 1966.

However, university life did not entirely satisfy Mr Bosco's taste for and need of action. Even so, it prepared him for another kind of activity. For politics attracted him. To study law was not enough; it was even better to take a hand in law making. This led him on to a long, brilliant and most varied career.

He was a Senator of the Italian Republic from 1948, and Vice-President of the Senate from 1958 to 1960. He sat in that august assembly until 1972, that is to say for twenty-four years. During that time, numerous governmental responsibilities came his way from 1953 onwards. Thus, in turn, he held ministerial office with distinction at the Ministries of Defence, Education, Justice, Labour, Economic Affairs and Foreign Affairs.

His experience of public affairs thus gained was then to be completed by intense international and diplomatic activity. Mr Bosco was President of the Italian Delegation to the UNESCO World Conference in 1960, President of the Conference of Ministers of Justice of the Member States of the Council of Europe in 1962, and President of the Italian Delegation to the General Assembly of the United Nations in 1965. Moreover it twice fell to him, as a Member of the Government, to defend Italian interests before the United Nations.

In 1972, however, when our colleague abandoned his parliamentary activities which had occupied him for so long, he became a member of the Consiglio superiore della Magistratura (Supreme Council of the Judiciary). He thereupon became its Vice-President, thus replacing, in practice, the President of the Republic who by law is president of the Supreme Council. It was in that capacity that on several occasions he came to Luxembourg at the head of important delegations from that institution for the purpose of participating in working parties on Community law. It was also in that capacity that, last year, upon the occasion of the visit by our Court to the higher Italian courts, he welcomed our Court at the seat of the Supreme Council, giving us a welcome of great warmth which we still remember.

A university, diplomatic, and political career of such breadth could not fail to prepare you, my dear colleague, for fulfilling the judicial and Community functions with which you are invested today. Without doubt, your profound knowledge of European law, together with the experience which your previous functions have enabled you to acquire and with the qualities which have so often been apparent in your person, will enable you to make a decisive contribution to this Court's work of integration.

Professor Giacinto Bosco, former Member of the Italian Senate born at S. Maria Capua Vetere (Caserta) on 25 January 1905

- 1925 Graduated in law at the University of Naples.
- 1926 Honorary magistrate at S. Maria Capua Vetere. Placed first in competition for Assistant Secretary of the Ministry for Foreign Affairs, in which he served from 1927 to 1932.
- 1929 Lecturer in international law at the University of Rome.
- 1932 Professor in international law at the University of Rome.
- 1932 Head of the Faculty of Law in the University of Urbino.
- 1933 to 1940 Professor in international law at the University of Florence (Istituto Superiore di Scienze politiche e Sociali 'Cesare Alfieri').
- 1933 to 1940 Professor in public and private international law in the Faculty of Law and in the Faculty of Economics and Commerce at the University of Florence.
- 1935 to 1940 Professor in International Organizations and League of Nations in the Faculty of Political and Social Sciences at the University of Florence.
- 1940 to 1975 Professor in international law in the Faculty of Economics and Commerce at the University of Rome.
- 1966 to date Director, Institute of International Law in the Faculty of Economics and Commerce at the University of Rome.
- Founded the Scuola di Perfezionamento in Studi Europei (School of Specialized European Studies) in the Faculty of Economics and Commerce at the University of Rome.
- Professor in International Organizations and European Communities in the School for Specialized European Studies in the Faculty of Economics and Commerce at the University of Rome.

Political appointments

- Senator of the Republic from 1948 to 1972.
- Under-Secretary of State at the Ministry of Defence (1953 to 1958).
- Vice-President of the Senate (1958 to 1960).
- Minister of Education (1960 to 1962).
- Chairman of the Italian Delegation to the UNESCO World Conference in Paris (1960).
- Minister of Justice (1962 to 1963).
- Chairman of the Conference of Ministers of Justice of the Member States of the Council of Europe (1962).
- Minister of Labour and Social Security (1963 to 1964).
- Head of the Italian Delegation to the General Assembly of the United Nations (1965).
- Minister of Labour and Social Security (1966 to 1968).
- President of the EEC Council of Ministers for Social Affairs (1968).
- Minister without Portfolio for United Nations Affairs (1968 to 1969).

Minister for Finance (1969 to 1970).

Minister without Portfolio for United Nations Affairs (1970).

Minister of Posts and Telecommunications (1970 to 1972).

Member of the Consiglio Superiore della Magistratura (General Council of the Judiciary) 1972;
Vice-President (1972 to date).

Principal publications

Il matrimonio nel diritto internazionale privato dopo la legislazione concordataria (Marriage in Private International Law subsequent to the legislation applying the Concordat between the Vatican and Italy) (1930).

Natura giuridica dell'arbitrato internazionale (Legal nature of International Arbitration) (1931).

Rapporti e conflitti fra giurisdizioni internazionali (Relations and conflicts between International Courts) (1932).

Corso di diritto internazionale privato, prima edizione (Course in Private International Law, First Edition) (1935).

Norme fondamentali di produzione giuridica nel diritto internazionale (Basic rules of Legal Origin in International Law) (1936).

Corso di diritto internazionale privato, seconda edizione (Course in Private International Law, Second Edition) (1937).

Note a sentenze in materia di diritto internazionale privato dal 1929 in poi (Comment on Judgments in Private International Law from 1929 to date).

Corso di diritto internazionale privato, terza edizione (Course in Private International Law, Third Edition) (1940).

Lezioni di diritto internazionale pubblico, (Lectures in Public International Law) Cedam (1972).

