

Address by Romano Prodi (Luxembourg, 17 September 1999)

Caption: Address delivered by the President of the European Commission at the Court of Justice of the European Communities, where the Members of the Commission are taking an oath following their nomination.

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Address by Mr Prodi, President of the European Commission, to the Court of Justice of the European Communities (Luxembourg, 17 September 1999)

Mr President,

Judges,

Advocates-General,

Ladies,

Gentlemen,

We have just taken our oaths of office before this Court and are fully aware of the solemnity of the occasion: the oath binds us legally but even more, perhaps, it is a commitment we have made before each other.

We are assuming our functions in complete independence, as you have just heard. But, on behalf of all my colleagues, let me assure you that we are also assuming our functions with a mixture of humility and determination — humility in the face of the tasks which await us, coupled with a firm resolve to carry them out.

The construction of Europe has always been and still is an evolutionary process, moving with the flow of social, political and economic change. Who would have foreseen, only 10 years ago, the radical changes now emerging in the fields of justice or home affairs?

This flow is not bypassing our institutions:

— as we have all seen, the European Parliament is no longer an apprehensive assembly, but a genuine lower house on which are conferred the legislative powers associated with a democratic system;

— the Council has moved into diplomatic and defence-related fields which are going to require substantial changes to its *modus operandi*; the recent, opportune appointment of a high representative for the common foreign and security policy is a significant manifestation of this;

— the Commission must continue to provide inspiration, in innovative and audacious fashion, unaffected by purely national interests and concerned only with the common interest; it is clear that its function is also evolving as the structure of Europe becomes more stable and more complex.

Thus the ‘institutional triangle’, which is officially the centre of a permanent equilibrium, is in reality a living, open and, in a word, political triangle.

As you have just reminded us, Mr President, the Court is a fixed point in this universe, and it is good that this is so: the Court’s function is, untiringly, to interpret the law. And it is appropriate that we should base ourselves on its case law when, just as untiringly, we affirm that we live in a Community governed by law.

I note that, even on this point, vigilance is called for. It was surprising during the negotiations leading up to the Treaty of Amsterdam to hear doubts expressed about some of the Court’s landmark judgments or their consequences. There were calls for a measure of political supervision for some of your decisions. Fortunately, this was very much a minority view. The Court, in fact, came out of the conference not diminished but enhanced with new powers of judicial control, in particular in the fields of justice and security.

This fact tells us that sometimes your judgments are uncomfortable, which is not the least of their qualities.

Ladies and gentlemen, next year will see the start of a new institutional debate. Our treaty, which you were the first to describe so accurately as a 'constitutional charter', will be the subject of further changes.

The fact is that enlargement is from now on part of the Union's 'genetic code'. We see enlargement as a historic development, a labour of peace and the occasion for fresh dynamism. It is an exciting opportunity. But we are also aware of its complexity and above all of the risk that our system, which was designed to operate with six Member States and is already showing signs of strain with 15, will grind to a halt when there are 20 or more.

I personally believe we must think carefully about this reform and not be overly cautious. For if we are, we will — once the work on the next conference has been completed — have to sit down again and prepare for the one after. It is self-evident that Europe has nothing to gain from perpetual constitutional debate.

I have decided to entrust Mr Dehaene, Mr von Weizsäcker and Lord Simon immediately with the task of determining the agenda for this conference, so as to ensure at least that the Commission is fully briefed beforehand.

I know that for you too this is a major topic of discussion. For many years, you and the Court of First Instance have had to contend with an exponential increase in your activities. The trend, clearly, is not about to be reversed. The time which proceedings take is one of your main concerns, especially as legal certainty and speed of prosecution are essential, particularly in economic law.

No one knows better than you that justice cannot be properly administered in a hurry, but nor can it be administered so slowly that it becomes a mere abstraction. Clearly, any solution should not impair the preliminary ruling system, that source of legal creativity which has done so much to settle Community law. In this respect, in a Community which continues to deepen and expand, it is absolutely essential to keep decisions consistent so as to provide an authentic interpretation of a law that is binding on all.

You can rest assured that your concerns and suggestions will be passed on by the Commission, since our objectives are the same and since in all cases before the Court the Commission is either a party or the 'amicus curiae'.

Ladies and gentlemen, nobody thinks that the future will be uneventful. The need for reform and modernisation is everywhere apparent.

Our citizens have great expectations. I don't believe they want less Europe. On the contrary, they know that the European project is moving in the direction of history and that its development is far from finished.

But they want to be able to understand that development and make a contribution through institutions which enjoy their full confidence.

And in this, the Court is an example which will inspire us throughout our mandate.