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[Honourable President,
Honourable Rector and Vice-Rector,
Geachte Heer Minister-President Jambon,
Distinguished Guests,]

I accept this academic honour with deep gratitude and great humility. In doing so, I am delighted to become an honorary member of this prestigious university that is one of the oldest universities in Central and Eastern Europe and that is known worldwide for its academic excellence.

Vilnius University has prepared generations of students not only for their entry into the labour market. It has also encouraged them to become open-minded tolerant citizens. As its mission statement indicates, Vilnius University is characterised by its openness to diversity of ideas and views and to the distinctiveness of peoples and identities.

The Vilnius University mission statement mirrors what the European Union stands for : openness to diversity and respect for national and regional identities while focussing on what unites the peoples of Europe. United in Diversity as the European motto states.

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What unites us as Europeans first and foremost – and I would say now more than ever – is the principal aim pursued by the European Union which is, as stated in Article 3(1) TEU, the promotion of peace. The European Union, which started precisely 70 years ago, in the aftermath of World War II, is and remains fundamentally a peace project. It has been a guarantee for peace and stability in the last 70 years. The worrying international context that we are experiencing today reinforces our awareness of the inestimable value of this achievement and, above all, of the need to preserve and continue the work initiated by the Founding Fathers of the Union so that peace and stability continue to be secured for future generations.

What unites us also as Europeans are the values on which the European Union is based and which are common to the Member States. These values mentioned in Article 2 TEU are respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights in a society characterized by pluralism, tolerance and solidarity, values which the Member States recognize to have them in common. They reflect the Lithuanian identity and constitute our common European heritage. Recently, in its judgments on the conditionality mechanism for the protection of the EU budget in the case of breaches of the rule of law, of 16 February 2022, the Court of Justice underscored in that respect that “[t]he values contained in Article 2 TEU [...] are shared by the Member States [and] define the very identity of the European Union as a common legal order”.¹

As already mentioned, one of the values listed in Article 2 TEU is the rule of law. Ever since its landmark judgment in *Les Verts*², the Court of Justice has repeatedly recalled that the EU is a “Union based on the rule of law”. In its most

¹ Judgments of 16 February 2022, [Hungary v Parliament and Council](#), C-156/21, EU:C:2022:97, para. 127, and [Poland v Parliament and Council](#), C-157/21, EU:C:2022:98, para. 145.

² Judgment of 23 April 1986, [Les Verts v Parliament](#), 294/83, EU:C:1986:166, para. 23.

basic conception, respect for the rule of law means that nobody is above the law and that courts should guarantee effective protection against violations of the law. If this fundamental value is not respected, all other values listed in Article 2 TEU become empty promises. Only societies governed by the rule of law can properly protect democracy and fundamental rights. Respect for the rule of law is therefore, quite simply, the bedrock on which our democratic societies are built.

In the judicial system of the European Union, the courts of the Member States and the Court of Justice constitute a single integrated system of judicial oversight and protection. Member State courts are indeed not only courts of national law but also courts of EU law. However, an essential aspect of the rule of law is that *one* court must have the final say with respect to the interpretation of the law, thus ensuring the uniform interpretation and application of that law and the equality of all citizens before the law. In the EU legal order, when it comes to the interpretation of EU law, the Court of Justice has that *final say*,³ and when it comes to the validity of that law, it has the *only say*.⁴ Therefore, national courts cannot second-guess the interpretation of EU law put forward by the Court of Justice or declare invalid a provision of EU law.⁵ Whenever a court of a Member State has doubts as to how it should interpret an EU act, it may – or if it is a court of last instance must – seek guidance from the Court of Justice by means of the preliminary ruling procedure. The dialogue that takes place

³ See, in this regard, judgments of 2 September 2021, [Republic of Moldova](#), C-741/19, EU:C:2021:655, para 45, and of 22 February 2022, [RS \(Effect of the decisions of a constitutional court\)](#), C-430/21, EU:C:2022:99, para. 52.

⁴ Judgment of 22 February 2022, [RS \(Effect of the decisions of a constitutional court\)](#), C-430/21, EU:C:2022:99, para. 71.

⁵ See, on this point, K. Lenaerts, ‘No Member State is More Equal than Others’, in A. von Bogdandy and A. Peters, German Legal Hegemony? MPIL Research Paper Series, no. 2020-43, p. 37. See also Opinion of Advocate General Tanchev in [A.B. and Others \(Appointment of judges to the Supreme Court – Actions\)](#), C-824/18, EU:C:2020:1053, points 80-84.

between such national courts and the Court of Justice under Article 267 TFEU is an essential tool for ensuring the full and uniform application of EU law.