Rapporti fra diritto comunitario e ordinamento interno degli Stati membri delle Comunità Europee (Notiziario del Consiglio Superiore della Magistratura) (Relationship between Community Law and the internal Legal order of Member States of the European Community) (Commentary of the Consiglio Superiore della Magistratura) (31 May 1976 No 10).

Director of the 'Rivista di studi europei' (Review of European Studies) (1966 to date), to which he has contributed various articles including:

'L'avanzamento dell'unità europea' 1966, Fascicolo I (Progress of European Unity Volume I).

'Il mercato comune nel suo decennale' 1967, Fascicolo I (Tenth anniversary of the Common Market, 1967, Volume I).

'L'Europa e l'America Latina' 1968, Fascicolo I (Europe and Latin America, 1968, Volume I).

'La libera circolazione dei lavoratori nel MEC', 1968, Fascicolo III (The free movement of workers in the Common Market, 1968, Volume III).

'La quarta Comunità Europea per i problemi della gioventù', 1968, Fascicolo IV (The fourth European Community for the problems of youth, 1968, Volume IV).

'L'attività comunitaria nel 1969', Fascicolo III (Community activity in 1969, Volume III).

'Un decennio per l'unione europea', 1970, Fascicolo I (Ten years towards European union, 1970, Volume I).

'La Comunità europea cresce', 1971, Fascicolo I (The European Community grows up, 1971, Volume I).

Speech delivered by Mr H. Kutscher, President of Chamber, at the formal hearing on 7 October 1976 on the occasion of the departure of Mr R. Lecourt, President

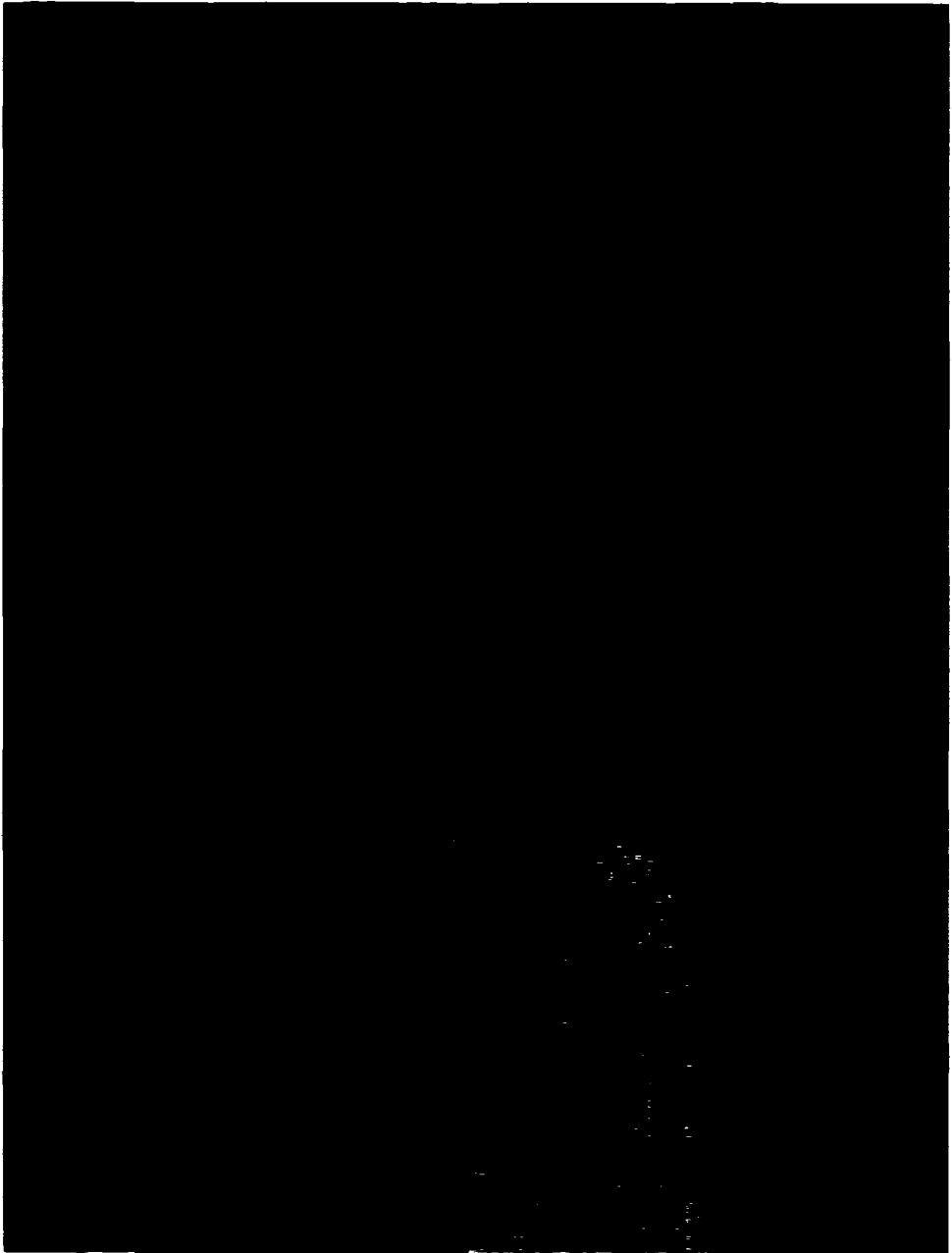
Mr President,

More than fourteen years ago, on 18 May 1962 to be precise, at a session as solemn as that which we are attending today, our colleague André Donner made the speech of welcome in honour of Judge Robert Lecourt, who had just taken up his duties at this our Court. What a pleasant duty that was compared to the sad task which falls to me today – to deliver the speech of farewell to President Robert Lecourt, who is about to leave us.

