



Julia Laffranque

*Judge, European Court of Human Rights
Professor of European Law, University of Tartu
President of the Estonian Association for European Law
and President of FIDE 2011–2012*

FIDE—Uniting Great Minds of European Law:

50 years of the International Federation for European Law

Many people might associate ‘FIDE’, first and foremost, with the World Chess Federation (Fédération Internationale des Échecs, known as FIDE from its French initials). Among the legal profession, however, ‘FIDE’ refers to the International Federation for European Law (Fédération Internationale pour le Droit Européen). This has been the case for several decades already: FIDE is celebrating its 50th birthday in September 2011. To me, personally, this letter combination means even more: ‘F’ as in friends and friendship, ‘I’ as in interest and influence in European law, ‘D’ for dynamic development of ‘E’uropean law. Or one could just think of FIDE as ‘Friends of Institutions and Development of the European Union and its Law’!

FIDE—more than just an association

FIDE is not a regular not-for-profit organisation, nor is it an ordinary lawyers’ association. It is a federation that involves traditions and rules of conduct; it is an institution that has become a symbol of sorts in the field of European law and has shaped a particular cultural area of European law.

Established in September 1961 in Brussels, where the first FIDE congress also took place, FIDE is committed to research and development of European Union (hereinafter referred to as the EU) law and EU institutions.

Although FIDE specialises more narrowly in studying the law of the (former) European Communities, nowadays that of the European Union, that does not rule out dealing with European law generally, as the name of the association suggests. European law means, among other things, the European law drafted by the Council of Europe or the European Court of Human Rights as the latter interprets the European Convention on Human Rights. The law of the European Union is often closely related to European law in a broader sense, and increasingly so—for instance, the 2012 FIDE Congress is going to include a topic area in which we plan to analyse the connections between the law of the European Union, Member States’ laws, and the European Convention on Human Rights. It is clear that European law cannot be viewed separately from the law of Member States, and many fields of study and FIDE Congress topics address precisely the interpretation and application of European law in the context of Member States’ laws.

FIDE operates on the basis of its statutes¹, pursuant to which the federation is an impartial and non-profit-making association set up in accordance with Belgian law. Because the association has been growing rapidly and successfully and has gained popularity among many researchers of European law, there has been a need to supplement the statutes, especially the part concerned with admission to membership in FIDE, with additional guidelines: interpretation guidelines concerning criteria for admission to membership in FIDE, which were approved by the FIDE Comité Directeur at its meeting on 28 May 2008 in Linz, Austria.

FIDE comprises European law associations operating in various European countries. That explains the title ‘international federation’; i.e., this is an umbrella organisation. The FIDE members are European law associations from all Member States of the European Union, except Lithuania and Romania, where the respective national organisations are still being created. In addition to organisations from EU Member States, a European law association from EU-acceding state Croatia and corresponding associations from EFTA member states Switzerland and Norway have also joined FIDE. Therefore, FIDE has member organisations from, in total, 28 European countries.

To gain membership in FIDE, a national organisation must meet relatively strict criteria. Firstly, it has to be an association from a member state of the European Union or a state enjoying official candidate status with the European Union, or at the very least an organisation from a country where EU law is applied. In order to join FIDE, the country in question needs to have an association for European law, which, pursuant to the FIDE Statutes and their interpretation guidelines, must be not an economic enterprise intended to generate profit but a non-profit-making private association established under the law of the relevant state. Said association must be completely independent and impartial and must not be related to any state or public institution; for example, an institute providing education to generate income or even an EU law chair or department of a university cannot be a member of FIDE. An important criterion for admission to FIDE is that the applicant association must be devoted exclusively—I stress, exclusively—to European law research in its activity. It is, therefore, not enough to be an association dealing with international law in general: the association must be a European law association specifically. Also, legal questions must not be of secondary importance in the association. An organisation focusing mainly on general, economic, political, historical, and other such aspects of the European Union would therefore not qualify for FIDE membership. From each state, only one European law association may join FIDE. It is important that the association be representational in its country and comprise European law enthusiasts from as diverse legal professions as possible: professors, academics, judges, advocates, other practising lawyers, etc. Preferably, also it should include judges in the court system of the European Union who have been selected from the relevant state. In gaining of admission to membership in FIDE, the following factors play an important role: the extent and quality of the association’s activity in the area of ‘the study and development of the law and institutions of the European Union’ and the number and standing of the members of the association. Theoretically, another international organisation could join FIDE as well. However, no association has a subjective right to be admitted to membership in FIDE.

