

Address given by Massimo Pilotti (Luxembourg, 10 December 1952)

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Your Royal Highness, Excellencies, ladies and gentlemen,

Permit me, on this solemn occasion, to recall a historic event. A universal genius who, in a sorely troubled period, dreamt of recreating in Europe a supranational entity, Dante Alighieri, to whom we owe what is perhaps the most complete among definitions of the Law, bequeathed us a word of warning. He reminded us in his dry Latin that wherever there was a dispute, a judge must be present to settle it. *Ubi cunq;ue potest esse litigium ibi debet esse iudicium*. This maxim is so true for relations between men within the same country that we generally consider imperfect those legislations that fail to guarantee a legal remedy for all the various forms that violations of the law may take. This is all the more true for relations that go beyond national boundaries, so much so that the creation of a court of appeal whose decisions on all disputes are binding, where each State concerned may in turn challenge a right according to the now classic formula of the Treaty of Locarno and of the General Act of Arbitration, today appears in our eyes as an ideal. It was precisely the relations that go beyond national boundaries that Dante had in mind, as is proved by the way in which he develops his argument.

Today, our Court of Justice has been created by virtue of an agreement between six States, which, far from limiting themselves to regulating their reciprocal relations, have gone so far as to submit a host of economic activities exercised in countries party to it and considered indispensable for the life of Europe to a supranational discipline having as its main aim the service of the common good of these countries as a whole. The idea of the common good of a union of people is essential if the structure of the treaty is to be understood. It specifies the duties that the institutions of the Community are expected to carry out in the common interest. And we heard during the inauguration ceremony of the High Authority how the President of that body emphasised that its task is to establish and maintain the conditions in which the production of basic commodities will develop to the greater mutual advantage of all the interested parties. On the same occasion we also heard the eminent gentleman, who has for so long and with such authority managed the foreign relations of the noble country in which we have the honour to reside, state that the Schuman Plan has created an international organisation founded on the common interest and fruitful co-operation of the participants.

The wide-ranging and delicate task of the Court is to guarantee to the parties involved, be they the States themselves, economic undertakings or just individuals, respect for the limits within which the Community bodies' activities must be contained in order to correspond to the social requirements that have led to the provisions made for its functioning. The agreement that has founded the Community opens the legal process to disputes in the international field just as much as to the wide range of disputes concerning the internal organisation of the Plan and its workings, whether they regard constitutional, administrative or purely civil law. The union of the Contracting States pursues well defined collective aims. Every dispute, of whatever nature, which may arise in the course of realising such aims, can find in the Court the legal solution that the poet once yearned for.

The judges belonging to our institution have just taken the oath of office whereby they undertake to perform their duties impartially and conscientiously. This action is an honourable commitment on the highest level. The judges of the Court have but one aspiration: to show themselves worthy of the trust placed in them by the Member States, namely to devote themselves entirely to the good of the Community.

Your Royal Highness, Excellencies, ladies and gentlemen. Today's opening session has been called to comply with the terms of the treaty stipulating that the swearing in of the judges take place in public. Members or representatives of the other institutions of the Community are present at this meeting as testimony to its unitary character. The august presence of the hereditary prince, the participation of the members of government of the country in which the Court has its seat, of the civil authorities that are currently hosting us and also of the diplomatic corps add further lustre to the austerity of the ceremony. May I express, on behalf of the Court, its most sincere gratitude for this impressive participation as its activity commences.

