

Carl Baudenbacher
President of the EFTA Court

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Presentation of the commemorative book
“The EEA and the EFTA Court –
Decentred integration”

Excellencies, dignitaries, ladies and gentlemen,

I welcome you to the presentation of the commemorative book which has been written on the occasion of the EFTA Court's 20th anniversary.

A commemorative book is a *festschrift*. As the word says, *festschrift* is a German invention. It is a publication made on the occasion of a festive event.

1.

The first *festschrift* in history was published in 1640 by *Gregor Ritzsch*, a German book printer and poet of church hymns, on the occasion of the two hundred year anniversary of the invention of the art of printing.

His print shop in Leipzig was affected by the 30 Years War during the battle of Lützen. In this battle, the Swedish King *Gustav Adolf* was killed.

Being a very devout protestant, *Ritzsch* wrote in honour of the King the choral "Ich hab' den Schweden mit Augen geseh[e]n, er tut mir wohl gefallen" ["I saw the Swede with eyes, and I quite like him."]

We at the EFTA Court also saw the Swede with our eyes and we liked him, but after 18 months he disappeared.

We also liked the Finns and the Austrians, but they left the Court together with the Swedes.

The Swiss had already taken to their heels before.

But the Icelanders, Liechtensteiners and Norwegians stayed.

Since mid-1995, they have formed the EFTA pillar.

As I sometimes say, this EFTA pillar resembles a pond with a big fish and two small fishes.

But there is no predator in this pond.

And for a court of law it does not make a difference whether a judge comes from a big or a small country. In the end we are in Luxembourg!

2.

Talking about those who disappeared in 1995: Not all of them have lost contact with us.

The Swedish and Finnish Judges and Advocates General at the Court of Justice of the European Union are quite often our partners in the judicial dialogue between the two courts.

The good news is that this holds also true for Judges and AG's from other EU Member States.

Even the Federal Courts of Switzerland have occasionally made reference to us.

3.

The EFTA Court is not 200, but 20 years old.

Still, in the actual fast-moving time, 20 years are quite a span.

Few people would have thought that the EEA Agreement would be a long lasting treaty.

But all observers seem to agree that the agreement has more than fulfilled the expectations.

And the agreement which guarantees citizens and economic operators from the three EFTA States a secured access to the EU single market will continue to function.

With secured, I mean rights which can be enforced in court and not just through diplomatic means.

To have an own judge at the EFTA Court is important for our three Member States not only from the perspective of sovereignty, but also for the acceptance of the case law.

4.

Our Festschrift contains contributions of 43 authors from our three Member States - amongst them Presidents of the Supreme Courts -, the President of the EFTA Surveillance Authority and the EFTA Secretary General, from the fourth EFTA State Switzerland, from the European Union, including H.E. Xavier Bettel, Prime Minister of Luxembourg, the Presidents and Vice-Presidents of the Court of Justice and of the General Court of the European

Union, and former Vice-President of the Commission Viviane Reding MEP. Not to forget the contributions by Professor Takao Suami from Waseda University and Professor Yoichi Ito from Tokyo University.

I would like to express my gratitude to all contributors who have devoted their time to produce articles that are of an outstanding quality.

Given that, I am convinced that this book will not just be a nice read on a Sunday afternoon, but will be of great use in the daily work of those who deal with EEA law.

I would also like to thank Dr Philipp Speitler and Bryndis Palmarsdóttir without whose dedication this festschrift would not have seen the light of the day. And finally my gratitude goes to Hart Publishing – the Publisher and General Manager Sinead Moloney is here with us today - for their excellent and efficient handling of the publication.

5.

Ladies and gentlemen,

there are two types of European integration:

* Integration with accession,

and

* integration without accession.

The latter concerns the countries in the neighbourhood of the European Union, the countries with which the EU maintains a special relationship.

Among all these non-EU Member States, the EEA/EFTA States form the innermost circle.

This is a consequence of the fact that they are the only non-EU Member States which have their own surveillance authority and their own court of justice.

This second type of integration is also called “decentred integration”.

And that is why we have given our festschrift the subtitle “decentered integration”.

I would therefore suggest a new linguistic usage: The EEA/EFTA States should not be called third countries anymore, but second countries.

6.

Whether other countries will use the EEA structure in the future is an open question.

But that is not important for the Court. All I can say is that the model is there and it is working.

It is now my pleasure to welcome our keynote speaker Viviane Reding.

Among her many accomplishments, I may just mention that she holds a doctorate in human sciences from Sorbonne University, she was a member of the Luxembourg Parliament and of the European Parliament.

Most importantly, Viviane Reding served as a Commissioner for Education and Culture in the Commission of Romano Prodi, as a Commissioner for Information Society and Media in the first Barroso Commission, and as a Vice-President and Commissioner responsible for Justice, Fundamental Rights and Citizenship in the second Barroso Commission. Now she is again a MEP.

Three days ago, Vice-President Reding gave the prestigious Winston Churchill Lecture at the University of Zurich. I give her the floor.