Foreword

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It is a great privilege to write a foreword to this Festschrift, which is being offered to Jacques Bourgeois on the occasion of his 75th birthday.

When, last year, I was asked to contribute to the Festschrift, my first reaction was: ‘Is he 65 already?’ So it is even harder for me to believe that Jacques turns 75 this August. He doesn’t seem to have aged in the slightest since we first met many years ago. The passing of time has certainly not affected his work, his energy or his enthusiasm for the law.

Jacques’ career has been a rich one. To borrow the words of the EU motto, it is characterized by ‘unity in diversity’. The practice of European and international law, and in particular of competition law and of trade law, is the unifying factor, while the different perspectives from which Jacques has practised the law provide the elements of diversity.

As a 30-year-old man, Jacques joined the European Commission, the institution that is the guardian of the European Treaties. As one would expect of the outstanding person we are honouring in this book, he rose rapidly through the ranks and served for several years as head of the Trade Policy Instruments Division in the Directorate General for External Relations. From 1987 to 1991, he was principal legal adviser to the Commission, first in respect of foreign trade policy and later of antitrust policy.

In 1991, his professional career underwent a big change when he moved to private practice. His charming personality, his extensive knowledge of every aspect of competition and trade law as well as of the internal ‘cuisine’ of the Commission proved to be the perfect combination and made Jacques one of the most successful attorneys at the Brussels bar.

Thus, in private practice, Jacques Bourgeois excelled once again. He was recognized in the 2009 list of the ‘Best lawyers in Belgium’ in the areas of competition and trade law.

Jacques is also an outstanding academic. He is a professor at the prestigious College of Europe in Bruges, a guest professor at the University of Ghent and was previously a visiting professor at the University of Michigan.

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Law School. He has written numerous articles on the subject of competition and trade law. In the library of the Court of Justice alone I counted about 80 of his contributions.

His work as an academic has been of great value not only to other scholars, attorneys and judges, but also to policy-makers. Indeed, in his articles he not only explains the law as it is but sheds light on any shortcomings in the existing rules and makes specific proposals as to how they might be improved. For example, in a recent article,1 he demonstrates how the current public system for the enforcement of competition law in the EU might be harnessed to help provide compensation for consumers, otherwise than through the up to now largely theoretical possibility of their obtaining damages through private enforcement actions.

As a renowned scholar, Jacques Bourgeois is also a member of the board of editors of many law journals. To me personally, it is a real pleasure to see Jacques during the regular meetings of the board of editors of Sociaal-Economische Wetgeving. It is always an intellectually rewarding experience to discuss with him, on the occasion of such meetings, recent developments in the field of competition and trade law.

Above all, Jacques is a friend to all of us who have contributed to this book. Knowing Jacques’ warm personality, it did not come as a surprise to learn that limiting the number of contributors has been the main challenge for the editors.

The Festschrift reflects two of the main areas of Jacques’ professional interests, namely ‘competition’ and ‘trade’. The first part of the book covers different aspects of competition law. Some contributions concern Article 101 TFEU; others examine abusive practices under Article 102 TFEU or merger control. The second part, which relates to trade law, offers the same diversity of topics ranging from WTO dispute settlement to the possibility of bringing actions before the General Court of the EU in the field of trade law. However, all of the contributions have in common the fact that they are all outstanding essays. I am sure that Jacques Bourgeois, as well as the readers of this book, will greatly appreciate them.

Last, but not least, a word about why we are offering Jacques this book now. I am conscious that a Festschrift is normally offered at the moment when the person concerned puts an end to his professional activities. Since the word ‘retirement’ does not figure in Jacques’ lexicon, it was deemed appropriate to publish this book in honour of his 75th birthday.

Happy birthday Jacques and ad multos annos!