I said 'sad task'; I did not say 'difficult task', because, Mr President, when one is called upon to give an account of your outstanding achievements in the service of our institution one finds no shortage of material. The speaker also has some difficulty in demonstrating a virtue which, in our deliberations, you have always shown yourself to possess to the highest degree, that of brevity. As regards another of your most admirable gifts, your unparalleled eloquence, any attempt at emulation is doomed to failure: to pay Robert Lecourt the tributes which he deserves would require his own oratorical brilliance and style.

May a modest speaker therefore take courage by beginning with a passage appearing in the speech which marked your entry to the Court. On that occasion our colleague, Mr Donner said: 'We are . . . you and I, the sons of ancient maritime cities: you of Rouen, I of Rotterdam. You will therefore understand me when I say that the judge is the anchor which prevents the ship of law from going adrift'. Coming as I do from Hamburg, I feel I can treat the first part of that statement as applying to myself: as regards the second part, I would like to extend a little the maritime parallel which it draws.

Is not a Court of Justice comparable to a ship which, unable to lie at anchor in the harbour, is called upon each day to put to sea? Of course, the voyages made by our ship are not so spectacular as those of the great ocean-going vessels which are our political institutions. Modesty and realism call upon us to admit that its voyages are rather those of a coastal trader. If, in this simile, our continent is the written law, which merely requires interpretation, it must be admitted



Photograph by CEC

The President, Judge Robert Lecourt

that, like the coastal trader, the judge cannot carry out his task by nervously remaining close in shore. Of course, he must not go too far away, he must remain in contact with the land, but he must also be prepared to put out into the deeper, stormier waters which represent, in nautical terms, the vast areas of law for which the texts provide no solutions and which therefore require the judge to use his own imagination constructively and faithfully, indeed to show a creative courage.

To avoid both reefs and banks and to resist the tides which threaten to engulf it, the pilot of such a ship must be experienced, wise and fearless. You, Mr President, have been such a pilot. It is largely thanks to your presidency that the motto of your former and future home, the city of Paris, *fluctuat nec mergitur*, may be applied to our ship.

It was at the end of a remarkable career in your own country that you took up your duties at the Court of Justice. I do not think it necessary to retrace all the stages of that career and all the outstanding achievements of each stage, for these are well known. You were first drawn to the Bar and we can be sure that the talents which we know you to possess brought you the approbation of the courts and the respect of your opponents. The war intervened and the sufferings which it brought to your country made you a patriot and a fighter for the liberty of France. After the war you took off your barrister's gown to take up political duties, first, in the National Assembly, and then in the Government of the French Republic. May we assume that, of all your responsibilities, those of Minister for Justice gave you the greatest satisfaction?

Thus, your place within our Court and, subsequently, at its head has marked the climax of a most honourable professional life. A Judge for five years, then President for nine, you have guided the work of the Court for longer than any of your predecessors. The action of your colleagues in re-electing you on two occasions has demonstrated more clearly than can words their confidence, respect and liking for you. Thanks to a remarkable combination of drive and equanimity, of friendly courtesy and resolution and thanks to your training as both a lawyer and a politician, you have succeeded in giving a stamp to the Court and its activities of which we can only be proud.

If a chronicler were one day to write the history of our institution he would be well advised to devote particular attention to the period from 1962 to 1976, the beginning of which was marked by certain 'celebrated judgments' which form the foundation of our later case-law.

Although, in general, the life of a legal institution is in no way sensational, I must nevertheless say that important changes have taken place during the period of your presidency and I am not simply referring to the move of the Court into the present building. First, as a result of the accession of the three new Member

States, the number of judges and officials has increased considerably. Secondly, the number of cases to come before us has also grown. It is, of course, thanks to all those who were or who are in its service that the Court has successfully coped with each new situation, but how can we fail to recognize the particular contribution to this success of the one who has been primarily responsible for it?

Let me digress for a moment to consider the problems created by the constant increase in the business of the Court. You have from the first faced this situation with the watchfulness and realism of a man sensitive not only to questions of law, but also to the practical problems posed by the administration of justice. With this in mind you have always sought to keep the proceedings as short as possible. Let us admit frankly, Mr President, that your colleagues and the departments of the Court have often uttered a sigh on learning of the time-limits which, with a whole-hearted yet kindly determination almost impossible to resist, you fixed for the completion of their work. One has to admit, however, that by acting in this way you were implementing the maxim of one of your great compatriots, the moralist La Bruyère, who said 'An essential feature of justice is that it is done promptly and not postponed; if it is delayed, it is injustice'. Let us also remember that in Brittany, a land close to your native Normandy, one man reached the heights of saintliness for having, *inter alia*, 'cut short the pleadings'. If our 'clientele' has sometimes criticized certain aspects of our case-law, it has always been unanimous in praising its promptitude.

Any assessment of President Lecourt would be incomplete if, in addition to the eminent jurist, one failed to refer to the convinced European. How can we fail to see the traces of this fruitful combination in the wording of our judgments and in their spirit? From the first, the precedence of Community law and its direct applicability within the national legal systems – to mention only two of the basic principles laid down by the established case-law of the Court – were certainly in line with the most profound convictions of all its members. However, without betraying the secrecy of our deliberations, we may and must pay tribute to the impetus which you have given in this way and to which you have been able to give expression in such masterly fashion.

