

AMENDMENT FORM

Suggestion for amendment of Article : 256 (ex Article 223), part III of the Constitution

By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status : Tiilikainen, Kiljunen, Vilén - Members
 Peltomäki, Takkula and Helle - Alternates**

Article III-256 (ex Article 223)

The Judges and Advocates-General of the European Court of Justice shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence; they shall be appointed by common accord of the governments of the Member States ~~after consulting the panel provided for in [Article III-258 (ex 224(a))].~~

Every three years there shall be a partial replacement of the Judges and Advocates-General, in accordance with the conditions laid down in the Statute of the European Court of Justice.

The Judges shall elect the President of the European Court of Justice from among their number for a term of three years. He may be re-elected.

The European Court of Justice shall establish its Rules of Procedure. Those Rules shall require the approval of the Council.

Explanation (if any) :

We do not find it necessary to set up an 'advisory panel'. The usefulness of such a panel may be questioned. Should the panel find that a candidate put forward by a Member State does not have the required qualifications, this would create no more than political pressure on the said Member State to name a new candidate, given that each Member State would only put forward one candidate. In any case, such situations would most likely be rare. A decision to set up an advisory panel would also make it necessary to carefully consider the question of who may be elected to the panel, in view of the requirements of independence and representation.