

Interview with Manuel Díez de Velasco from El País (3 October 1988)

Caption: A few days prior to his taking office as Judge at the Court of Justice of the European Communities, Professor Manuel Díez de Velasco grants an interview to the Spanish daily newspaper El País. Published on 3 October 1988, the interview focuses mainly on the role and responsibilities of the Court.

Source: El País. 03.10.1988. Madrid. "Manuel Díez de Velasco: "Las competencias estatales ceden ante las comunitarias"".

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Interview: Talking about Europe

Manuel Díez de Velasco: ‘The powers of the nation states are giving way to those of the Community.’

The second Spanish Judge appointed to the Court of Justice of the EC believes in its political importance.

Bonifacio de la Cuadra, Madrid

Next Thursday, Manuel Díez de Velasco, 62, a professor of public international law, will begin a six-year term as the 13th Judge of the Court of Justice of the European Community in Luxembourg. He will be the second Spaniard to serve on that bench. Professor Díez de Velasco considers the process of European unification irreversible, since state powers will be reduced in favour of Community powers, which take precedence. The new Spanish Judge believes that, although the Court’s role is mainly economic, ‘it is also political’. The run-up to Díez de Velasco’s appointment was marked by tension, especially with Italy.

Question: How will Spain benefit from the presence of two Spanish Judges at the Court of Justice of the EC?

Answer: Judges must be impartial, so there will be no special benefit for Spain.

Q: So why was Italy so interested in the appointment?

A: For reasons of prestige.

Q: You and the other Spanish Judge, Gil Carlos Rodríguez Iglesias, are professors of public international law, yet the Court deals mostly with private-law cases.

A: Both Gil Carlos and I have been constantly involved in the interpretation of Community law, in my case for the last eight years.

Q: Is the Court’s role purely economic or also political?

A: It is mainly economic, given the nature of the EEC, the ECSC and Euratom, but it is also political. The Court has ruled on human rights issues and on matters concerning social policy and the environment.

Q: What power does the Court have to enforce its decisions?

A: The Court does not execute its own judgments, but, to date, the Member States of the Community have rarely refused to comply with them. Sometimes they have been executed in pursuance of a second judgment that was tantamount to moral condemnation.

Q: Which laws take precedence, national laws or those of the EC?

A: In cases of conflict between national and Community legislation, judges in national courts may ask the Court of Justice of the EC for a preliminary ruling on the correct interpretation of Community law, which takes precedence.

A special type of law

Q: Some experts have described the law applied by the Court of Justice as federal. You have always maintained that it is international law.

A: There are different schools of thought. I believe that the Court applies international law by virtue of the fact that the Community maintains external relations. But Community law is a special type of international law. It

is not federal law, since we have not created a federation of states. Nor is it international law in the strict meaning of the term, because it is more specific.

Q: What role can the Court in Luxembourg play in the triangular relations between the European Community, the state and the Autonomous Communities?

A: Community law has to be implemented in principle by the state, since it is the state which has international legal personality and may bring proceedings before the Court of Justice. Autonomous Communities may exercise executive powers but cannot bring proceedings directly before the Court. This is a particularly sensitive issue for Spain, for example. The solution adopted by Germany is to include the *Länder* (the constituent states of the Federal Republic) in its national representation on a rotational basis.

Q: Where is Europe heading: towards a federation of states, a Europe of the nations, or a multiregional state?

A: We are in the process of European unification. States will certainly have fewer and fewer powers, since there will be more areas of Community competence.

Q: Does the process of European unification strengthen or weaken the drive towards regional autonomy?

A: Many European countries, such as Germany, Italy, Spain and Belgium, are faced with regional issues. Even France, which is so highly centralised, is moving towards autonomy for certain entities. Regionalisation is a sign of the times.

The Court of Justice in Luxembourg applies Europe's 'constitution'

Bonifacio de la Cuadra, Madrid

Manuel Díez de Velasco, the 13th Judge of the Court of Justice in Luxembourg, argues that the Court of Justice of the European Community exercises 'functions similar to those of constitutional courts'. He himself sat on Spain's Constitutional Court for six years. In interpreting Community law, the EC Court deals mainly with requests from national judges for preliminary rulings, appeals from states against another state or Community institutions and proceedings brought by citizens against states for infringements of Community law. Díez de Velasco, who has been particularly active on human rights issues, both socio-economic and individual, emphasises the importance of the Single European Act in promoting the interests of the disadvantaged regions. 'Although the protection of human rights falls mainly within the jurisdiction of the Strasbourg Court, an institution which is part of the Council of Europe,' he says, 'the Court of Justice of the EC has also involved itself with human rights, not by judging violations directly but by applying general principles to the interpretation of Community law.'

Issues such as freedom of movement and labour, freedom of professional establishment and the removal of discrimination against women account for much of the Luxembourg Court's activities. Díez de Velasco points out that, although citizens may bring proceedings before the Court only for infringements of economic legislation, 'the individual is also an indirect protagonist in requests for preliminary rulings.'

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