I must digress here in order to emphasize that your profoundly European views matured and strengthened long before your arrival at the Court. You are, in fact, a part of that generation and group of French men and women which takes a wider view of politics and which, by the end of the war if not before, 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. To quote a phrase recently and most aptly coined by your friend Alain Poher, President of the Senate of the French Republic, it was necessary for that generation to 'define the future'. The performance of

your duties at the Court has enabled you, Mr President, to implement this 'definition' by encouraging the development of a case-law which is genuinely supranational in both orientation and spirit.

For that case-law to be effective, it required the understanding and support of both national courts and their judges. It is largely thanks to your own initiative and foresight that, for some years now, the Court has been in permanent contact with those members of national judiciaries who are, even more often than we, required to interpret and apply Community law. Meetings and conferences organized in Luxembourg three times a year enable the members of the Court and representatives of the judiciary of each Member State to discuss the problems of Community law. Thus, under your aegis, the Court has sought informal face to face discussions with judges and lawyers. Your expectations have been realized, since the opportunities which Community law makes available to the national courts are today widely known and used.

Let me add that in this way an atmosphere has developed which, marked by a spirit of cordiality and fellowship, has none of the formality of strictly professional relationships. Members of national judiciaries have been able to establish a relationship of trust with both the members of the Court and with their colleagues in the other Member States. In this way, then, closely-knit and lasting friendships have been formed.

As a result of your own initiative and on the very eve of your departure these contacts culminated in a conference which was both judicial *and* academic. It was honoured by the presence of the Minister for Justice or his counterpart from each of the Nine States and brought together in our building eminent representatives from all branches of the legal profession in each State: judges and senior officials of the ministries, university professors and lawyers.

This speech of farewell would, however, be incomplete if it stopped short of the purely professional aspects of your career. Your colleagues, Mr President, have always appreciated the importance which you have attached to the creation of a friendly and not merely professional atmosphere among the members of the Court and their wives. We all take pleasure in the success of your efforts in this direction, although it is true that in this you must share the laurels with Madame Lecourt, to whom we extend our respectful greetings and warm thanks.

Mr President, by turning our thoughts to the past in this way we have been able to put off for some time our sorrow at the thought of your departure. We are losing an eminent President and an exemplary colleague but we are consoled by the knowledge that we are keeping a friend whose heart and mind will, we are sure, remain attached to this forum over which he has presided with so much skill, enthusiasm and wisdom. Our best wishes go with you and with Madame

Lecourt. If we say 'au revoir' it is in the literal sense, since we have reason to hope that each of us individually and the Court as a whole will have many opportunities of meeting you in future. Believe me, Mr President, when I say that no such opportunity will be missed.

You have just finished writing a book entitled 'L'Europe des Juges'. In this work you have bequeathed to the Community your experience, your hopes and your beliefs. Please allow me, Mr President, to conclude by quoting the observation with which your book ends. It expresses – although of course without the slightest intention to do so on the part of the author – the lasting credit which, in the eyes of all your friends, you have gained in the service of the Court: 'The legal foundations of Europe have been laid; it will now be possible to build upon them'.

Speech delivered by Mr R. Lecourt, President, at the formal hearing on 7 October 1976 on the occasion of his departure

The setting of a term to a demanding office at a not unduly advanced age may be beneficial to the institution which becomes part of one on retirement, when for fifteen years it has been the vehicle for an ideal which the institution has shown to be 'more real than reality' as the German philosopher has it.

As we meet in this, our last sitting together, I must thus address you first of all, my dear colleagues who, through the words of President Kutscher – whom I thank most sincerely – have with such sensitivity just renewed in one who for nine years has presided over your deliberations a confidence which has never been wanting.

I came to the Court when it was dealing with the first disputes arising from the Treaties of Rome and I retire as it deals with the first cases stemming from the Convention on jurisdiction. In this period our colleagues from the new Member States joined us. It has thus been my privilege to be associated with a crucial stage in the life of your Court.

The judicial landscape has certainly changed in that period.

Let us recall it to mind.

In 1962 the Treaty of Rome gave rise to the first important cases.

A year later you recognized the right of private citizens to have the Treaties applied directly in their courts and even against their own State. Thousands were to avail themselves of this remedy.

Thereafter you refused to allow the slightest barrier between it and the national courts. These courts have applied on more than 400 occasions what the Court terms 'judicial cooperation'.

Finally in the same period, certainly vintage years for the Community you derived from the Treaties the basic principle that law based on the Treaties takes precedence over all national laws, even those subsequently enacted, and, despite objections which have generally been overcome, the supreme courts in our Member States were to espouse this principle.

Some years later you laid down that the matters falling within the Community sphere could not be removed from it. Numerous judgments in agricultural matters or in the external relations of the Community were to protect the Community heritage against any tendency to alienate it.

Within a few years you have thus distilled from the Treaties the principles of what has become uniform law common to nine States and 250 million citizens.

A uniform law. But for what purpose? The answer lies in fifteen years of case-law: in order to protect persons and to preserve their common future.

The protection of persons?

To begin with, the protection of the rights of workers and their families.

From the outset you have refused to allow them to lose, in the maze of unharmonized systems of social security, established or potential rights in any Member State. You have indeed refused to render the security of the worker and his relatives subject to an optional system of assistance.

Some years later you declared that the principle of equal pay for men and women should, in specific circumstances, be directly applicable.

At the same time you inferred from the principle of non-discrimination all its consequences concerning the free movement of persons.

You have crowned your protective work by developing the concepts of misuse of powers, legal certainty, the protection of legitimate expectations and you have recognized your duty to protect the rights of individuals within the Community system.

