

Fordham International Law Journal

Volume 29, Issue 4

2005

Article 1

Dedication to Advocate General Francis Jacobs

Roger J. Goebel*

*

Copyright ©2005 by the authors. *Fordham International Law Journal* is produced by The Berkeley Electronic Press (bepress). <http://ir.lawnet.fordham.edu/ilj>

Dedication to Advocate General Francis Jacobs

Roger J. Goebel

Abstract

This issue of the Fordham International Law Journal represents a solid tribute to the attainments of Francis Jacobs produced by a group of respected scholars. Some Articles present a serious analysis of his own opinions, while others review major current issues in the field. Altogether the authors join in expressing their highest respect for Francis Jacobs' extraordinary contribution to the evolution of European Union law, and their expectation that he will continue to provide a valuable impetus to European Union studies as he returns to academic life.

DEDICATION TO ADVOCATE GENERAL FRANCIS JACOBS

*Roger J. Goebel**

This issue on current issues in European Union (“EU”) law represents a small tribute to a gifted jurist, academic, and lawyer, Francis Geoffrey Jacobs, on the occasion of his retirement from his post as Advocate General. In dedicating this issue to him, the editors of the *Fordham International Law Journal* act on behalf of the entire Fordham Law School community and even to some degree on behalf of the global community of legal experts in European Union law, all of whom have benefited so greatly from Francis Jacobs’ talented contribution to the evolution of doctrines of EU law in recent years.

Named as Advocate General in 1988 to succeed his good friend Gordon Slynn (now Lord Slynn of Hadley, a retired Law Lord), Francis Jacobs also followed in the footsteps of one of his mentors, Jean-Pierre Warner, the first Advocate General from the United Kingdom, for whom Francis served as a referendaire, or law clerk. Since his initial designation, he has served not quite three terms, retiring at the end of 2005 after almost eighteen years as Advocate General. He has accordingly set a record for service as an Advocate General since the Court of Justice commenced its role in the European Community in 1958. Recognizing his distinguished achievements, in December 2005 the UK Government named him to the Privy Council.

Prior to his designation as Advocate General, Francis Jacobs had already distinguished himself as a barrister, academic, and human rights specialist during a quarter-century of practice and teaching. Called to the bar of the Middle Temple in 1964, his competence as a barrister led to his designation as Queen’s Counsel in 1984. In addition to his clerkship with Advocate General Warner, he served in the Secretariat of the European Commission of Human Rights.

In his academic life, Francis Jacobs became Professor of European Law at the University of London in 1974. From 1981 to 1988 he directed the highly regarded Kings College Centre of

* Professor of Law & Director of the Center on European Union Law, Fordham University School of Law.

European Law, leaving to join the Court. The Kings Law Faculty has now welcomed Francis back as a distinguished professor. Francis Jacobs is well-known as an extraordinarily competent speaker at conferences and guest lecturer at universities. Fordham Law School has benefited from his talents as guest lecturer in our European Union law courses, and Francis has also provided valuable and insightful presentations at our annual international antitrust conferences. Despite his heavy duties as Advocate General, Francis has been a frequent and valued contributor to law journals and academic symposia.

Naturally, it is for his contributions to the evolution of European Union law as Advocate General that Francis Jacobs will always be most esteemed. During his long service, there is hardly a field of EU law in which he has not provided an authoritative analytical opinion. Francis is perhaps best known for his contributions to the Court of Justice's legal analysis and doctrinal development in competition law, intellectual property rights (especially trademark law), free movement of goods, free movement of services and the right of establishment, and for his emphasis on fundamental human rights whenever he has written an opinion in a case that involved human right concerns.

