

# CCBE Statement on the European Union accession to the European Convention on Human Rights

July 2013

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 32 member countries and 11 further associate and observer countries, and through them more than 1 million European lawyers.”

On 5 April 2013, negotiators from 47 Member States of the Council of Europe, which includes all Member States of the European Union, completed several preliminary instruments including draft agreements on EU accession to the European Convention on Human Rights (the ECHR), as well as an accompanying draft statement and explanatory report by the EU.

The EU Justice and Home Affairs Council, which convened in Luxembourg on 6 and 7 June 2013, was satisfied by the agreement found between the Member States and emphasised that this accession will strengthen the consistency of human rights protection in Europe. It then invited the Commission to produce and present documents on EU internal rules required to implement the adoption instruments.

Since the 1970's the Council of Bars and Law Societies of Europe (CCBE) has closely followed the discussions on how the EU could join the European Convention on Human Rights.

Indeed, the entry into force of the Lisbon Treaty on 1 December 2009 and Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms on 1 June 2010 has made joining the Convention legally compulsory for EU Member States.

Nevertheless, before any of these draft instruments can be officially adopted by the EU and the Council of Europe, the European Court of Justice must render judgement on whether the draft agreement is compatible with ratified European Treaties.

After several years of discussion, the CCBE welcomes the proposed agreement that has been approved by the Council of Europe and EU Member States.

Joining the Convention can only reinforce the protection of human rights by entitling any natural or legal person to file an application with the European Court of Human Rights (ECtHR), once all domestic remedies have been exhausted, for violation by the EU of the rights recognised by the ECHR.

European citizens will therefore enjoy the same legal protection in relation to actions taken by the EU as they already do in relation to actions taken by all EU Member States.

EU accession to the Convention will further allow harmonious development of both courts' case law, which will prevent any misunderstandings between Strasbourg and Luxembourg.

It also implies European representation in every single body acting under the Convention: a judge will be elected to represent the EU, a delegation from the European Parliament will have the right to attend the Council of Europe's Parliamentary Assembly and the EU will be able to take part in the Committee of Ministers, when the latter carries out its duties under the Convention, such as ratifying new protocols to the Convention.

Moreover, accession to the Convention will bring the 47 Member States of the Council of Europe and the EU28 closer, which will in turn improve the legal protection of Europeans' fundamental rights.

The promotion of the rule of law, human rights, democratic values, and especially, the right of access to justice and a client's protection (all of which are valued by the CCBE), will find essential and crucial support in the accession of the EU to the Convention.