Nevertheless nothing has deflected you from maintaining the principles of the Treaty. You are unremitting in your concern that customs barriers be dismantled. You counter tax discrimination, State aids and unlawful cartels. You uphold the rules of the common agricultural policy despite their complexity and draw the legal consequence from the completion of the transitional period.

To assess this work as a whole one has only to consider: where would the Community and the Common Market be today without the principle of direct effect, which was nevertheless disputed in *Van Gend en Loos*; the precedence of Community law, which was disputed in the case of *Costa v Enel*; the free movement of goods, which is nevertheless beset with problems arising in particular from the enlargement of Article 36 of the Treaty; and finally the beneficial side-effects, for the Member States as a whole, of judgments which those States sometimes think initially give them cause for complaint?

The very firmness of your judgments have not hindered understanding, compliance and respect, despite inevitable and indeed necessary criticisms to which you at a recent conference voluntarily submitted yourselves. The judgments have acquired an authority which has been testified on many occasions by the institutions, the States and the courts as well as by legal writers as a whole.

What of the institutions? Your Court has criticized them and declared null and void measures of the Commission or regulations of the Council but both of them have none the less faithfully complied with its judgments. They have indeed gone further in that they have voluntarily incorporated in a new regulation the essence of the Court's decisions in social matters or enlarged the scope of its judgments concerning freedom of establishment.

What of the Member States? They have been penalized, 25 times in all for failure to fulfil their obligations. They have been frustrated by your judgments in cases brought by their citizens. None the less the States have complied with your rulings. Better still, they have – in the great majority of cases spontaneously – adapted their legislation to comply with your case-law – on the one hand they accelerated the entry into force of the value-added tax, on the other they adjusted their State monopolies and even granted to the families of migrant workers benefits reserved to their own citizens. Furthermore they have increased your powers with regard to jurisdiction and more recently in the sphere of the Community patent. Need I add that the heads of State have made a point of showing their confidence in you in many ways, either in the audiences which they have granted to you or on the occasion of the visits made by three of them – soon to be four, I am told – or by way of the contribution to the adornment of your Palace of Justice which certain States have made in the form of notable works of art.

As for the courts, consider the regard which they have for your institution, your decisions and yourselves. This is reflected each year in the two study meetings which were established as from 1968 following the successful experiment in 1965 and in the judicial study visits which have been held annually since 1969 and which afford approximately 2 500 members of national courts the opportunity of acquainting themselves personally with your Court. You have gained the same impression on the occasion of the regular visits which you have made each year since 1968 to the national courts at their invitation. Has there not just been a further demonstration of this regard at the conference held there last week of the most senior members of the judiciary from the nine Member States? Moreover the increase in requests for preliminary rulings constitutes irrefutable evidence of this, in particular when such requests, 270 in fifteen years, are submitted by courts for whom this procedure is merely optional. I may say that the fame of your Court goes beyond the boundaries of the Community as is shown in particular by its relations with the European Court of Human Rights, the Swiss

Federal Court or the International Court of Justice. This explains why you have been concerned to establish, through an efficient information service and the quarterly bulletin which it distributes, close relations with the courts, bars, legal periodicals and universities of the Member States.

Finally, is it necessary to call attention to the abundance of the commentaries by legal writers, the number and quality of those who have annotated your judgments, in order to point out that the rigour of your judgments has not harmed the standing of your Court?

If such is your work and such the regard to which it gives rise are these simply the manifestation of a spontaneous generation? Does it not rather result from a threefold experience which you have used as your chart?

The first of these is independence. You have shown that this entails action rather than enactment. The independence is not compromised by schools of thought, economic groups or the concerns of States, despite the weakness of the system of triennial renewal which has just inflicted upon your Court a paralysis, emanating from elsewhere, from which it has hitherto been preserved: let us hope that it is temporary . . .

This freedom of action leads every one of you to keep his own concerns at arm's length, so much so that if by chance he failed to do so this would certainly be brought to his notice through the collegial rules and its effects countered within an objectively motivated Community body.

Prudence is the sister of independence. It requires you to remain aloof from the forum without however ignoring the consequences of your judgments. Indeed have you not just demonstrated this when, in order to avoid the serious retroactive effects of an interpretation of the Treaty enjoined by law, the boldness of a new legal construction was suggested by prudence itself. Kierkegaard indeed foresaw the impetus underlying your decision when he referred to the 'passion for the possible'.

Like your predecessors under earlier presidents, those cardinal virtues have been employed in the service of a rigour which has rarely been found wanting. For the firmest structures do not withstand the continual erosion of exceptions. It is because, faithful to the Treaty, you refuse to diminish its scope and uphold its letter, objectives and spirit, that the work of the Court has acquired a value which would have been quickly lost if the Court had lost sight of its essential role.

A judge is not a waxwork figure in the closed world of a rigid legal system. Frigid legalism does not accord with a time fraught with perils in that it would aggravate matters by delaying the development of the Community antidote which our countries have wished to receive.

I have for fifteen years witnessed a work which, one day perhaps, will prove to be historic; I have been called three times to act as your President; I have experienced the Community spirit, the hope and esteem which distinguishes your Court; I have experienced with you the same difficulties and the same joys; I have enjoyed with you the confidence of the other institutions and of all the Member States; with you I have appreciated the worth and friendship of the staff of the Court headed by the Registrar; finally I have been able to rely upon the wisdom and the faithful friendship of Professor Roger-Michel Chevallier, on the spirit of initiative and devotion of Marie-Claude Hoffman and Christiane Weber, upon the punctual diligence of Émile Delcour and of André Bouchez: all this makes me all the more deeply conscious today of the sorrow attendant upon a departure albeit foreseen and of a debt of gratitude of whose dimensions I am fully aware.

