

'The Advocate General' by Philippe Léger

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In my opinion, to speak about Advocates General of the Court of Justice of the European Communities involves describing what they are not. Advocates General are not lawyers or public prosecutors with responsibility for bringing proceedings for infringements of Community law. Nor do they represent the interests of particular countries, for example, their countries of origin, nor the interests of the European Community.

They are Members of the Court subject to the same Statute and the same ethical obligations as the Judges of the Court, and their tasks, set out in Article 166 [now Article 222] of the Treaty, are: acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases brought before the Court of Justice in order to assist the Court in the performance of the task assigned to it. And, I should remind you that the task assigned the Court is to ensure compliance with the law in the interpretation and the application of the Treaties.

I feel, therefore, that the Advocates General are of considerable assistance to the Judges in the performance of their duties. This is so, because their views on a given case are above the interests of the parties.

The views of the Advocates General reflect their search for an appropriate legal solution irrespective of what interests are at play, and those views, together with their conclusions and opinions, are expressed after cross-examination has taken place before the Judges, at the point when, it may be said, the Judges make their decisions.

The opinions delivered by Advocates General are not legally binding. The Judges may base their ultimate rulings thereon or reject them, but I feel that their involvement allows the level of the debate to be raised, the necessary questions of principle to be asked in order to ensure the consistency of Community law, and, of course, solutions to be proposed.

Since the Advocates General intervene in every case and, therefore, in the vast range of subject matter underlying the cases brought before the Court, be they issues relating to the common agricultural policy, to social law or to economic law, their intervention and conclusions are useful not only to the Judges, but I also believe that their contribution permanently fuels doctrinal debate on current questions relating to Community law.