Foreword: Jacques Bourgeois, a European lawyers’ lawyer

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When I first learned of the project to prepare a Festschrift for the 75th birthday of Jacques Bourgeois, I could not hide my surprise, since I could hardly believe that Jacques Bourgeois was about to turn 75, for none of us had observed any let up in his activities, neither as a practitioner nor as an academic. He is as busy as ever and he continues to display that rare combination of analytical sharpness, breadth of vision, freshness in outlook and enthusiasm, which is his hallmark.

However, his CV confirms that he was born in 1936. He obtained his law degree from the University of Ghent in 1959 and a Master degree in Comparative Law from the University of Michigan in 1960, and started his professional career in the early 1960s, soon after the Rome Treaty had entered into force. In other words, Jacques Bourgeois’ career spans half a century of European integration.

I felt greatly honoured when my colleagues Marco Bronckers, Reinhard Quick and Inge Govaere invited me to write a foreword to this Festschrift, because of the particular reputation the name of Jacques Bourgeois carries with it. The list of contributors to this volume testifies eloquently to that.

At the same time, writing such a foreword is a challenge precisely because Jacques Bourgeois is so well known in European and international legal circles. It is also a challenge for another reason. Jacques and I have known each other and have been colleagues for more than 30 years and we have worked together on many different occasions. We even co-authored a paper, where we tried to measure the respective importance of the competition, industrial and commercial policies in the EC Treaty. Because of the lasting friendship that binds us, I might thus seem prejudiced. My only defence against that potential criticism would be that whoever meets Jacques Bourgeois, deals with him, collaborates with him, studies under him, reads his publications, listens to his presentations, ends up sharing the same prejudice.

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Jacques Bourgeois is a fully accomplished European lawyer since he has dealt with European law from different perspectives: that of a European civil servant, that of a private practitioner and also that of a law professor.

After a brief stint with the Ghent bar, in 1962, he joined the Commission of the European Atomic Energy Community, before, in 1965, becoming member of the Commission legal team. In that latter capacity, his responsibilities related successively to institutional, agricultural and external trade matters. In 1983, he was appointed Head of the Trade Policy Instruments Division in DG Relex, being thus responsible for the implementation of antidumping and countervailing duties, safeguard measures and measures aimed at illicit commercial practices, while at the same time trying to make sure that these European trade measures would be in conformity with GATT law and other trade agreements concluded by the European Economic Community. In 1987, he went back to the Commission legal service and was promoted to the position of Principal Legal Advisor, where his main responsibilities concerned first trade protection and state aids, then competition policy.

In 1991, he left the Commission and returned to private practice, joining as a partner Baker and McKenzie and thereafter Akin Gump Strauss Hauer & Feld. Since 2007, he has worked as a counsel for WilmerHale, dealing more particularly with EU competition matters and international trade law.

Next to his career as a Commission official and then as a high-flyer attorney, Jacques Bourgeois pursued what amounts to a third career, that of a law professor. In 1976, he was invited as visiting professor by the University of Michigan Law School. In 1992–93, he held the Jean Monnet Chair at the University of Bonn. He is a guest professor at Ghent University and regularly teaches at the University of Sankt-Gallen. However, the academic institute that has most benefited from Jacques Bourgeois is certainly the College of Europe and its programme of European legal studies.

Between Jacques Bourgeois and the College of Europe, there is something like a long-standing love affair. He started teaching at the College back in 1972 and he is now responsible for the seminar on ‘The Law of the EU Trade Policy’.

Jacques Bourgeois is a brilliant teacher, who puts to full use the vast experience he has accumulated in his career as a European civil servant and as an attorney. He is particularly good at stressing the interaction between European and international trade law. His knowledge of US federal law also helps him to portray European trade and competition law in a comparative perspective. He likes to set legal issues in their proper economic, political and cultural context. Admittedly, some students consider that, as a professor, he is quite demanding and rather parsimonious
regarding marks. But this is how things should be at the College. Professors ought to be demanding and students need to work hard if they expect to receive high marks. Achieving quality entails a price.

Jacques Bourgeois’ role at the College goes beyond that of a visiting professor. He has truly become a pillar of the Law department. He has taken an active part in the organization of several academic conferences covering international trade or competition law issues at the College. When he is not himself among the organizers of a conference, the latter eagerly seek his contribution, for he is a first-rate speaker, renowned for his clear and articulate presentations. He is an outstanding debater, who can engage in robust exchanges, but also in nimble footwork when this is needed.

The College of Europe is indebted to Jacques Bourgeois on two other counts. First, he is one of the representatives of the Law department in the Academic Council. Second, he is a founding and leading member of the Global Competition Law Centre of the College, which was set up in 2004 at the initiative of Damien Geradin. At the request of his colleagues, Jacques Bourgeois accepted to serve as President of the GCLC for a two-year period (2008–10).

Both in the Academic Council of the College and the GCLC, Jacques Bourgeois plays an active role and his contribution is highly valued, whether it consists in proposals, remarks or criticisms, knowing that Jacques Bourgeois’ criticisms are always of a constructive nature and never meant to start polemics. At various times, his analytical rigour has helped clarify issues, that at first seemed complex, if not muddled, or identify the risks and pitfalls that had to be avoided if the planned objectives were to be secured.

In parallel with his careers as a European civil servant, private practitioner and law professor, Jacques Bourgeois has accumulated an impressive list of publications, which some full-time academics might envy. He has written on many topics, including the CAP. However, the bulk of his publications addresses topics related to the external trade relations of the EU, GATT and WTO law and EU competition matters.

All trade issues of some importance for the EU, GATT or the WTO, whether of a substantive or of a procedural nature, have received Jacques Bourgeois’ careful attention. He is equally at ease dealing with the large picture as with individual cases.

If Jacques Bourgeois has led three different legal careers, his professional life demonstrates a great unity, since he has for a great many years pursued the same interests. This, his publications clearly reflect. They have made him a leading authority in the field of international trade law and many will regard him as the leading authority with respect to the interplay between EU trade policy and WTO law.
Many honours, awards and memberships have been bestowed on Jacques Bourgeois by his colleagues and peers in recognition of the special status he has achieved in his field. Among these, I would like to single out the fact that he was called on to serve as President of a GATT panel and later of a WTO panel. This indicates that Jacques Bourgeois is not only seen as an exceptionally able trade lawyer, but also as a diplomat. Indeed, by temperament, he is a conflict solver.

Jacques Bourgeois is also a true European, well served as it is, by his remarkable language skills. He is fully trilingual (Dutch, French, English) and he is at ease in German, Spanish and Italian. His mastery of languages, together with his other talents, has served him well in his professional career and also socially.

Jacques exudes warmth, armed with an infectious smile, he goes out of his way to meet others. This explains why he has made many lasting friendships. He will speak his mind, if always with great urbanity. He is endowed with a keen sense of humour. Actually, Jacques enjoys a good laugh as much as a great wine. All this makes him an ideal companion.

He likes to travel and he has travelled all over the world, but his roots are in Ghent, where he was born and where he lived until quite recently. Ghent is a part of Jacques as much as Jacques, for me, remains part of Ghent.

We are many to feel privileged for being Jacques’ colleague and for being counted among his friends.

Long live Jacques, the colleague, the friend, the European lawyer.