At a point in my life when the shadows cast by the milestones of what is for convenience called a career grow a little longer each day, I cannot conceal from you as I take my leave my faith in the Community which has been entrusted to your care and which, above all the satisfactions I have derived from public life, has constituted the grand design towards which I have been proud to work together with you, a work which has just now come to an end.

Speech delivered by Mr H. Kutscher, President, at the formal hearing on 26 October 1976 on the occasion of the arrival of Mr A. Touffait to take up his duties as Judge

My Lords, Ladies and Gentlemen,

We have long awaited the nomination by the Governments of the Member States of a successor to our greatly respected colleague Robert Lecourt. That long wait has however finally been rewarded: our new Judge, Adolphe Touffait, is at once a great judge, a fine lawyer and a man of outstanding human qualities.

He was born in Rennes in 1907 where he read Law and obtained a Master's Degree in Private Law in 1931.

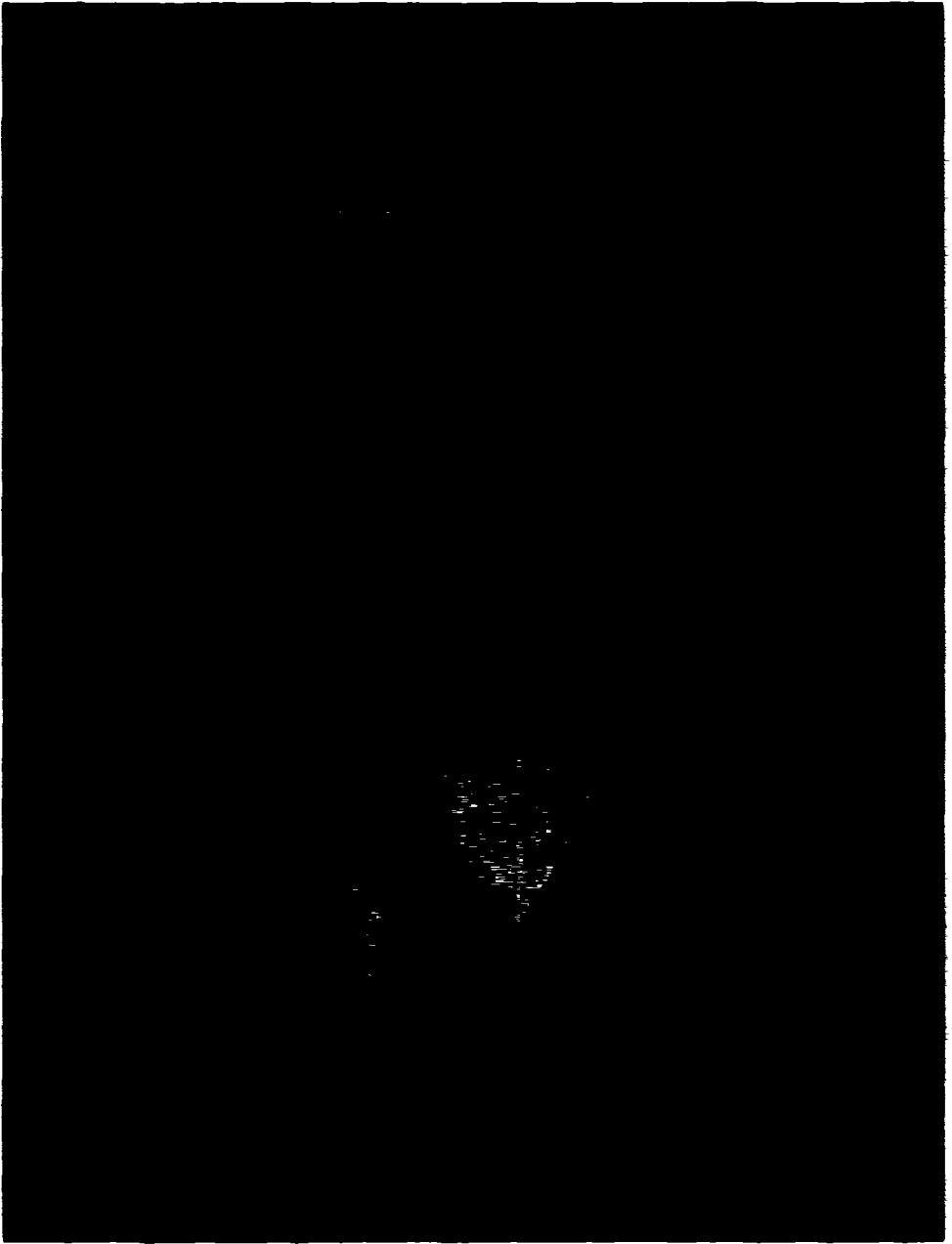
He then began his career as a judge. First he was a surrogate judge in Douai and Paris; he then became Deputy Public Prosecutor at the Court of Evreux and then, in 1940, Public Prosecutor.

He transferred to the Tribunal de la Seine, where he was in turn Assistant Deputy Public Prosecutor, Deputy Public Prosecutor, First Deputy Public Prosecutor and Public Prosecutor. He was afterwards appointed as a Counsellor at the Cour de Cassation, then First President of the Cour d'Appel, Paris, and finally Public Prosecutor at the Cour de Cassation.

In the meantime he held important administrative offices from time to time: he was Director of the Private Office of a Minister on three occasions and in particular held that position with the Minister of Justice in 1957.

