

Katholieke Universiteit Leuven

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# The Importance of Acceding

A plea for better Human Rights protection within the European  
Union

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## ABSTRACT

This research started by analysing the flaws in the fundamental rights framework within the European Union. It examined its relation to the European Convention of Human Rights and the European Court of Human Rights, and argued that the EU accession to the Convention is an important step in improving the EU framework; especially by guiding the rulings of the Court of Justice of the European Union when dealing with fundamental rights. This paper then analysed the Opinion 2/13 of the Court of Justice assessing the draft accession agreement to the Convention incompatible with the European legal order as well as the consequences it has for further negotiations. The analysis demonstrated again that the Court of Justice is not a human rights court. The aim of accession is not however to make the Court of justice a human rights court, but perhaps a friendlier human rights court and opening it to external scrutiny, thus having the consequence of legitimizing its human rights external policy.

## TABLE OF CONTENT

INTRODUCTION.....	10
CHAPTER 1	
ON THE FUNDAMENTAL RIGHTS PROTECTION IN EUROPE, PRELIMINARY REMARKS.....	13
Section 1 : Fundamental Rights within the European Union.....	13
§1. The Court of Justice and Fundamental Rights.....	14
§2. The Enshrinement of Fundamental Rights in the Treaties.....	17
Section n 2 : The Strasbourg Mechanism.....	19
§1. The European Convention on Human Rights and Fundamental Freedoms .....	19
§2 The European Court of Human Rights and European Law .....	22
CHAPTER 2 : ON THE DEBATES SURROUNDING ACCESSION .....	26
Section 1 : Pre – Lisbon Considerations .....	26
§1. Academic Review .....	26
§2. Discussion in European Institutions and Opinion 2/94 .....	28
Section 2 : Post - Lisbon Considerations .....	29
§1. Keeping Fundamental Rights <i>Fundamental</i> .....	30
§2. Defining the “Values” at the Foundation of the EU.....	31
§3. The Positive Effect of External Scrutiny.....	34
Section 3 : Ending the Debate .....	36
§1. The Legal Bases .....	37
§2. The Negotiations .....	39
CHAPTER 3: ON THE LEGAL SOLUTIONS OF ACCESSION .....	41
Section 1 : The Institutional Amendments.....	41
§1. The Election of an EU Judge.....	42
§2. The Participation of the EU in the Committee of Ministers .....	44
Section 2 : The Procedural Amendments .....	45
§1. The Co Repondent mechanism .....	45
§2. The Prior Involvement mechanism .....	49

Section 3 : The Consequences .....	53
§1. The Effects in the EU legal order .....	53
§2. The Effects on the Convention system .....	54
 CHAPTER 4 : ON THE OPINION 2/13 .....	 57
Section 1. Generalities .....	58
§1. Preliminary observations on the Ruling .....	58
§2. The Conclusions of the Advocate General .....	59
A. On the Co respondent mechanism .....	60
B. On the Prior Involvement Procedure .....	60
C. On the principle of Joint Responsibility .....	61
§3. The Reasoning of the Court .....	62
A. Specific Characteristics .....	62
B. Article 344 TFUE .....	64
C. The Co Respondent Mechanism .....	64
D. The Prior Involvement Mechanism .....	65
E. CFSP .....	66
Section 2. Assessing the Court’s Argument : the Importance of Viewpoint.....	67
§1. The issues stemming from specific characteristics .....	68
A. The coordination of Both Article 53s .....	68
B. Protocol 16 to the Convention .....	71
C. Mutual Trust .....	73
§2. The Issues Stemming from the Draft Accession Agreement .....	74
A. Article 344 TFUE .....	74
B. The Co Respondent Mechanism .....	76
C. The Prior Involvement Mechanism .....	77
§3. CFSP .....	78
 CONCLUSION.....	 82
BIBLIOGRAPHY.....	84

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