

Fordham International Law Journal

Volume 19, Issue 3

1995

Article 1

Dedication to Ole Due

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Dedication to Ole Due

Gil Carlos Rodríguez Iglesias

Abstract

It is a great pleasure for me to write a few words in tribute to my former colleague and friend Ole Due. Over the past three decades, as a civil servant, a teacher, a judge, and President of the EC Court of Justice, Ole Due has strived and succeeded in making a substantial and valuable contribution to the development and understanding of European Community law.

INTRODUCTION

DEDICATION TO OLE DUE

*Gil Carlos Rodríguez Iglesias**

It is a great pleasure for me to write a few words in tribute to my former colleague and friend Ole Due.

Over the past three decades, as a civil servant, a teacher, a judge, and President of the EC Court of Justice, Ole Due has strived and succeeded in making a substantial and valuable contribution to the development and understanding of European Community law.

Ole Due embarked on his career in the Danish Ministry of Justice in 1955. During the twenty years he was with the Danish Ministry, he was involved with the Hague conference on private international law and with the then little known area in Denmark of Community law. Prior to Denmark's accession to the EEC in 1972, he was Secretary and later President of the Commission charged with adapting Danish law. He played a key role as Denmark's permanent delegate to the conferences held to adjust Community measures. He drafted the legal provisions in the Treaty of Accession and drafted the Danish law of accession. The latter, widely recognized as a model of clarity and simplicity, most recently formed the basis for the accession laws of the Nordic countries which joined the European Union.

Then, in 1979, having recently been appointed judge at the Ostre Landsret, one of the two Danish courts of appeal, Ole Due succeeded Max Sorensen as Judge at the EC Court of Justice. At age forty-eight he was the youngest Judge on the bench at that time.

I met Ole Due for the first time in 1978, at the FIDE Conference held in Copenhagen and then again in Luxembourg when I visited the Court. On both occasions, Ole Due could not have been more welcoming or kind. In 1986, when I came to Luxembourg upon my appointment to the Court, I had the opportunity and privilege of getting to know Ole Due better. It did not take long for him to impress me with his outstanding legal abilities:

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clarity of thought, rigor in preparation, and precision in formulation.

Before he became President, I worked together with Ole Due both on cases pending before the full court and before the chambers. I do not think that I am breaching the principle of the secrecy of Court deliberations if I mention one example of working with Ole Due which comes to mind: the insurance cases brought by the Commission against Ireland and Germany. In those cases the Court was faced with the complex and rather sensitive question of freedom to provide cross-border insurance services. Ole Due was the judge rapporteur. During our deliberations on those cases, Ole Due demonstrated his outstanding skill as a lawyer's lawyer in giving us a detailed lesson about how the system of insurance operates.

In 1988, Ole Due was elected President by the college of Judges and served two mandates in office before stepping down in 1994. Throughout those six years Ole Due was constant in his dedication to achieve the highest standards possible both in and outside of the deliberation room.

During the deliberations of the Court, which constitute the very heart of the work of a judge at the Court, President Due was a master of the principle of collegiality, combining his good Scandinavian pragmatism, humor, and common sense with an astute perception for equality and justice.

On an administrative level he worked hard to improve the working methods and efficiency of the Court as an institution. He had several aims. First and foremost to keep the length of proceedings at the Court reasonable notwithstanding the rise in the number and complexity of the cases. He was conscious that the increasing length of time it was taking to deal with preliminary references risked jeopardizing the precious dialogue between the Court and the national courts.

He also ensured that the case law of the Court became accessible to the public in all the official languages on the day of judgment.

Not only did Ole Due fulfil these aims with outstanding aplomb, he also masterminded the smooth establishment of the Court of First Instance in September 1989, and the subsequent transfers of jurisdiction from the Court to the Court of First Instance.

Throughout his long and distinguished career Ole Due has continued to contribute to the understanding of Community law by the spoken and the written word. He has taught lawyers from all over the world and was recently Visiting Professor at the Fordham University Law School. He is also Professor at the University of Copenhagen and an Honorary Professor at the University of Stockholm. He has written a number of books and numerous articles. The EU Karnov (Danish Community Law Commentary) of which he was the creator and is a substantial contributor is a familiar sight on the bookshelves of Nordic Community lawyers.

On behalf of this journal I dedicate this special symposium edition to Ole Due.