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Legal aspects of the accession of the European Union to the European Convention on Human Rights

Motion for a resolution
tabled by the Committee on Legal Affairs and Human Rights

This motion has not been discussed in the Assembly and commits only those who have signed it

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In 2013, the Council of Europe's member States and the European Commission, for the European Union, concluded a draft agreement on European Union accession to the European Convention on Human Rights.

In January 2014, the Court of Justice of the European Union (CJEU) found that certain elements of the draft agreement were not compatible with European Union law.

In Resolution 2029 (2015), the Parliamentary Assembly invited the European Union to resume negotiations on accession in light of the CJEU's objections.

On 31 October 2019, the President and Vice-President of the European Commission wrote to the Secretary General of the Council of Europe informing her that the European Union was ready to resume negotiations, with a view to amending the draft agreement only to the extent strictly necessary to address the CJEU's objections.

European Union accession to the Convention will require technical changes to the control mechanism of the Convention. It will also have direct implications for the Assembly, including in its role in electing judges of the European Court of Human Rights. In this connection, the 2011 agreements made through the "Joint Informal Body" of the Assembly and the European Parliament will need to be updated and finalised.

Now that its political call has been heeded, the Assembly should follow the resumed negotiations and prepare a report on their legal aspects, with a view to taking necessary decisions in accordance with its competences under the Statute of the Council of Europe and the Convention.