

**Question for written answer E-004407/2021/rev.1  
to the Commission**  
Rule 138  
**Tom Vandendriessche (ID)**

**Subject:** Appointment of judges to the Constitutional Court – Belgium’s second biggest opposition party excluded

The Constitutional Court is Belgium’s highest court. It is composed of 12 judges, six of them Dutch speakers and six French speakers, who are appointed for life. The Court’s judgments are authoritative and often have a political dimension to them.

Article 32 of the Special Law on the Constitutional Court is the legal basis for appointments. It states that judges are appointed for life by the monarch from a list of two candidates, nominated alternately by the Chamber of Representatives and the Senate.

In practice, however, the ‘d’Hondt system’ is used to appoint judges, to ensure the court reflects the democratic composition of Belgian society. Parties take it in turns to nominate candidates. Vlaams Belang, Belgium’s second biggest opposition party, has never yet been able to nominate a candidate. Thus appointments are not transparent and do not reflect the country’s democratic composition.

1. Is a system of political appointment of this kind consistent with Article 2 of the Treaty on European Union and the rule of law in a democratic state?
2. Regard being had to the principles of equality and the prohibition of political discrimination under Article 21 of the Charter of Fundamental Rights of the European Union, how does the Commission view the fact that the preferences of one group of people or one party are not taken into account?
3. Will the Commission investigate this in order to restore the confidence of a political minority in the rule of law?