



The President and Members of the European Commission give a solemn undertaking before the Court of Justice of the European Union

At a formal sitting before the Court of Justice today at 15.00, the President and Members of the European Commission gave the solemn undertaking prescribed by the Treaties in the presence of his Royal Highness the Grand Duke, the President of the Chamber of Deputies of the Grand Duchy of Luxembourg, Mr Fernand ETGEN, and the Prime Minister of the Grand Duchy of Luxembourg, Mr Xavier BETTEL. Prior to the President and Members of the Commission giving the solemn undertaking, Mr Koen LENAERTS, President of the Court of Justice, delivered an address (see Annex).

The solemn undertaking was given by Ms Ursula VON DER LEYEN, President, Mr Frans TIMMERMANS, Executive Vice-President, Ms Margrethe VESTAGER, Executive Vice-President, Mr Valdis DOMBROVSKIS, Executive Vice-President, Mr Josep BORRELL FONTELLES, High Representative/Vice-President, Ms Věra JOUROVÁ, Vice-President, Ms Dubravka ŠUICA, Vice-President, Mr Margaritis SCHINAS, Vice-President, Mr Johannes HAHN, Ms Mariya GABRIEL, Mr Nicolas SCHMIT, Mr Paolo GENTILONI, Mr Janusz WOJCIECHOWSKI, Mr Thierry BRETON, Ms Elisa FERREIRA, Ms Stella KYRIAKIDES, Mr Didier REYNDERS, Ms Helena DALLI, Ms Ylva JOHANSSON, Mr Janez LENARČIČ, Ms Adina VĂLEAN, Mr Olivér VÁRHELYI, Ms Jutta URPIILAINEN, Ms Kadri SIMSON, and Mr Virginijus SINKEVIČIUS.

Whilst the Treaties make no express provision for the manner in which the solemn undertaking is to be given, the Commission has always attached great importance to the undertaking being given before the Court of Justice. Reiterating its deep commitment to this tradition, the new Commission swiftly appeared before the Court of Justice, just several weeks after beginning its work.

The solemn undertaking given by the President and the Members of the Commission is as follows:

'Having been appointed as a Member of the European Commission by the European Council, following the vote of consent by the European Parliament, I solemnly undertake:

to respect the Treaties and the Charter of Fundamental Rights of the European Union in the fulfilment of all of my duties;

to be completely independent in carrying out my responsibilities, in the general interest of the EU;

in the performance of my tasks, neither to seek nor to take instructions from any Government or from any other institution, body, office or entity;

to refrain from any action incompatible with my duties or the performance of my tasks.

I formally note the obligation laid down under the Treaty on the Functioning of the European Union, by virtue of which each Member State is to respect this principle and is not to seek to influence Members of the Commission in the performance of their tasks.

I further undertake to respect, both during and after my term of office, the obligations arising there from, and in particular the duty to behave with integrity and discretion as regards the acceptance, after I have ceased to hold office, of certain appointments or benefits'.

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Press contact: Jacques René Zammit ☎ (+352) 4303 3355

Images of the formal sitting are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106

Address by the President, Mr Lenaerts

The Treaty on the Functioning of the European Union provides, in Article 245, that the Members of the Commission, when entering upon their duties, are to give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom.

Whilst no express provision is made for the manner in which it is to be given, it is well-established practice that the solemn undertaking is given before the Court. This practice has a dual symbolism and highlights the commitment to respect for the law which characterises the European Union and the functioning of its institutions, including the Commission. It also underlines the importance of the tasks which the Commission is called upon under the Treaties to carry out.

The new college of Commissioners, who in a few moments will be giving a solemn undertaking to the Court, reflects a fine balance: 12 women and 15 men; a combination of outgoing Commissioners and new talents; several former prime ministers or ministers, former European or national parliamentarians, prominent figures from the economic and financial world, and former Permanent Representatives to the European Union.

It is a team which therefore possesses all of the skills necessary to enable it effectively to meet the challenges with which the European Union is presently faced, and I would like to take a few moments now to highlight the principal challenges.

First of all, the result of the referendum of 23 June 2016 on the United Kingdom's membership of the European Union thrust the European Union into a situation which, whilst being the outcome of a democratic choice, saddens us as Europeans and is completely unprecedented in the history of the building of Europe. If, as expected, Brexit takes place on 31 January this year, the Commission will assuredly be set to play a leading role in ensuring an orderly withdrawal of the United Kingdom, particularly throughout the transition period laid down in the Withdrawal Agreement, and in negotiating the nature and content of the future relations between the United Kingdom and the European Union.

Next, efforts are multiplying at all levels – local, national, European, global – to increase awareness of climate change and its increasingly discernible and concerning impact, particularly on ecosystems and biodiversity and also, of course, on our health. The global movement to raise awareness goes hand in hand with the pursuit of a model of society and development that is more 'durable', more 'sustainable', from an environmental and energy standpoint.