The highest directing body of FIDE is the executive committee, known by its French title ‘Comité Directeur’ (hereinafter referred to as the CD). It automatically includes the presidents of all so-called national FIDEs, who may also bring their deputies to meetings. The management of the European law associations of FIDE member states typically consist of their president, vice-president and/or secretary-general and treasurer; some associations may also have an honorary president. The Comité Directeur meets once a year and decides on all important issues related to the activity of FIDE; at these ‘CD meetings’, the future directions and developments of the organisation’s activity are determined, the admission of new members is decided upon, and international congresses are planned. Although English, French, and German all enjoy official status in FIDE, CD meetings take place in English.

The presidency of FIDE is held by the association of the member state where the FIDE Congress, organised every two years, is currently being held (or next to be held), and the president of FIDE is its president. The holding of the congress is one of FIDE’s main activities and its most important form of expression.

¹ Available at http://www.fide2012.eu/index.php?doc_id=4 (15.7.2011).

Interest in European law

Pursuant to the FIDE Statutes, the intended aims of FIDE are as follows^{*2}:

- to promote the objectives of the member associations, in particular by organising common events and by encouraging contacts and exchange of information between them
- to bring together lawyers who are interested in European law and the laws of European countries
- to study together the solutions to the legal problems that occur in all areas in consequence of the evolution of the structures and institutions of the European Community
- to make all who are interested aware of the importance of these problems.

At the time when FIDE was established, the European Communities had fewer than 10 Member States: the association was founded soon after the birth of the European Communities themselves, without even the first enlargement of the European Communities having yet taken place. During a colloquium on European law organised by German FIDE President Prof. Jürgen Schwarze and held at the University of Freiburg on 13 May 2011, Professor Ulrich Everling from Bonn, a former judge at the European Court of Justice and the head of the European Department of the German Federal Ministry of Economics, reminisced about the early years of the European Communities, calling the lawyers specialising in European law in the early 1960s ‘exotic’ in their work.^{*3} According to him, experts in European law formed an isotheric circle (*isotherischer Kreis*) at the time, not really a part of the school of constitutional lawyers or that of international law experts. In Germany, at least, the situation changed only in the 1980s when European law slowly started to be taken seriously as a separate research subject.^{*4} Prof. Everling’s comparison was very clever, and it accurately describes the situation in the early 1990s in Estonia—when it was a new candidate state—where I remember being looked at as if I were an alien from Mars for being interested in European law. According to former President of the European Commission Jacques Delors, the formation that has emerged as a result of European integration can be regarded as a UPO (unidentified political object)^{*5}; similarly, the researchers who specialised in European law in the early years of the European Communities/Union or before their respective country’s accession too were among the ‘little green men’. No wonder then that a small group of recognised researchers who were studying European law in depth came together from all over Europe and joined forces. That association developed into a very strong advocacy group whose importance in influencing the legislative drafting and judicial practice of the early years of the European Communities is hard to overestimate. FIDE successfully put into practice the view of Walter Hallstein, who was elected as President of the European Commission in 1958, on the central importance of legal framework for European integration. Hallstein found, namely, that violence and political pressure would be replaced by the dominion of law in the relationships between Member States: ‘In den Beziehungen zwischen den Mitgliedstaaten werden Gewalt und politischer Druck durch die Herrschaft des Rechts ersetzt.’^{*6} Today, the promotion of a state based on the rule of law and the protection of fundamental rights are still important bases for both the European Union and the activity of FIDE. The current motivation of FIDE should also be to expand the circle of people interested in European law and to involve young enthusiasts in its work.

Thus it was that interested people quickly began to influence European legislative drafting and development.

² See Article 4 of FIDE Statutes. Available at http://www.fide2012.eu/index.php?doc_id=4 (15.7.2011).

³ Professor Ulrich Everling, *das Institut für Öffentliches Recht, Abteilung Europa- und Völkerrecht der Universität Freiburg*, Fachtagung: ‘Das Verhältnis von nationalem Recht und Europarecht im Wandel der Zeit’, 12.–14.5.2011.

⁴ See also Morten Rasmussen, who finds that the situation with regard to European law generally began to change in the 1960s: M. Rasmussen, *Constructing and Deconstructing “Constitutional” European Law. Some reflections on how to study the history of European law.* – H. Koch, K. Hagel-Sørensen, U. Haltern, H. H. Joseph (eds.), *Europe. The New Legal Realism. Essays in Honour of Hjalte Rasmussen.* Djøf Publishing 2010 pp. 643.

