

Honourable Rector,  
Your Excellences,  
Dear Colleagues,

I am honoured by the invitation to welcome such a prestigious group of participants at such an excellent conference at such an important anniversary.

The form of salutation at the beginning of my speech, ‘Dear Colleagues’ is a deliberate choice. I have been invited as Minister for European Union affairs, but if you accept me, I have come also as a student of EU and comparative law.

In the academia, if we want to honour great minds, we publish Festschriften where we offer our best papers. In sports, if we want to honour great achievers, we organise competitions where the best sportsmen perform. In arts, quotation, sampling or adaptation is a sign of great respect and acknowledgement.

In this spirit, I take the liberty of honouring this conference not by delivering one of those stock welcome speeches but by engaging you on a few issues that are relevant to the topic of this event, namely the evolution of EU law. And as it is fitting for an honest academic discussion, I brought questions and dilemmas rather than answers and revelations.

The first set of dilemmas relates to the objective of changing the nature of EU law from a body of rules into a body of values and standards. Supposedly, it has to do something with the fact that the EU is not only a community of law but also a community of values. I strongly believe the European Union to be a community of values. Not only and not primarily because the text of the Treaties is open to such interpretation but because it is a fact. I think that the argument that if the EU is a community of values then EU law must be transformed into a body of values, and consequently EU institutions, including the Court of Justice will become the designated venues for value disputes, is not convincingly made yet. And we

desperately need this academic discussion otherwise we won't be able to answer fundamental questions related to the nature of the EU and its legal framework.

The second set of dilemmas is related to the application of values and standards by EU institutions in their judicial, legislative, regulatory, administrative, and enforcement activities. These activities, regardless of the fundamental questions raised before, are a fact of life. But application of values and standards is a fundamentally different exercise compared to the application of rules. I am afraid we have not yet grasped the full complexity and sensitivity of this difference. And here, my primary concern is not methodological even though I think there is a lot of room for improvement in the application of the comparative method by the EU institutions. My concerns run deeper and touch the core principle of equality before the law for both individuals and Member States. The exposition of this problem would go well beyond my time limit. But I managed to come up with a good phrase that sums up my point: Equal application of *rules* require the equal treatment of *each* case, but equal application of *values and standards* require the equal treatment of *all* cases. And the difference between each case and all cases is key here, especially since the EU now has novel procedures at its disposal that centre on values and have far reaching political and financial consequences.

My final set of dilemmas relates to the competences of the EU. My first set of dilemmas can also be interpreted as a dilemma of competences. Of course, Member States and individuals are happy to see EU institutions enforce values and standards that they share and agree with against certain Member States and individuals in certain opportune cases. But I am not sure whether they would consider this a general consent to the monopoly of definition and interpretation of European values by EU institutions.

But this dilemma, again, goes far deeper. Because an ever closer Union of rules is fundamentally different from an ever closer Union of values. There is a quantum leap here that needs clear political authorisation on one hand and a complete

restructuring of the system of EU and Member State competences on the other hand. In this context, the focus is no longer on the enforcement of EU competences but on the protection of Member State competences.

Last but not least, during my frequent meetings in Brussels, I often hear if there is a will, there is a way. I am told this is how the EU works. I am told that the most valued legal achievement for an EU lawyer is to find a way if there is a will.

This might or might not be the case. But in my mind, it should be an equally valued legal achievement to be able to say at the end of the day that I am sorry, this is not possible under the Treaties even if all Member States and institutions are pressing hard. This would be the real feast of EU law.

I thank for the organisers and supporters for making this conference a reality. I sincerely regret that I am not able to participate in all discussions because as a Minister I have so many less important things to do.

I am confident that the event will contribute to enabling the EU to remain united in diversity.

Thank you for your attention.