In that regard, we can only welcome the speed with which the new Commission sought to give effect to one its priorities – if not 'the' priority – of its action plan. I am speaking of the presentation on 11 December last year – several days after the new college of Commissioners commenced their duties – of the ambitious 'European Green Deal', which seeks to make the European Union 'carbon neutral' by 2050.

Another significant challenge is the management of the migration crisis which has affected our continent for the past decade. This crisis is one of the prime concerns of European citizens and fosters protest votes and causes citizens to fall back on narrower ideas of identity in many Member States. A divisive topic if ever there was one, it is also the source of tensions, sometimes high, between Member States. A major challenge for the political institutions will be to alleviate those tensions by proposing measures which, as the Treaty on the Functioning of the European Union

prescribes in Article 67(2), are ‘based on solidarity between Member States and which [are] fair towards third-country nationals’.

More recently, concerns regarding respect for the rule of law, democracy and fundamental rights and freedoms have emerged in several Member States and have led to a proliferation of cases, particularly requests for preliminary rulings, before the Court. No compromise or concession undermining this common set of values, which, as you correctly wrote in your action plan, Madam President, forms the ‘hallmark of the European Union’, can be tolerated.

The migration crisis and matters relating to the rule of law are among the main causes of the prevailing euroscepticism. In the years to come, a challenge for the Commission, and for all of the European institutions, will be to place even greater emphasis, when communicating with citizens, on the added value of the European Union, using language that is simple and direct. That added value is so resounding that it should be able to withstand all forms of fake news and ill-intentioned exploitation.

Fundamentally, the building of Europe has transformed a continent, which for centuries was torn apart by wars, into a haven of peace and prosperity, in which individual rights and freedoms as well as values of democracy are not simply concepts devoid of practical importance. It has dramatically increased citizens’ standard of living in every Member State, whether a founding Member State or a Member State that has joined the European Union more recently.

Furthermore, a European Union that wishes to be seen as fair has to tackle cases of tax and benefit fraud. Such cases contribute towards obscuring the undeniable benefits which the single European market provides for both citizens and businesses. Europe’s economic model, the product of decades of integration and approximation of national laws, can gain support only if it combines the objectives of prosperity, fairness of taxation and social justice.

A further challenge for Europe is that of society’s transition to digital technology. The challenges posed by information technology give rise to many delicate questions, particularly in terms of protecting privacy and personal data, security guarantees and ethics.

Lastly, Europe is not an isolated continent, but one that develops bilateral and multilateral relations with the rest of the world. The challenges related not just to our continent’s prosperity in the medium and long term, but also to international peace and security and sustainable development, can be met successfully only where we have a constructive dialogue with our partners.

Allow me here to reiterate the utmost importance of the role of the High Representative of the Union for Foreign Affairs and Security Policy, who is also a Vice-President of the Commission. Introduced by the Treaty of Lisbon, this role consolidated and strengthened that of the High Representative for Common Foreign and Security Policy which it replaced, by extending its remit to all areas of external EU competence.

Given that issues of security, economy, migration and climate are very often closely linked, the expertise and the ‘overview’ of the High Representative are proving to be crucial in ensuring the coherence of EU external action. What is more, by enabling the European Union to speak with one voice at the international level, the High Representative is helping to make the European Union a major player in the promotion of peace and security across the globe, particularly for the purpose of resolving international conflicts.

All of these complex and sensitive matters which the European Commission will face, together with tackling inequality of all types and the relentless pursuit of actions against terrorism, organised crime and regimes responsible for crimes against humanity and human rights violations, call for appropriate responses that are in line with the objectives of the European project and the protection of the fundamental values underpinning it.

Those responses – and I am thinking here in particular of those which seek to preserve the rule of law and protect fundamental rights – are a responsibility shared by all, Member States and EU institutions.

In this context, the Commission has a major role to play as ‘guardian of the Treaties’, which enables it to seek from the Court a declaration that a Member State has failed to fulfil obligations or the imposition of penalties in the event of non-compliance with a judgment of the Court.

Whether legislative or judicial, the Commission’s initiatives have a direct impact on the work of the EU Courts by widening the scope of the various types of disputes which are brought before them.

This illustrates the close interaction between the tasks performed by the Commission and by the EU Courts, respectively. The Commission, as a political institution, at all times promotes the general interest of the European Union and the application of EU law, whether primary or secondary. The Court, as a judicial institution, acts as the guarantor of objective, independent and impartial justice in the areas covered by EU law. Both institutions contribute to achieving the same objectives, namely the harmonious implementation of the various policies of the European Union and consolidation of the European construction’s achievements and its founding values.

Madam President, Members of the Commission,

Your personal attributes as well as your professional experience and the significant responsibilities you have been called upon to exercise throughout your earlier careers make it possible to foresee that all of you will be able to meet the great challenges which await you and to carry out your new responsibilities successfully.

On behalf of the Court and its members, I extend to you our warmest congratulations and the sincere wish that your efforts to reinvigorate Europe and highlight the inestimable added value it represents for the citizens and businesses of our continent are successful.