

**Allocution de M. le juge Edward
lors de l'audience solennelle du 7 janvier 2004 à l'occasion de son départ**

Mr President
Excellencies
Colleagues
Friends
Ladies and Gentlemen

Judge Koopmans once said to me, on an occasion such as this: "No-one ever leaves the Court without nostalgia". That will certainly be true of my wife Elizabeth and myself.

We shall miss this beautiful green country where it has been our privilege to live for the past 14 years. I know of no other country where it is possible to mark the passing of the seasons as we have been able to do in Luxembourg.

We shall soon forget this week's weather and look back with nostalgia to those bright winter days when the frost and snow picked out every branch on every tree against a bright blue sky.

We shall remember the wild flowers and the apple blossom in the spring, the heat of summer and the mists of autumn; the deer feeding in the fields in the early morning and the walks in the woods.

The Grand Duchy and its people have a special place in our affections and those of our children, and we feel privileged to have had the chance to spend part of our lives here.

Then we shall miss the Court and the people who work here – not only those with whom we have worked most closely in the Cabinets - but also the lecteurs d'arrêts and the correctrices, the translators and interpreters, the Greffe, the Library, Research and Documentation, Personnel, Intérieur and Informatique - as well as the huissiers, the security guards and the almost unseen femmes de ménage.

All our visitors have told us what a friendly place this is. It is not, as the media pretend, a faceless bureaucracy, and we would like to thank everyone in the Court – and, may I add, in the other institutions - for the cheerful and unstinting help and support they have given us over the years.

We shall miss the companionship of the members of both Courts and their families.

The success of this institution depends - of course - on hard work and eager debate about the law. But it depends - even more - on the fact that the relationship between us, which begins as a purely professional one, quickly grows into a relationship of mutual respect and friendship.

That is the glue that holds us together and ensures that, after vigorous argument and even strong disagreement, we can still laugh together as friends.

Most of all we shall miss the life of our Cabinet. In my 14 years here, I have had the good fortune to work with some of the nicest, as well as the most intelligent, people it has been my privilege to know – a total, as far as I have been able to count, from 14 different countries, of 12 referendaires, 10 secretaries, 45 stagiaires and – last but not least - one driver, who has been with us longest of all.

We have always worked as a team and - I hope and believe - as a family. It would take too long to mention everyone. So I hope the others will forgive me if mention only some of them.

First, Elizabeth Willocks and Diane Ingram who came with us from Scotland to the Court of First Instance all those years ago. They established an atmosphere and a way of working that was all their own.

And second, those who have survived the long haul and are here today:

Gabriella Carta, Nathalie Grosjean and Cliona Hurley, who have kept the paper moving, corrected my French, kept me in order and put up with my panics;

Graham Paul, who has shown the skills of a fine driver as well as the patience of a saint;

And Dieter Kraus, Joxe Bengoetxea and Deok Joo Rhee. These are lawyers and draftsmen of the highest quality. Their mastery of the files, their sound common sense and their sympathetic understanding have helped me beyond measure and saved me from many bêtises.

To them, and to all their predecessors, I express our heartfelt admiration and gratitude. We have had a lot of fun together and we shall miss them more than I can say.

If someone had said to me, when I was called to the Scottish Bar 41 years ago, that I would end my career as a judge of a European court with colleagues from 15 countries, from Ireland to Greece, and from Finland to Portugal, I would have said “You must be mad”.

Like most of our citizens, then and now, my horizons were limited to my own work and my own country. It was not until 10 years later that I first became involved in European affairs.

What caught my imagination then, and remains my guiding star today, is the idea of a Europe where individuals are free to choose their own destiny – to go where they want, to live where they like, to trade and to work where they can.

The freedoms guaranteed by the Treaties are not just secondary “economic” rights to be relegated to an Annexe of a new constitution. They are rights in every sense as fundamental and important for the average citizen as those enshrined in the European Convention.

Robert Schuman warned us right at the beginning :

Europe will not be conjured up at a stroke, or by some master plan. It will be attained through concrete achievements that lead in practice to a community of interest.

In spite of all the current pessimism and hostile rhetoric, the achievements of the past half century are immense and the community of interest is real. We should talk less about what is wrong and remember that, for someone of my age, born nearly 70 years ago, what is surprising is not how badly our system works but the fact that it works at all.

So let us celebrate what has been achieved and remember that it is here, in this Court, that the theories of equal treatment, non-discrimination and freedom of movement have become a practical reality for our fellow citizens.

And it is here, above all, that those in authority have had to learn what has sometimes been a hard lesson for them: that the fundamental freedoms are to be restricted only for reasons of overriding public interest and in ways that are objectively justified, necessary and proportionate.

That is a real concrete achievement for the future of our continent and I am proud and privileged to have been allowed to play a small part in it.

My wife, Elizabeth, and our family have been a constant support for me in all that I have tried to do. I thank them, and we in turn thank you all once again for your encouragement, your help and, above all, for your friendship.

Mr President, I thank you for your kind words which I shall treasure.

As a new Europe opens to the East and the South, there are great challenges ahead. In facing them, I wish you all, and especially my successor, the same professional satisfaction and personal happiness that it has been my great good fortune to enjoy.