As a lawyer he has also been a member of administrative and scientific bodies. Thus he was Vice-Chairman of the Board of Governors of the École Nationale de la Magistrature (National College of the Judiciary), Chairman of the Committee on the Development of Informatics at the Ministry of Justice, a member of the Specialist Committee on Restrictive Agreements and Dominant Positions, Vice-Chairman of the Committee on the Revision of the Penal Code and finally – a good omen for readers of our Court Reports – Chairman of the Committee on the Modernization of Legal Terminology.

In addition as a lawyer he has written papers for the Academy of Social and Political Science (for example on contemporary attacks on the rights of the



Photograph by Fey

Judge Adolphe Touffait

individual) and a report entitled 'Public Liberties and Informatics'. He has edited a collective work entitled 'Crime and Punishment in Society' and has written a distinguished essay on the duties incumbent upon members of the judiciary as a result of their office. Finally, some of his opinions are classic pieces of French law. I take the liberty of recalling in particular those which were instrumental in persuading the French Cour de Cassation to uphold the precedence of Community law in the famous *Cafés Vabre* Case concerning customs duties and the *Von Kempis* Case concerning the right of establishment. He has also analysed the attitude of French courts to Community law and dealt with the difficult problem of the conflict between the Treaties and domestic law and the scope of Community jurisdiction. I must further mention a recent conference on European case-law in the field of social security law.

I expect that Mr Touffait is wondering why I have not mentioned his activities in a field which particularly interest him. However, I am coming to that. He was an active and apparently talented sportsman and has now become a respected adviser in that sphere. He was the Chairman of the Committee on Sport and Socio-Educational Activities under the Sixth French Plan and the Academy of Social and Political Science treasures his paper entitled 'Physical Culture and Sport as an Integral Part of Education and Continuing Development'.

After mentioning this special interest of his I now turn to the man whom we have pleasure in welcoming. Do you intend to be the trainer of our team or the referee? You will have to share the latter position with the other Members of the Court. On the other hand, you seem to be particularly qualified to be a trainer since the principal concern of a trainer is clear-headed criticism of the players. You have already exercised your talent as a critic with regard to certain judgments of the Court concerning professional sportsmen. However, from now on you are on the playing-field and it is for you to join the team.

Biographical note

Adolphe Touffait

Born on 29 March 1907 at Rennes.

Married, with four children.

Grand Officer of the Legion of Honour, 10 July 1975.

Commander of the Order of Leopold of Belgium.

Educated at the Lycée and the Faculty of Law, Rennes, holder of a Master's Degree in Private Law.

Career

Surrogate judge at the Cour d'Appel, Douai, 7 May 1933.

Surrogate judge at the Cour d'Appel, Paris, 21 November 1933.

Deputy Public Prosecutor at the Tribunal d'Evreux, 12 March 1936.

Public Prosecutor at the Tribunal d'Evreux, 19 November 1940.

Assistant Deputy Public Prosecutor at the Tribunal de la Seine, 22 April 1944.

Director of the Department for Investigation of War Crimes, 23 March 1946.

Director of the Private Office of the Minister for the Armed Forces, 23 September 1947.

Deputy Public Prosecutor at the Tribunal de la Seine, 27 May 1949.

Director of the Private Office of the Minister of State for Information, 4 November 1949.

Director of the Private Office of the Minister of State, Vice-President of the Council, 30 June 1953.

First Deputy Public Prosecutor at the Tribunal de la Seine, 27 April 1954.

Assistant Public Prosecutor at the Tribunal de la Seine, 26 November 1956.

Director of the Private Office of the Minister for Justice, 20 September 1957.

Public Prosecutor at the Tribunal de la Seine, 23 September 1958.

Conseiller at the Cour de Cassation, 6 November 1961.

Director of Personnel and Inspector-General of the Services Judiciaires 14 April 1962.

First President of the Cour d'Appel, Paris, 13 September 1962.

Public Prosecutor at the Court de Cassation, 5 February 1968.

Vice-Chairman of the Board of Governors of the École Nationale de la Magistrature (National College for Members of the Judiciary).

Vice-Chairman of the Committee on the Penal Code.

Chairman of the Committee on the Development of Information at the Ministry for Justice.

Chairman of the Committee on Sporting and Socio-educational Activities under the VIth Plan.

Former member of the Specialist Committee on Restrictive Agreements and Dominant Positions.

Vice-Chairman of the Committee on the Revision of the Penal Code.

Chairman of the Committee on the Modernization of Legal Terminology.

Works and publications

Papers presented at the Academie des Sciences Morales et Politiques on:

'Physical Culture and Sport as an integral part of Education and continuing Development' and 'Contemporary Attacks on the Rights of the Individual'.

Report to the Conference at Pavia (Italy) on 'The Rights of the Individual and Informatics'.

'Crime and Punishment in Society' published in collaboration with Mr Robin, Mr Audureau and Mr Lacoste.

Note on the Duties incumbent upon Members of the Judiciary as a result of their Office.

Opinions on:

The dismissal of staff representatives.

The indexation of pensions awarded to the victims of accidents involving physical injury.

The constitutionality of the Highway Code.

The compensation of persons in custody charged with an offence who are subsequently released by the court or by an order quashing the indictment.

Periods of study abroad in Russia, Canada, Hungary, Japan, Yugoslavia.

Work in connexion with Community Law

Opinion on the conflict between the Treaty of Rome and later national legislation in the case Administration des Douanes v Sté Cafés Jacques Vabre, judgment of the Chambre Mixte of 23 May 1975. *Revue Trimestrielle de Droit Européen*, 1975, p. 336 *et seq.*, *Semaine Juridique* 1975, No 18.180a, D. 1974, p. 160.

