

## Interview with Pierre Pescatore: the seat of the Court of Justice (Luxembourg, 12 November 2003)

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[Susana Muñoz] In your view, does Luxembourg offer advantages as the seat of the Court of Justice?

[Pierre Pescatore] Luxembourg perceives those advantages in terms perhaps rather more basic than that of intellectual benefit. I have always been taken aback at the way in which the Luxembourg authorities have, in a way, treated the presence of the Court of Justice in Luxembourg as insignificant and of incidental benefit. That approach has come from highly placed individuals, with no real feeling for it, who have become established in Luxembourg; the main criterion has been what is known as the 'policy of having the seat of the institutions in Luxembourg'. To my mind, Luxembourg has failed to derive the maximum benefit from the Court's intellectual presence.

What has struck me in their valedictory speeches — and I have listened to many of them — has been the Judges' appreciation of the time that they have spent in Luxembourg. I have always been amazed at the warmth with which they speak of their time in Luxembourg. Plainly, their presence in Luxembourg, away from the political centre in Brussels, is good for the Court's independence. But I think that Luxembourg has done little. As regards the Library, for instance, I am the only Luxembourger to have benefited from the Library. I have used it at every stage, right from the start, and especially after it was computerised. I have so many friends in the documentation, press and library services, but I note that I am the only one to use them; others fail to appreciate what this means also in terms of prestige and intellectual resources for the judiciary.

The Court benefits, of course. Luxembourg benefits because the Court has its seat in the country, but I think that it could benefit in other ways. More particularly, I have never seen Luxembourg itself make any kind of approach to the Court that, in a way, suggests that it values its intellectual presence. Let me give you an example: when the members of the institutions accommodated in Luxembourg are selected, is it considerations of quality or political considerations that hold sway? Exactly! I can see that you understand what I mean.