

**Question for oral answer O-000031/2012
to the Council**

Rule 115

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on behalf of the Verts/ALE Group

Subject: EU accession to the ECHR and ECtHR reform

The European Convention on Human Rights (ECHR) is the most advanced human rights mechanism in the world, open to individuals to bring governments responsible of fundamental rights violations into account before a European Court. The EU has always given the highest importance to the ECHR, as demonstrated by the fact that the entry of a State in the Council of Europe and the ECHR is a precondition for EU accession. The legal obligation for the EU to accede to the ECHR is enshrined in Article 6 TEU. In light of this obligation it is alarming that the accession is currently being sidetracked by political objections from the UK and France. On 25 January 2012, Representatives of the Parliamentary Assembly of the 47-nation Council of Europe (PACE) and the European Parliament have urged national governments – notably the UK and France – not to stand in the way of the EU signing up to the ECHR. At the same time, the UK government, currently holding the Presidency of the Council of Europe, has announced it will focus on further reforms of the ECHR; the President of the European Court of Human Rights (ECtHR) underlined the responsibility of State parties in ensuring that judgments are applied, while the PACE added that States shall address structural/systemic problems and strengthen the ECtHR to ensure its efficacy.

In this context it is also worth reminding that sidetracking the EU's accession to the ECHR by governments violates the principle of sincere cooperation (Article 4 paragraph 3 of the TEU), according to which the Union and the Member States shall in full mutual respect, assist each other in carrying out tasks which flow from the Treaties. In addition the Treaty obliges the Member States to facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardize the attainment of the Union's objective.

- What is the Council's position regarding the attempt by Member States to obstruct the accession to the ECHR, in light of the principle of sincere cooperation as enshrined in Article 4 TEU?
- What steps will the Council take to strengthen national implementation and reduce the high number of repetitive applications coming before the ECtHR as a necessary precursor to any further concrete steps towards agreement on reform of the Court?
- What are the proposals and positions of the EU and of its Member States within – and in relation to – the Council of Europe bodies on the accession and reform of the ECtHR? Are Member States taking a common EU line on the basis of Articles 2 and 6 TEU? What is the planned timeline for the EU accession to the ECHR?

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