⁵ Also Rodolphe Laffranque in his presentation ‘The Process of Constitutionalising EU/EC Treaties and the Sovereignty of Member States: Dilemma Seen from the Perspective of French Law’ (EL/EÜ lepingute konstitutsionaliseerimise protsess ja liikmesriikide suveräänsus: dilemma Prantsuse õiguse vaatepunktist nähtuna) in the framework of the Euro training programme for national officials organised by the Estonian Law Centre and the Ministry of Justice 17.2.2000. See also J. Laffranque, *Kas ühinev Euroopa vajab ühtset konstitutsiooni? (Does the Merging Europe Need a Uniform Constitution?)* – *Juridica* 2000/7, pp. 471–481 (in Estonian).

⁶ *Nachlass Walter Hallstein. Bestand 1266. Koblenz 1998, p. 396. Die europäische Wirtschaftsgemeinschaft ist eine Rechtsgemeinschaft. Rede des Präsidenten der Kommission der Europäischen Wirtschaftsgemeinschaft Prof. Dr. Jur. Walter Hallstein vor der Universität Padu gehalten am 12. März 1962.*

Influence on the development of European law. A platform for new ideas in European law

However, in addition to legislative drafting, the European (Union) Court of Justice and its jurisprudence also play an undisputedly irreplaceable role in the law of the European Union. One of the best options for establishing the jurisprudence of the European Court of Justice is the preliminary references of the courts of Member States to the supranational European Court of Justice. To ensure more systematic co-operation of national judiciaries in the application and development of European law, the establishment of an independent academic field of European law was needed. Morten Rasmussen writes that it was the creation of FIDE at the initiative of the French Association Française des Juristes Européens and in close co-operation with the legal service of the European Commission that was the first major step in that direction.^{*7} Rasmussen goes even further and finds that FIDE was behind the first round of test preliminary references from Dutch courts to the European Court of Justice, in particular of the *Van Gend en Loos* case in late 1962, which led to the so-called direct effect of the European Community (Union) law doctrine.^{*8} Indeed, it was the Dutch Association for European Law (Nederlandse Vereniging voor Europees Recht) that organised the second FIDE Congress, on the self-executing nature of EC founding treaties, held in the Hague in 1963 with the participation of lawyers who defended the transport company Van Gend en Loos before the Dutch Tariffcommissie.^{*9} Also, two of the five judges of the highest Dutch court (Hoge Raad) who requested a preliminary reference from the European Court of Justice in the *van Gend en Loos* case were members of the Dutch Association for European Law (the Dutch FIDE).^{*10}

The aim of FIDE has always been to contribute to the development of European law through discussion of the key themes of European law, giving advice both to the institutions of the European Union and to Member States. The best opportunity for that are the most important FIDE events, the conferences taking place every two years, called congresses, which have become top-class and among the biggest events for practitioners of EU law in the whole world. Russia has expressed interest in FIDE, and the congress publications are read even farther afield.

Previous congresses have taken place, in addition to Brussels and the Hague (as mentioned above), in Paris, Rome, Berlin, Luxembourg, Copenhagen, London, Dublin, Thessaloniki, Madrid, Lisbon, Stockholm, Helsinki, Limassol, and Linz, with some of these cities even being a host twice.

The topics covered include a wide variety of areas, from European agricultural policy to the foreign relations of the European Union.^{*11} One of the topics has always been economic law, mainly competition law, which attracts economic lawyers, as well as some more general and fundamental topics that are analysed also during the plenary meeting.

The FIDE Congress lasts two and a half days on average; at each congress, three main topics are discussed, each in one of three parallel teams, with the results summarised on the last day of the congress, at the plenary meeting. The three main topics are agreed on beforehand, and the general rapporteur for each

⁷ See M. Rasmussen (Note 4), p. 645.

⁸ *Ibid.*, p. 646.

⁹ Deuxième colloque International de droit européen organisé par l'Association Néerlandaise pour le Droit Européen. La Haye 24–26 October 1963, N.V. Uitgeversmaatschappij. W. E. J. Tjeenk Willink, Zwolle 1966, p. 49. See also the presentation by Professor Jacques Ziller from the University of Pavia, delivered in Freiburg on 13 May 2011, das Institut für Öffentliches Recht, Abteilung Europa- und Völkerrecht der Universität Freiburg, Fachtagung: 'Das Verhältnis von nationalem Recht und Europarecht im Wandel der Zeit', 12.–14.5.2011.

