Bundesministerium
für Bildung
und Forschung

Speech by State Secretary Cornelia Quennet-Thielen
to mark the opening of the
Max Planck Institute Luxembourg
for International, European and Regulatory Procedural Law
8 May 2013

Your Royal Highness,
Prime Minister,
distinguished guests,

Last Tuesday, the German transport minister, Peter Ramsauer, and his counterpart in Luxembourg, Claude Wiseler, marked the start of construction of a new bridge between the municipalities of Wellen in Germany and Grevenmacher in Luxembourg. Many thousands of people use the bridge to cross the border between Germany and Luxembourg. When I studied law just across the border at the university of Trier for a few years, I myself was one of those people.

Today, we are here to mark the opening of a very different but no less impressive bridge between our two countries, a bridge of academic excellence and research cooperation of European significance: the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law. The length of its name clearly signals its German roots. On the occasion of the opening of this institute I would like to convey the best wishes of the German research minister Johanna Wanka and of the Federal Government.

The Max Planck Society has a worldwide reputation for ground-breaking research and excellence. In order to keep that reputation the Max Planck Society must be selective: selective in its choice of people and selective in its choice of locations. It says much about the Grand Duchy of Luxembourg as well as the European city of Luxembourg that the first Max Planck Institute abroad in the field of law has been established here. The Luxembourg authorities have been very committed to this project and proved themselves very generous. In addition to the Max Planck Society, vital contributions to the success of this project were provided by the founding team, Prof. Burkhard Hess and his colleagues, by the University of Luxembourg as the academic partner and by Luxembourg government, particularly you, Mr. Prime Minister and you Mr Biltgen, as the former Minister in charge. Thank you, all!

The willingness of the Max Planck Society to establish an institute here combined with Luxembourg's commitment to the Institute are a reflection of the excellent relations between Germany and Luxembourg. These also exist in science, research and teaching: Here I would like to cite the collaborations between the University of Luxembourg and universities in Germany and the cooperation between the German Research Association (DFG) and Luxembourg's National Research Fund.

It is only through science and research that we can overcome the challenges of today. Indeed, science and research are the foundations for prosperity and Europe's future. It is our common goal to develop the European Research Area. This is why Germany and Luxembourg are thoroughly committed to excellence in basic research, cross-border cooperation, and the internationalization of research and teaching.

This is what the initiative for a "University of the Greater Region" stands for here in this region where four countries meet, a project which brings together six universities including the University of Luxembourg. This collaboration will serve the purposes of enhanced mobility, shared courses and joint research. Something that I find particularly remarkable is that collaboration is even planned for the training of teachers. It was only last month that, following strong urging from my Ministry, the German *Länder* declared their willingness to guarantee that trainee and graduate teachers could transfer with little problem between the *Länder*!

Unlike what many believed in the 20th century, our world has not become borderless in the 21st century. As we are frequently experiencing in the financial and economic crisis, mental borders are the most persistent of all: debates are often limited to one's own country. The ability to take a different perspective really could be more widespread than it is.

Therefore, it is all the more important that study and research lead the way – including in areas which have a long tradition of being aligned to national borders. This includes much of law. The Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law is an important step towards the Europeanization and internationalization of the study of law.

A legal system that is both stable and adaptable and which takes account of global and societal changes is fundamental for democracy, fundamental for the acceptance of the system of government, and fundamental for growth and prosperity. This also means maintaining a balance between state and private actors, a balance that must be constantly redefined. It also means considering the role and significance of more recent jurisdictions, such as arbitral tribunals and international courts.

Where could the significance of these changes be better studied than here in the capital of European jurisdiction, within sight of the European Court of Justice? In the beginning, only one institution was convinced of its outstanding importance for Europe: that was the European Court of Justice itself. And with this conviction, it has written history. It has shaped national, European and international law – not always to the satisfaction of other courts! – and it has helped shape the European Community.

It also reminds us that the European Community is a community of law and that it must remain a community based on law in order to continue to guarantee the liberty and security of its citizens and in order to continue to be accepted by them.

This community of law is based on both substantive law and procedural law. In this sense, the new Max Planck Institute can create a bridge not only between Germany and Luxembourg and between our two countries and the European Union, but also between the study of law and legal practice. On its website, the Institute reminds us that being right and being proven to be right at court are two different things; that the value of subjective rights depends on their enforceability and thus on fair legal proceedings. Hence this is a topic of truly European

and indeed global significance if we think of those countries or cases where the rights of the individual exist on paper but without the guarantee of a fair trial.

We are living through a historic moment in time: we all know that the European and international systems of governance need to be redesigned in many ways, but there are little more than general outlines of how this will be achieved so far. This applies to the capital and financial markets which were the subject of yesterday's symposium; this applies to the European Economic and Monetary Union; and this applies to the international security architecture.

At this historic moment, the law is in transition – it is becoming increasingly supranational. I would like to wish those of you who work at this new Institute every success in analysing the transformation and hope that you can help shape this change directly or indirectly with your work. And my wish for all of us is that we will benefit from your success.

Thank you!