Opinion on the right of establishment in the case Von Kempis v Epoux Geldorf – *Semaine Juridique* 1976, 18.286, D.1976, p. 33.

Articles:

– French Courts and the interpretation and application of Community Law, published in 'La France et les Communautés Européenes'.

– The conflict between the Treaty and National Law (*Mélanges Ancel*).

– Are the powers of the Community limited to the economic field alone? D.1976, p. 165.

Conference organized by 'Libre Justice' on 10 July 1976, the text of which was published in Germany, the United Kingdom and Belgium, on the subject 'The dawn of awareness' of European Law on social security as a result of the case-law laid down by European courts.

Conference organized by the Association of European Lawyers on 13 December 1975 on the subject of 'The Treaty of Rome and Sporting Activities'.

Chairman of study conferences on the Treaty of Rome organized every year for training members of the judiciary.



Photograph by M. Tokeit

Her Majesty Queen Elizabeth II signing the Distinguished Visitors' Book of the Court of Justice

**Visit of HM the Queen
and of HRH the Duke of Edinburgh
9 November 1976**

On 9 November 1976, Her Majesty the Queen and His Royal Highness Prince Philip unveiled a sculpture by Henry Moore which is on permanent loan to the Court of Justice of the European Communities. Led by Mr H. Kutscher, President of the Court, and by Mr R. Lecourt, the former President, Her Majesty and Prince Philip visited the court-rooms and spoke to members of the staff.



Photograph by Kutter

The President, Hans Kutscher

Address to Her Majesty the Queen and His Royal Highness Prince Philip by Mr Hans Kutscher, President of the Court, on the occasion of the inauguration of the Henry Moore sculpture on 9 November 1976

Your Majesty, Your Royal Highness,

It is a great honour for the Court of Justice of the European Communities to welcome you here today. We are specially privileged that you have included in your programme a visit to an institution of the Communities. We take this as a token of the United Kingdom's commitment to the integration of Europe. The world famous British sculptor Henry Moore has, as a convinced European, most kindly given this magnificent statue as a permanent loan to the people of Luxembourg and to the Communities. We at the Court are happy and grateful to be the beneficiaries of this act of generosity.

May I now ask you, Ma'am, to unveil the commemorative plaque.

Composition of the Court of Justice of the European Communities for the judicial year 1976-1977

Order of Precedence

H. KUTSCHER, President
A. DONNER, President of the First Chamber
P. PESCATORE, President of the Second Chamber
J.-P. WARNER, First Advocate-General
J. MERTENS DE WILMARS, Judge
H. MAYRAS, Advocate-General
M. SØRENSEN, Judge
Lord MACKENZIE STUART, Judge
G. REISCHL, Advocate-General
A. O'KEEFFE, Judge
F. CAPOTORTI, Advocate-General
G. BOSCO, Judge
A. TOUFFAIT, Judge
A. VAN HOUTTE, Registrar

Former Presidents of the Court of Justice

PILOTTI (Massimo)†	President of the Court of Justice of the European Coal and Steel Community from 4 December 1952 to 6 October 1958
DONNER (André)	President of the Court of Justice of the European Communities from 7 October 1958 to 7 October 1964
HAMMES (Charles-Léon)†	President of the Court of Justice of the European Communities from 9 October 1964 to 6 October 1967
LECOURT (Robert)	President of the Court of Justice of the European Communities from 7 October 1967 to 6 October 1976

Former Members of the Court of Justice

PILOTTI (Massimo)†	President and Judge at the Court of Justice from 4 December 1952 to 6 October 1958
SERRARENS (P. J. S.)†	Judge at the Court of Justice from 4 December 1952 to 6 October 1958

VAN KLEFFENS (A.)†	Judge at the Court of Justice from 4 December 1952 to 6 October 1958
CATALANO (Nicola)	Judge at the Court of Justice from 7 October 1958 to 8 March 1962
RUEFF (Jacques)	Judge at the Court of Justice from 4 December 1952 to 18 May 1962
RIESE (Otto)	Judge at the Court of Justice from 4 December 1952 to 31 January 1963
ROSSI (Rino)†	Judge at the Court of Justice from 7 October 1958 to 7 October 1964
DELVAUX (Louis)†	Judge at the Court of Justice from 4 December 1952 to 8 October 1967
HAMMES (Charles-Léon)†	Judge at the Court of Justice from 4 December 1952 to 8 October 1967, President of the Court from 8 October 1964 to 8 October 1967
LAGRANGE (Maurice)	Advocate-General at the Court of Justice from 4 December 1952 to 7 October 1964
STRAUSS (Walter)†	Judge at the Court of Justice from 1 February 1963 to 6 October 1970
GAND (Joseph)†	Advocate-General at the Court of Justice from 7 October 1964 to 6 October 1970
DUTHEILLET DE LAMOTHE (Alain)†	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 4 December 1952 to 9 October 1973
Ó DÁLAIGH (Cearbhall)	Judge at the Court of Justice from 9 January 1973 to 12 December 1974, President of Chamber from October to December 1974
LECOURT (Robert)	Judge at the Court of Justice from 18 May 1962 to 6 October 1967, President of the Court from 7 October 1967 to 6 October 1976
MONACO (Riccardo)	Judge at the Court of Justice from 7 October 1964 to 2 February 1976
TRABUCCHI (Alberto)	Judge at the Court of Justice from 8 March 1962 to 8 January 1973, Advocate-General from 9 January 1973 to 6 October 1976