Lithuanian courts have been very active in engaging in a dialogue with the Court of Justice by means of the preliminary ruling procedure. About 100 cases have been referred so far to the Court of Justice by Lithuanian courts. Allow me to mention briefly three. First, the *Rinau* case⁶, relating to the interpretation of the Brussels II Regulation concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and concerning parental responsibility. In this case, the Court of Justice applied the urgent preliminary ruling procedure for the first time in its history. There was urgency in order to protect the interests of the child at stake who was separated from one of her parents. The Supreme Court of Lithuania sought guidance from the Court of Justice with respect to the enforceability in Lithuania of a judgment delivered by a German court which ordered the return of a child from Lithuania to Germany. Second, I would like to mention a reference of the Regional Administrative Court of Vilnius which gave rise to a Grand chamber judgment of 1 August 2022.⁷ In that case, the Court of Justice had to find the right balance between, on the one hand, transparency requirements imposed on persons working in the public service with respect to their private interests and, on the other hand, the protection of their personal data. My third example concerns an older judgment of 2011, the *Runevič-Vardyn* case⁸, in which the Court of Justice explained how EU citizen rights to free movement and national identity are to interact with one another. In this case, the Vilnius Civil Registry Division had refused to transcribe the name of a Lithuanian national with Polish origins on her birth and marriage certificates in accordance with the rules governing Polish spelling.

⁶ Judgment of 11 July 2008, [Rinau](#), C-195/08 PPU, EU:C:2008:406.

⁷ Judgment of 1 August 2022, [Vyriausioji tarnybinės etikos komisija](#), C-184/20, EU:C:2022:601

⁸ Judgment of 12 May 2011, [Runevič-Vardyn and Wardyn](#), C-391/09, EU:C:2011:291.

That was because Lithuanian law required such entries to comply with the rules governing the spelling of the official national language. The First District Court of the City of Vilnius addressed a preliminary question to the Court of Justice since it wanted to know whether that rule violated the Treaty provisions on EU citizenship. The Court of Justice, after having recalled that ‘the Union must [...] respect the national identity of its Member States, which includes protection of a State’s official national language’, ruled that the Treaty provisions on EU citizenship did not preclude a Member State from providing that the form in which a name must be entered on a certificate of civil service must comply with the rules governing the spelling of the official national language.⁹

In the same vein, the Court of Justice ruled more recently, in *Boriss Cilevičs and Others*, concerning a reference made by the Latvian Constitutional Court, that it was legitimate for a Member State to protect its national identity by adopting measures that sought to promote and develop the use of the official language in higher education.¹⁰

These cases illustrate that EU law - as interpreted by the Court of Justice - allows sufficient room for national and regional diversity. There should be no opposition between the EU-identity and national and regional identities since EU identity draws on the values that are *common* to the Member States. Provided that respect for democracy, the rule of law and fundamental rights is ensured, the EU allows plenty of room for value diversity.

The large number of references for a preliminary ruling from Lithuanian Courts also demonstrates that there exists a *culture of trust* between these courts and the Court of Justice. This trust is essential for guaranteeing the uniform

⁹ *Ibid*, paras 86 and 94.

¹⁰ Judgment of 7 September 2022, [Cilevičs and Others](#), C-391/20, EU:C:2022:638.

interpretation and application of EU law and thus the equality of all citizens before the law.

A culture of trust means mutual respect and openness. So, there is nothing wrong with a national court expressing the view, in good faith, that it has a problem with a judgment of the Court of Justice, because, for example, it does not take sufficient account of national identity. That has happened several times in the history of the Court of Justice.¹¹ However, such a national court must explain its concerns transparently in a new reference for a preliminary ruling, thereby allowing all the other Member States to have their say on the matter in the context of a new procedure brought before the Court of Justice. It is only after a fully deliberative process that the Court of Justice will come to a synthesis of all the points of view that are expressed before it, and decide whether its prior case-law must be fine-tuned or even, albeit exceptionally, overruled. That synthesis will take due account of the concerns expressed by the referring court whilst maintaining the unity of EU law and thus the equality of all citizens before the law.

The dialogue by way of the preliminary ruling procedure in no way implies blind submissiveness to the judgments delivered in Luxembourg. To the contrary, it should be seen as a trust-building exercise, intended to give a common meaning to the Article 2 TEU values, of which the rule of law is part and parcel.

As a final remark, I would like to stress the fact that respect for democracy, the rule of law and fundamental rights is achieved not only in courts of law but also at the ballot box, in parliaments, and last but not least in schools, colleges and universities. Ultimately, the best guarantee against any authoritarian drift are

¹¹ See e.g. judgment of 8 September 2015, [Taricco and Others](#), C-105/14, EU:C:2015:555; judgment of 5 December 2017, [M.A.S. and M.B.](#), C-42/17, EU:C:2017:936.

citizens that remain vigilant for attacks on what previous generations fought so hard to achieve: a peaceful, humanist, open and tolerant Europe. Universities have a crucial role to play in that regard.

Openness, trust, inclusiveness, respect for diversity are central in the mission statement of Vilnius University. They are also the characteristics of a healthy democratic society. It is not surprising that through the excellence of its research and teaching, Vilnius University has contributed substantially to Lithuanian society. Many Lithuanian statesmen and women are alumni of this university. It has also contributed substantially to European society. Not only my esteemed colleague Irmantas Jarukaitis but also the former Lithuanian judges of the Court of Justice Mr Kūris and Mr Jarašiūnas are all alumni of Vilnius University.

I am sincerely honoured and humbled to receive a doctorate honoris causa from this University.

I thank you for your attention.