¹⁰ See M. Rasmussen (Note 4), p. 647 with further references to historical sources.

¹¹ The topics have included, for example, competition law and its modernisation and application in Member States, including their courts; the relationship between European law and domestic law; European law concerning agriculture and energetics; the judicial practice of the European Court of Justice; European integration; European economic policy; the free movement of persons and social policy; fundamental rights and freedoms; administrative proceeding in Europe; violation of European law and the sanctions imposed for it; the present day and future of the institutions of the European Union; taxation in the European Union; foreign relations of the European Union; media policy; insurance law; fight against dumping; right of establishment of enterprises; banking law; legal aspects of the European cultural policy; employment policy; civil aviation; application of directives; financial services; principle of subsidiarity and principle of loyalty; European environmental law; the right of asylum and immigration; European criminal law; right of state aid in the European Union; the effect of the new services directive on domestic law; the failure of the Treaty establishing a Constitution for Europe and the future of the European Union according to the Lisbon Treaty; private and public capital in the European Union and its legal regulation; the role of national parliaments in the European Union. See the website of FIDE XXV Congress for more information, available at <http://www.fide2012.eu/Previous+Congresses/id/122/> (15.7.2011).

topic has compiled a questionnaire for that topic for the national rapporteurs to fill in. Submitting a member state's report is the best way to influence the development of European law. In addition to the work of national rapporteurs, the topic is addressed in the responses of the rapporteur of EU institutions, who may be a top lawyer with the European Commission, the Council of the European Union, or the European Parliament. On the basis of all of the responses, the general rapporteur compiles a general report on his or her topic, which is printed, along with the questionnaires and all responses to these, in the congress publication and made available already during the congress. The FIDE national organisations decide for themselves who writes the report of the respective member state. These may be submitted in any of the three official languages of FIDE.

At the congress, a discussion is held on each topic; FIDE congresses are among these rare events where conversation flows effortlessly and there is no need to force someone to ask questions—speeches are spontaneous and spirited, and debates lead to new ideas that are born on the spot and are presented at the final meeting and later made available in a supplementary publication.

On the last day, a timely topic that also concerns the future of the European Union and is of interest to everybody is discussed, in addition to the three main topics. Traditionally, the president of the Court of Justice of the European Union is present at the FIDE Congress and also gives a key note speech. The Court of Justice of the European Union supports the country organising the conference by providing professional-level interpretation services, with simultaneous interpretation allowing all presentations and speeches at the congress to be followed in English, French, and German. Many judges and advocates-general participate in the congresses as session chairmen and audience members, as well as speakers. The legal services of other institutions of the European Union (the European Parliament, Council of the EU, and European Commission), led by their director generals, are also represented.

FIDE Congress publications, typically published by well-known publishers of legal literature (NOMOS Verlag, Cambridge University Press, etc.), have become important sources for studies of European law and are often cited.

On the initiative of the Spanish Association for European Law, all FIDE publications have been scanned and are also made available to FIDE members online.^{*12} The Portuguese Association for European Law has published all Portuguese reports presented at FIDE congresses as a separate publication.^{*13} There is always great interest in the publication outside the congress as well. Several acknowledged legal publishers from all over Europe who specialise in European law are also represented at the congress, offering their publications to participants at a reduced rate.

It should also be mentioned that FIDE congresses have been fortunate enough to gain the attention of top-level patrons. Congresses have thus been opened by royalty as well as national presidents, depending on the political order of the country organising the event, in addition to ministers of justice, chief justices of Supreme Courts, and speakers of Parliament, who have also organised receptions.

Friendships beyond borders

It is probably no exaggeration to say that the members of FIDE—who, despite the fact that the organisation is composed of organisations, are nevertheless, and above all, specific persons in charge of promoting European law in their respective countries—have become close friends and formed a community of sorts. Several member organisations are represented in the umbrella organisation by a distinguished and recognised expert in his or her field who is without doubt the life and soul of European law in his or her state and even elsewhere and without whom FIDE would not be the same. It is quite unbelievable that such an important organisation largely functions by very simple, established and unwritten rules of conduct, including gentlemen's agreements, under which an attempt is made to make most decisions by consensus.

