

Interview with Pierre Pescatore: the election of the President of the Court of Justice (Luxembourg, 12 November 2003)

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[Pierre Pescatore] The Court of Justice enjoys the great privilege of being able to elect its own President, and the Court's Statute provides that the President is to be elected by the Judges, from among their number. So, despite the urgent wish that they may have to participate, the Advocates General are not permitted to take part in the election. That was what the authors of the Statute wanted, at the time when I was involved in these discussions, that this should genuinely be a decision for the Judges.

Previously at the Court, the tradition was that the doyen, in terms of length of service or rank, of the Judges consulted his colleagues with a view to the election of the President, and it always proved possible to secure everyone's agreement, to discuss the matter discreetly before the event. All of the ballots, all of the elections in which I took part had this same result: all of the votes were for the same candidate, and there was one blank ballot paper which, I imagine, was that of the Judge elected. One blank ballot paper and all the rest voting for the same person.

Even after I left, that happened once when the Danish Judge was elected, and it was not until the next election that there was competition between the Spanish Judge and an Italian candidate. I think that it was the senior of the two who sought that confrontation. He apparently argued that Italy had never had a proper presidency because the first Italian President, Professor Pilotti, a very eminent man, was already very old when he took office and was not one of the most dynamic Presidents. There were no quibbles about it, however. The Italian Judge was able to claim that Italy had never had a real presidency, and it was in those circumstances that there was, for the first time, a majority vote, and that can leave its mark.

I have been told that the election that took place a few days ago was also by majority vote. That is not so good. At one time, there was agreement on the choice of President, who thus enjoyed the unanimous confidence of all his colleagues. That was the starting point, and it enabled him to direct the Court's business well, because he had his colleagues' confidence.