The *Journal* Editors have been fortunate in obtaining a fine group of Articles from prominent admirers of Francis' contributions. To begin with competition law, this issue reproduces Commissioner Neelie Kroes' speech setting out the Commission's current policy reexamination of the scope of Article 82 of the Treaty Establishing the European Community ("EC Treaty"), delivered at the September 2005 Fordham International Antitrust Conference, and widely commented upon since then.¹ In her Article, Valentine Korah, the eminent pioneering UK scholar in competition law, has provided her customary insightful analysis of some of Francis Jacobs' leading competition law opinions.²

Rosa Greaves, the well-known Director of the European Law Institute of the University of Durham, has written a valuable description of selected opinions intended to demonstrate Fran-

1. Neelie Kroes, *Tackling Exclusionary Practices to Avoid Exploitation of Market Power: Some Preliminary Thoughts on the Policy Review of Article 82*, 29 *FORDHAM INT'L L.J.* 593 (2006).

2. Valentine Korah, *Advocate General Jacobs' Contribution to Competition Law*, 29 *FORDHAM INT'L L.J.* 716 (2006).

cis Jacobs' commitment to achieving the freedom to provide services and the right of establishment within the internal market, as well as to mark his influence on Court doctrines on the protection of fundamental rights.³ My own Article on the Court of Justice's demarcation of the autonomy and independence of the European Central Bank is also centered on an analysis of Francis Jacobs' opinion, evaluating for the first time these novel issues concerning the status and role of the Central Bank.⁴

The remaining Articles pay tribute to Francis Jacobs by their valuable presentations of contemporary issues. My good friend, George Bermann, Director of the European Legal Studies Center at Columbia Law School, has provided a thoughtful Essay probing issues of constitutional governance in the European Union at a time when the draft Constitution for Europe appears to be stalemated.⁵ Laurence Gormley, Professor of European Law and Jean Monnet Professor at Groningen University, has written an Article reflecting on current issues in the Court of Justice's judicial review of EC legislative and administrative acts.⁶ He concentrates upon the plight of private party plaintiffs and Francis Jacobs' (thus far) failed effort in the *UPA* case⁷ to move the Court of Justice toward a greater willingness to grant standing to private plaintiffs.

One of the most important and fascinating topics currently in European Union law is the development of the concept of European citizenship. Robin White, long a specialist in European law at Leicester, has contributed an excellent survey of the legislation and leading Court judgments, with particular emphasis on the link between European citizenship rights and democratic governance.⁸ Two eminent Dutch academics, Piet Jan Slot and Mielle Bulterman, have written an authoritative treatment of

3. Rosa Greaves, *Commentary on Selected Opinions of Advocate General Jacobs*, 29 FORDHAM INT'L L.J. 690 (2006).

4. Roger J. Goebel, *Court of Justice Oversight Over the European Central Bank: Delimiting the ECB's Constitutional Autonomy and Independence in the OLAF Judgment*, 29 FORDHAM INT'L L.J. 610 (2006).

5. George A. Bermann, *Constitutional Lessons from Europe*, 29 FORDHAM INT'L L.J. 601 (2006).

6. Laurence W. Gormley, *Judicial Review: Advice for the Deaf?*, 29 FORDHAM INT'L L.J. 655 (2006).

7. *Unión de Pequeños Agricultores v. Council*, Case C-50/00 P, [2002] E.C.R. I-6677.

8. Robin C.A. White, *Citizenship of the Union, Governance, and Equality*, 29 FORDHAM INT'L L.J. 790 (2006).

the legislation and case law concerning the right of free movement of European citizens, as well as of the developing rules governing the rights of movement and residence of third state nationals.⁹ The two Articles complement each other.

Thus, this issue of the *Fordham International Law Journal* represents a solid tribute to the attainments of Francis Jacobs produced by a group of respected scholars. Some Articles present a serious analysis of his own opinions, while others review major current issues in the field. Altogether the authors join in expressing their highest respect for Francis Jacobs' extraordinary contribution to the evolution of European Union law, and their expectation that he will continue to provide a valuable impetus to European Union studies as he returns to academic life.

9. Piet Jan Slot & Mielle Bulterman, *Harmonization of Legislation on Migrating EU Citizens and Third Country Nationals: Towards a Uniform Evaluation Framework?*, 29 FORDHAM INT'L L.J. 747 (2006).