The social programme is unquestionably an inseparable element of the congress and meetings. Each organising country of the FIDE Congress is not only the representative of its legal system in FIDE but also introduces its state, region, town, and culture to FIDE members and guests. The congress includes high-

¹² <http://www.fide-europe.eu/>, site temporarily disabled (18.7.2011).

¹³ FIDE/APDE (Associação Portuguesa de Direito Europeu), Estudos de Direito Europeu. Congressos da FIDE Relatórios Portugueses – 1990–2008. Princípa 2009.

level receptions, a cultural programme, formal dinners with a concert, and a special programme (excursions in the host city and sightseeing) for companions.

One could ask why it is important that the elite of EU law come together every two years, write reports, raise problematic issues, try to find solutions to them, and at the same time also relax and dine formally. But only a very small portion of that is financed directly from EU taxpayers' money; the FIDE Congress entry fee is high. Often participants must cover it from their own pocket, and sometimes the employer contributes to paying it, while the organising country of the congress also needs to find sponsors from the private sector in addition to the public sector to bear the expenses related to the congress. The European Union provides no concrete or direct support, apart from the above-mentioned interpretation service from the European Court of Justice. Of course, it would be important for FIDE to involve more young lawyers who are only beginning their careers and who would thereby catch the 'bug' of European law early on, as well as to raise public awareness of European law. To achieve that, participation at a reduced fee is often offered to students. However, it is interpersonal relations in particular that are essential and irreplaceable. Already Jean Monnet has said that it is not states in Europe but people that need to be united^{*14}, and many important directions, much knowledge, and ideas are formed on the basis of personal communication—so why not, then, at a splendid gala dinner in the Guildhall (e.g., at the FIDE Congress in London in 2002)? If a European law expert of one state knows whom to turn to in another country when considering a question that interests him or her, this provides a good basis for effective exchange of information and experience, which can only benefit the search for the perfect solution and which ultimately contributes to the effective protection of the rights of EU citizens.^{*15}

FIDE coming to Estonia

Estonia has been represented at the FIDE Congress already since 2000, when I had the wonderful opportunity and honour—together with my colleague at the time Imbi Markus from the Ministry of Justice—to participate in that year's FIDE Congress in Helsinki, where among other subjects, the fascinating topic of the principle of loyalty between the European Union and Member States, the key to the relationships between this union and its members, was discussed.^{*16} Since then, I have participated in all FIDE congresses, except that in Linz in 2008, where I was nevertheless a co-author of an Estonian report.^{*17} FIDE congresses have also been covered in Estonian legal literature.^{*18} The first national reports for FIDE collections were written by Estonian lawyers for the 2004 FIDE Congress^{*19}, which took place in Dublin and where the Estonian Association for European Law was officially admitted to FIDE, on the condition that all formalities for the establishment of the national FIDE be properly completed. Estonian delegations at FIDE congresses have grown little by little (the XXIV FIDE Congress, which took place in Madrid in 2010, probably boasted the record number of Estonian lawyers—almost a dozen, with Estonia presenting itself as the organiser of the next congress with a display stand there—so far a unique occurrence in FIDE's history), and Estonian reports have also been represented at all recent FIDE congresses.

¹⁴ Si je devais refaire l'Europe, je commencerais par la Culture – 'nous ne mettons pas ensemble les Etats; rassemblons les hommes'. J. Monnet. Mémoires. Paris: Fayard 1976.

¹⁵ On the pan-European co-operation between judges and its usefulness, see, e.g., B. van Lierop, Found in Translation: Some Remarks on International Co-operation Between Judges. Today's Multilayered Legal Order: Current Issues and Perspectives. Liber Amicorum Arjen W. H. Meij. T. Baumé, E.O. Elferink, P. Phoa, D. Thiaville (eds.). Paris 2011, pp. 175–181.

¹⁶ See also its coverage in the Juridica article, J. Laffranque. Lojaalsuse põhimõte Euroopa Liidus ja selle mõju Eestile (Principle of Loyalty in the European Union and its Effect on Estonia). – Juridica 2001/9, pp. 616–625 (in Estonian).

¹⁷ Contribution: Estonia with Lembit Uibo. Preparing the European Union for the Future? Necessary Revisions of Primary Law after the Non-Ratification of the Treaty establishing a Constitution for Europe. – FIDE XXIII Congress Linz 2008. Congress Publication Vol. 1. H. F. Koeck, M. M. Karollus (Hrsg.). Wien: Nomos 2008, pp. 81–113.

