



THE ADHESION OF THE EUROPEAN UNION (EU) TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR): AN IMPOSSIBLE DREAM ?

The admission to the ECHR of the EU (formerly the European Community(ies)) is an old idea. Some could even call it a Sea Snake. Actually, it has seemed with the entry into force of the Lisbon Treaty (2009) that the dream was turning into reality.

Unfortunately, the negative opinion of the ECJ (European Court of Justice), given on 18 December 2014 (n° 2/13), has broken the dream.

It's not for the first time. Already in 1996 the Court of Justice had formulated an opinion which considered legally unfeasible the admission of the then Community. But the change of status of the Community into the E.U. had appeared as raising the obstacle.

This article does not analyse the legal reasoning of the current opinion. Rather, it comments the political background and the likely effects of that negative answer.

The admission would unify the judicial guarantees to the human rights in the whole Europe, in favour of the citizen. To the contrary, the situation now is less favorable. Admittedly, it's not a catastrophe, since the two systems, the Strasbourg one and the Brussels-Luxembourg one have been until now more complementary than opposed. Anyhow, it's a lost opportunity, the more so because the conclusions -positive with a few reservations - of the Advocate General, Ms Kokott, had entertained a serious hope of a green light to be given by the ECJ. The ECJ's stance is regrettable.

Finally, is it an impossible dream ? No. The admission remains a middle or long run prospective, a still realistic aim. But one needs to be patient.