



## PRESS RELEASE No 7/25

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Formal sitting of the Court of Justice

### **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 of the European Union today at 15.00, the President and Members of the European Commission gave the solemn undertaking prescribed by the Treaties. Prior to the President and Members of the Commission giving the solemn undertaking, Mr Koen Lenaerts, President of the Court of Justice of the European Union, delivered an address (see annex).

The solemn undertaking was given by Ms Ursula von der Leyen, President, Ms Teresa Ribera Rodríguez, Executive Vice-President, Ms Henna Maria Virkkunen, Executive Vice-President, Mr Stéphane Séjourné, Executive Vice-President, Ms Roxana Mînzatu, Executive Vice-President, Mr Raffaele Fitto, Executive Vice-President, and Ms Dubravka Šuica, Mr Olivér Várhelyi, Mr Wopke Bastiaan Hoekstra, Mr Andrius Kubilius, Mr Jozef Síkela, Mr Constantinos Kadis, Ms Maria Luís Casanova Morgado Dias de Albuquerque, Mr Magnus Brunner, Ms Jessika Roswall, Mr Piotr Arkadiusz Serafin, Mr Dan Jørgensen, Ms Ekaterina Spasova Gecheva-Zaharieva, Mr Michael McGrath, Mr Apostolos Tzitzikostas et Mr Glenn Micallef.

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 of the European Union. Reiterating its deep commitment to this tradition, the new Commission swiftly appeared before the Court of Justice of the European Union, 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 my duties;

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

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 therefrom, 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.'

Unofficial document for media use, not binding on the Court of Justice.

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

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## Annex

### Address by the President, Mr K. Lenaerts

Madam President, Members of the European Commission,

Your Excellencies, Ladies and Gentlemen,

In declaring this formal sitting open, I warmly welcome you on behalf of the Court of Justice.

The Court is gathered here today to receive the solemn undertaking of the Members of the new European Commission. This is a meaningful moment, to which the Court attaches great importance. That solemn undertaking is one of the symbols of a Union based on the rule of law, which the European Union embodies and to which each of its institutions contributes.

Madam President, Commissioners,

Before inviting you to give the solemn undertaking linked to the taking up of your official duties, allow me to put the event reuniting us here today into context.

On 18 July 2024, the European Parliament, on a proposal from the European Council, re-elected you, Ms von der Leyen, as President of the new Commission.

The European Council, by decision of 24 July 2024, appointed Ms Kallas to the post of High Representative of the European Union for Foreign Affairs and Security Policy.

On 27 November 2024, the European Parliament gave its consent to the appointment, as a College, of the members of the new Commission.

The European Council's decision of 28 November 2024 paved the way for the exercise by the new Commission of the powers the latter holds under the Treaties in respect of the period from 1 December 2024 to 31 October 2029.

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.

No express provision is made for the manner in which that solemn undertaking is to be given, but it is well-established practice that it is given before the Court. This practice has a dual symbolism. It expresses, as I pointed out in the opening of this formal sitting, 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 term of office of the previous Commission was marked by a number of major international challenges: the COVID-19 pandemic, which severely affected citizens and businesses, the outbreak of war in Ukraine, which took place almost three years ago and, more recently, renewed violence in the Middle East linked to the Israeli-Palestinian conflict.

Added to these are challenges associated with managing the migration crisis by which Europe has been affected for approximately fifteen years, and the fight against the deterioration of the environment and climate breakdown.

In the context of the tasks conferred on it by the Treaties, the priority of the new Commission will be to provide the necessary impetus to increase Europe's resilience and added value in a world undergoing profound change, geopolitically, economically, environmentally and also technologically, with the development of digital markets and artificial intelligence.

'Europe's Choice', the title of your presentation before the European Parliament a few months ago of the action programme for the new Commission during this legislative term, evoked a dilemma.