¹⁸ See the article by Julia Laffranque (Note 16), pp. 616–625; A. Albi. FIDE 2008. aasta kongress Linzis ning ettevalmistused 2012. aasta Tallinna kongressiks (FIDE 2008 Congress in Linz and Preparations for the 2012 Tallinn Congress). – Juridica 2009/7, pp. 476–477 (in Estonian).

¹⁹ A. Albi, J. Laffranque. National Report. Estonia FIDE Publication: Migration and Asylum Law and Policy in the European Union. – FIDE 2004 National Reports. I. Higin (ed.), K. Hailbronner (general rapporteur). Cambridge: Cambridge University Press 2004; also the contributions by Ilona Nurmela and Natalja Rüütel.

The Estonian Association for European Law (FIDE Estonia) was established on 13 November 2004^{*20}, shortly after Estonia's accession to the European Union, which had occurred a few months earlier in the year. The Estonian Association for European Law is one of the associations of the Estonian Lawyers' Association^{*21}; the latter also includes a business lawyers' association, an administrative lawyers' association, and an association for lawyers from law offices.

A justice of the Estonian Supreme Court, who is a current judge with the European Court of Human Rights and holds the professorship in European law at the University of Tartu (the author of this text), has been elected as the president of the Estonian FIDE ever since its establishment, and the vice-president is a senior lecturer at the University of Kent, Anneli Albi, PhD. There were 24 founding members, and the number of members has at least doubled since the association's establishment.

Among the members of FIDE Estonia are academics, national officials, judges, advocates, notaries, and representatives of many other legal fields. The members also include Estonian lawyers working at EU institutions, such as Estonian judges in the court system of the European Union, Dr. Uno Lõhmus and Mrs. Küllike Jürimäe.

The mission of FIDE Estonia is to contribute to the introduction of the law of the European Union in Estonia and to bring together lawyers interested in European law.

Of the major achievements of the Estonian Association for European Law so far, two large-scale conferences in 2005 on the European Constitutional Treaty, each with 300–400 participants, deserve mention; one of these was international, involving acknowledged academics from all over Europe.^{*22} Also the conference titled 'European Law from Rome to Tartu in 50 Years: Half a Century of Treaties of Rome' (*Euroopa õigus 50 aastaga Roomast Tartusse. Pool sajandit Rooma lepinguid*), which took place in Tartu, involved guest lecturers and was co-organised by the Estonian Academic Law Society.^{*23} FIDE Estonia won the project competition for not-for-profit associations organised jointly by the European Union Information Office of the State Chancellery and the Open Estonia Foundation, called 'Estonia and the European Union' (*Eesti ja Euroopa Liit*). Three tutorials, in Haapsalu, Narva, and Põlva (in chronological order), took place in autumn 2005 in the framework of that project competition. In 2010, a conference on the Lisbon Treaty was organised in conjunction with the anniversary of the Estonian Lawyers' Association.

FIDE-Estonia members have constantly provided information and published articles on European law, as well as participated in the work of expert commissions on EU law.

In 2006, the Estonian Association for European Law announced its candidacy for organising a FIDE Congress; two years later, in 2008, Estonia was officially elected as the organising country for FIDE's XXV Congress. The one in Estonia was preceded by the XXIV FIDE Congress, in Madrid, and the next organisers will be Denmark, Hungary, and Portugal. Organising FIDE congresses is somewhat comparable to planning the Olympic Games—in the field of the law of the European Union, that is—so the next organiser definitely needs to introduce itself beforehand in order to take the lead.

Nominating ourselves was a challenge for us, of course, and demanded a lot of energy, but at least from the time Estonia's proposal was conclusively approved, the Estonian Association for European Law has been constantly making preparations for organising the Congress. Previous holders of the FIDE Presidency, such as Finland, Ireland, Austria, and Spain, have been of great help to us, and we have already imparted

²⁰ See A. Albi, J. Laffranque. Asutati Euroopa õiguse ühendus (The Association for European Law Has Been Founded). – *Juridica* 2004/9, pp. 648–649 (in Estonian); and similar articles *Õiguskeel* 2004/5 and *Eesti Majanduse Teataja* 2004/12 (in Estonian).

²¹ See the Statutes of the Association for European Law, available at http://www.juristideliit.ee/media/upload/fide_eeesti_pohimaarus.pdf (18.7.2011) (in Estonian).

