

## Challenges of EU accession to the ECHR

The European Union only accepts states as members that acknowledge international human rights. The Union however does not have a separate human rights court. At the same time not only Member States, but also the Union may violate human rights. The gaps in the EU's human rights protection mechanism can be filled by the Union's accession to the European Convention on Human Rights (ECHR). Such a possibility was initially rejected by the European Court of Justice for the lack of a legal basis. Today the Lisbon Treaty not only allows, but obliges the EU to accede to the Convention, thereby removing all previous obstacles. Until recently only states could become members to the ECHR, therefore the Union's accession presupposes some fundamental changes. On the side of the Council of Europe, Protocol No. 14 attached to the ECHR enables EU accession, thereby allowing the entity to ratify the Convention as the 48<sup>th</sup> High Contracting Party. The roadmap for accession is laid down by the Treaty on the Functioning of the European Union. The accession procedure thereby is settled, however a number of legal issues remain open. In my presentation and corresponding paper I will explore the jurisdictional issues that need to be clarified during the Hungarian and Polish presidencies in order to subject Union acts to the scrutiny of the European Court of Justice.