



The Federal President of the Republic of Austria

Alexander Van der Bellen

As the Federal President of the Republic of Austria I am very pleased that the European Law Institute's (ELI's) Annual Conference and General Assembly take place in Vienna already for the fourth time, apart from the opening ceremony of the ELI and its Secretariat which had been held in Vienna in November 2011. The ELI is also closely connected with Vienna and Austria. I would like to welcome all participants very cordially.

The ELI is characterised by the diversity of its members and its work-scope. It is quite unusual that its members consist of experts on the one hand as well as institutions like supreme courts, universities and law firms on the other.

Its work programme is marked by a broad spectrum of topics and, above all, contains projects aiming at the development of the European legal order. Thereby close working relations exist with European institutions, especially the European Parliament, the European Commission and the Council of Europe as well as with institutions outreaching Europe.

Over the decades the EU has evolved from an organisation primarily focused on economic matters to a community of values. This development has been completed by the Lisbon Treaty which puts the henceforth legally binding EU Charter of Fundamental Rights at the same level as the EU Treaty. In its Article 2 the Treaty contains a summing-up of the fundamental values on which the EU is based. One of these values is the rule of law. The independence of judges is an essential element of the rule of law. The fact that judges are appointed by the state president or a member of the government does not contradict the rule of law. However, the dismissal of already appointed judges must be considered in a quite different manner. Pursuant to Austrian constitutional law judges may only be dismissed or against their will transferred to another court by a judgment.

Austria is proud to have been chosen as the seat of the ELI at the University of Vienna. I would like to take this opportunity to thank Rector Professor Heinz Engl and Vice-President Professor Christiane Wendehorst for their initiative and their continuous efforts.

In Austria, it has soon been realized that well sounding fundamental rights only make sense if an efficient legal protection system exists for their implementation. Already in 1867, the "Reichsgericht" has been founded for this purpose. The Constitutional Court, established in 1919, is the worldwide oldest, still existing court specialised in constitutional matters. The Austrian Civil Code (ABGB), dating back to 1811, is one of the oldest codifications of civil law in Europe. Its section 16 expresses that every human being has innate rights which are already evident through reason and has therefore to be considered as a person. Likewise, the beginnings of Austrian social legislation date back to the 19th century.

Austrian constitutional law combines the principles „democracy“, “fundamental rights” and “rule of law” to a whole unit. It is inadmissible to play one of them off against another. Correspondingly, Article 2 of the EU Treaty mentions exactly these principles side by side at the same level.

I wish your conference much success and am confident that Vienna will continue to remain the seat of the ELI Secretariat.

A. Am Heller