²² Conference 'Constitutional Problems of the Treaty establishing a Constitution for Europe' (Euroopa põhiseaduse lepingu riigioiguslike probleeme) dedicated to the 16th anniversary of Estonian Lawyers' Association that took place on 10 March 2005 in Tallinn; an international conference on the Treaty establishing a Constitution for Europe: 'Ratification of the Treaty establishing a Constitution for Europe: Effects on National Constitutions' (Euroopa põhiseaduse lepingu ratifitseerimine: mõjud rahvuslikele põhiseadustele), 3.–4.11.2005. On the same subject, see also J. Laffranque. Euroopa põhiseaduse lepingu peied Tallinnas. Mis saab edasi? (A Wake for the Treaty establishing a Constitution for Europe in Tallinn. What Next?) – *Juridica* 2006/1, pp. 17–23 (in Estonian); J. Laffranque. Arutleti Euroopa põhiseaduslike arengute üle. Ülevaade rahvusvahelisest konverentsist "Euroopa põhiseaduse lepingu ratifitseerimine: mõjud rahvuslikele põhiseadustele" Tallinnas 2005. aasta novembris (European Constitutional Developments Were Discussed. An Overview of the International Conference 'Ratification of the Treaty establishing a Constitution for Europe: Effects on National Constitutions' in Tallinn in November 2005). – *Eesti Majanduse Teataja* 2006/2, pp. 8–12 (in Estonian).

²³ For an article inspired by this, see J. Laffranque. Euroopa õigus 50 aastaga Roomast Tartusse (European Law from Rome to Tartu in 50 Years). – *Diplomaatia* (No. 43) April 2007, pp. 7–9 (in Estonian).

our own experience to the next, Denmark. On 23 October 2008, a preparatory event was held at Tallinn Town Hall to celebrate the arrival of FIDE in Estonia, intended as a substantial introduction to the event for Estonian state agencies and other potential sponsors, where Professor Franz Heribert Köck of Austria shared his FIDE-Congress-organising experience.

On 27 May 2011, a FIDE CD meeting was held in Estonia for the first time. The constructive work conference took place in the building of the Estonian Parliament, the Riigikogu; it was preceded by a trip to Kaberneeme Peninsula and a tour of the Riigikogu and was followed by a reception at Tallinn Town Hall and an excursion within Tallinn. The CD meeting was special also, no doubt, thanks to the mini-conference organised in co-operation between ELSA (the European Law Students Association) and FIDE Estonia that took place the previous day and also took advantage of the presence of excellent lecturers who were going to arrive to the FIDE CD meeting the next day anyway.^{*24} The event turned out to be very popular and also provided a wonderful opportunity to reach out to the younger generation of lawyers of European law.

It is a great honour and challenge to Estonia to be the first Central and Eastern European country to organise a FIDE Congress.^{*25} As mentioned above, the event is going to take place in Tallinn quite soon, in 2012. The XXV FIDE Congress will be a major event for the public, participants, speakers, and sponsors, and we hope it is going to be covered in depth by the press. The media programme related to the congress should also help to explain the essence of the European Union better in language understood by ordinary Estonian people.

The congress will provide a great opportunity for FIDE member states and participants to contribute to shaping the European legal space. National and general reports on the main topics of the congress will be published in three separate volumes. Nearly 500 participants, from all over Europe and beyond, will participate in the FIDE Congress. The working languages of the congress will be, as usual, English, German, and French.

Tallinn is an ideal location for the congress, as delegates will have the opportunity to explore its mediaeval Old Town, a UNESCO World Heritage Site, which was once a major centre of the Hanseatic League. Tallinn's rich architectural heritage reflects Estonia's history from mediaeval to modern times, and the rapid economic progress made during the years of independence.

To ensure the success of this distinguished congress, we are proudly working in co-operation with the Estonian Ministry of Justice, the Estonian Ministry of Foreign Affairs, the Supreme Court of Estonia, the National Audit Office of Estonia, the University of Tartu, the Tallinn University of Technology, the European Parliament Information Office in Estonia, the Court of Justice of the European Union, the Representation of the European Commission in Estonia, the Estonian Bar Association, MAQS Law Firm, and the Tallinn City Government. We are glad to have received support also from Enterprise Estonia (EAS), established in 2000, which promotes business and regional development in Estonia.