You want that Europe above all to be more competitive and less dependent on outside actors economically and technologically. You also promote a sustainable and socially-responsible Europe, a Europe characterised by solidarity faced with the rise in the cost of consumer products and difficulties in access to housing by which many European citizens are confronted, a Europe which protects vulnerable groups of the population in an environment which is ever more digitalised and influenced by social networks.

The conflicts taking place across the globe illustrate, for their part, the importance for the European Union, through its High Representative for Foreign Affairs and Security Policy, to convey the messages and implement the actions of European diplomacy on the international stage.

The celebration, last May, of the twentieth anniversary of the largest enlargement of the European Union was an occasion on which to view objectively that major 'constitutional moment' of European integration, and its benefits and the experience drawn from it, at a time when new States are knocking at the door of the European home.

The last few years have also been characterised by the undermining, both within and outside Europe, of the values of the rule of law and fundamental rights and freedoms. In the face of such undermining, which threatens our democratic systems and institutions, and which is often exacerbated by campaigns aimed at disinformation and destabilisation conducted through certain social networks, it is the collective duty of the European institutions to continue to strive daily to safeguard the core values underlying our common legal order.

The composition of the new College of Commissioners reflects the particular weight accorded to the various challenges currently facing Europe and the priority areas for action which will guide the Commission's work over the next five years. New Commissioner posts and new portfolios have thus been created, like those of Defence, Housing, Intergenerational Fairness, the Mediterranean, Enlargement and Fisheries and Oceans.

'Europe's choice' is everyone's responsibility (that of the European institutions, national, regional and local authorities, social partners, civil society actors and citizens). However, the Commission has been entrusted with a driving role under the Treaties, through its power of legislative initiative and in its capacity as 'guardian of the Treaties', which empowers it to ensure that economic operators comply with EU law, to request declarations from the Court that States have failed to fulfil their obligations and to intervene, as an *amicus curiae*, in any case brought before the Court under the preliminary ruling procedure.

Be they legislative or judicial, the Commission's initiatives have a direct impact on the activities of the Courts of the European Union.

Thus, the current geopolitical context is not without impact on EU litigation, as is illustrated by the many cases

brought before the Court of Justice and the General Court regarding restrictive measures adopted on the proposal of the Commission or the High Representative for Foreign Affairs and Security Policy.

The Court has also been called upon to hear and determine, in the last few years, a significant number of cases where values inherent in the rule of law and the independence of the justice system were at stake, in particular following actions brought by the Commission before it concerning Member States' failure to fulfil their obligations.

The increasing importance of the Internet giants and new technologies, online platforms and artificial intelligence is inevitably generating new sources of litigation which are challenging classical legal views, in particular in competition law, intellectual property law and the law on the protection of personal data, and which will provide – and are already providing – the Court of Justice with the opportunity to fine-tune its case-law by integrating the digital reality.

Any new legislative impetus concerning the European criminal law-enforcement area, such as the envisaged strengthening of the instruments to combat organised crime and cybercrime (Europol, the European arrest warrant, the European Public Prosecutor's Office), is likely to lead, ultimately, to new references for a preliminary ruling in which national courts request the Court for clarification with regard to reconciling the fundamental – but sometimes divergent – values and interests which are at stake.

Those few examples are sufficient to illustrate the mutual interdependence between the tasks performed by the Commission and the EU Courts, respectively. The Commission, as a political institution, at all times promotes the general interest of the European Union, in particular through its legislative proposals, and it ensures the application of EU primary law and secondary legislation, if necessary through final recourse to the EU judicial system. The Court of Justice and the General Court comprise a judicial institution which acts as the guarantor of objective, independent and impartial justice in the areas covered by EU law. Both institutions contribute, in their own way and within the limits of their respective fields of competence, 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. They do so in the service of citizens and business with very varied social, economic, cultural and linguistic profiles, within our Union 'united in diversity'.

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 to prove beyond doubt – in these times when peace no longer reigns, even on the European continent – the inestimable added value Europe represents for almost half a million citizens as well as economic, social and civil society stakeholders, are successful.