The main topics of the XXV FIDE Congress are relevant to all European countries, including Estonia, as they touch upon the vital issues concerning all of us in Europe. They were carefully chosen in co-operation with Estonian research institutes, universities, state agencies, and government institutions as well as lawyers in private practice and Estonian lawyers working in EU institutions, including judges at EU courts, and agreed upon within the FIDE Comité Directeur by its members. The topics of the XXV FIDE Congress are as follows:

1. 'Protection of Fundamental Rights Post-Lisbon: The Interaction between the EU Charter of Fundamental Rights, the European Convention on Human Rights (ECHR) and National Constitutions', with Professor Leonard Besselink of the University of Utrecht as general rapporteur and as EU institutional rapporteur Dr. Clemens Ladenburger, Assistant to the Director-General, Legal Service, European Commission
2. 'The Interface between EU Energy, Environmental and Competition Law', with general rapporteur Professor Peter Cameron of the University of Dundee and EU institutional rapporteur Ms. Eva Kružikova, Principal Legal Adviser of the H-MIME Team (internal market for goods, energy

²⁴ ELSA Estonia organised in co-operation with the International Association for European Law a FIDE seminar 'Seminar on Fundamental Rights and Legal Principles vs Legislative Freedom', 26.5.2011, the seminar was opened by Ave-Geidi Jallai, the President of ELSA Estonia, and Julia Laffranque, the President of FIDE, moderated by the docent of European Law at the University of Tartu Carri Ginter, with speeches by Professors Mads Andenas from Norway and Philippa Watson from Great Britain, as well as research fellow Michal Bobek from the Czech Republic.

²⁵ See also the website of the Estonian Lawyers' Association, available at <http://www.juristideliit.ee/uus/index.php?page=81> (18.7.2011).

(including Euratom), enterprise, customs union, and environment), Legal Service, European Commission

3. 'Area of Freedom, Security and Justice, Including Information Society Issues', with general rapporteur Professor Valsamis Mitsilegas, Queen Mary University of London, and EU institutional rapporteur Mr. Ezio Perillo, Director, Directorate for Legislative Affairs, Legal Service, Secretariat of the European Parliament.

We are particularly enthusiastic about the opportunity to cover the protection of human rights and its importance under all three topics as an overarching theme, especially in the sphere of the first topic. Europe is verging on major changes, as the European Union is about to sign on to the European Convention on Human Rights and thereby contribute to extensive protection of fundamental rights and freedoms across the entire European continent, so that people can get help even if the institutions of the European Union itself violate the fundamental rights of EU citizens.

Furthermore, the president of the Court of Justice of the European Union has promised to appear at the congress, as most likely will the newly elected president of the European Court of Human Rights. Both plan to deliver keynote speeches. Several acknowledged experts—recognised lawyers and judges from FIDE member states, as well as members of the EU Court of Justice and the European Court of Human Rights—are also expected to chair teams at the congress. Jacob Söderman, the former European ombudsman has already agreed to be one of the chairs of the working parties. The organizers of XXV FIDE Congress have also received confirmation from Prof. Bruno De Witte and Prof. Joseph Weiler to speak in the plenary session on EU constitutional framework after the Lisbon Treaty.

The general discussion topic for the last day of the FIDE Congress is going to be 'The Lisbon Treaty and the EU's Constitutional Framework', which should also prove to be extremely timely.

The European Capital of Law

The XXV FIDE Congress has an in-depth Web site that we invite you to kindly visit.^{*26} We also hope that the idea of establishing a permanent FIDE Web site can be concretised; that would definitely donate to increasing the visibility of FIDE throughout Europe.

While the Congress will surely contribute to the development and enrichment of European law, it will also introduce Estonia, Tallinn, and the country's jurisprudence to European and global audiences and help Estonia prepare for the Estonian Presidency of the EU, in the first half of 2018.

Yet the EU and EU law are not just for lawyers and policymakers. The European Union ought to be viewed as an important part of our day-to-day life. Therefore, as hosts of the 2012 FIDE Congress, we would like to give the congress a much wider perspective and offer the people of Estonia and other Europeans for the whole of 2012 a unique opportunity to learn more about their rights under EU law and how they can influence policymaking at different levels. The best way to do so is to look at Tallinn as the Capital of European Law in 2012. As we know, it has become customary in Europe to designate European Capital of Culture locations, an honour that has been bestowed on Estonia's capital for 2011. Inspired by this tradition, Tallinn will be known as the Capital of European Law in the year following this, when it will host one of the most distinguished EU law conferences—i.e., the XXV FIDE Congress. We hope that the idea and designation of Capital of European Law, born in Estonia, will soon be followed by many other European cities, and we very much look forward to sharing this experience with you.

²⁶ See <http://www.fide2012.eu/eng/>.