EU Accession to the ECHR: “If at first you don’t succeed…”

Friday 14th and Saturday 15th July 2023

EU Law at Liverpool & International Law and Human Rights Unit
Liverpool Law School, University of Liverpool

As the latest negotiations on EU accession to the ECHR inch closer to a successful conclusion, this conference will explore the proposed accession agreement as well as the future opportunities and challenges facing both the EU and the ECHR legal orders.

Our first panel will analyse the framework for accession. Will the new accession agreement do enough to satisfy the CJEU that the autonomy and special characteristics of EU law are respected? What particular problems are likely to arise for the EU institutions, e.g. when it comes to determining the allocation of responsibility also with the Member States? And what might accession mean for the ECHR itself, particularly during a period of significant geopolitical change across Europe – from Brexit to the war in Ukraine? Our second panel will consider certain cross-cutting themes in EU and ECHR law – not only the future of the existing Bosphorous doctrine on liability for EU acts that infringe the Convention, or the particular difficulties involved in ensuring the proper scrutiny of territorially and institutionally fragmented executive power; but also major doctrinal practices where the two systems adopt approaches that deserve to be compared and contrasted, e.g. when it comes to defining and assessing the “margin of appreciation”, or the application of European fundamental rights standards to autonomous private action. Our final panel offers more detailed case-studies of how EU law and ECHR law might converge or diverge in their treatment of major socio-economic challenges, as well as the potential to engage in processes of mutual learning that enrich the legal heritage of European fundamental rights, e.g. in fields such as data protection, or migration, plus the “rule of law” crisis in states such as Poland and Hungary.

Attendance at the conference can be either in-person or online via Zoom. Either option is free, but each requires registration. Click here to register your
attendance. Please note: there is an upper limit on the number of in-person participants we can accommodate, so please only register to attend in-person if you are firmly committed to visiting us in Liverpool!

PROVISIONAL PROGRAMME

Friday 14th July: Events Space, School of Law and Social Justice

Keynote Speech closing the Council of Europe Summer School (12.00–13.00)


Coffee (14.00–14.30)

Session A): The Framework of Accession (14.30–17.00)

Valsamis Mitsilegas, Welcome from the Dean of the School of Law and Social Justice

Mavluda Sattorova, Chair

Paul Gragl, The new draft accession agreement

Tobias Lock, Particular implications for the EU

David Milner, Particular implications for the ECHR
Saturday 15th July: Events Space, School of Law and Social Justice

Coffee & Pastries (9.30–10.00)

Session B): Cross-Cutting Thematic Issues in EU and ECHR Law (10.00–13.00)

Kanstantsin Dzehtsiarou, Chair

Demi Franklin Lee and Vassilis Tzevelekos, The future of the Bosphorous doctrine

* Hanna Eklund, Two “margin of appreciation” doctrines?

Coffee

Eleanor Spaventa, Accountability gaps: executive “non-acts” in EU and ECHR law

Eleni Frantziou, Horizontality of fundamental rights protection

Lunch (13.00–14.00)

Session C): Case Studies for Convergence, Divergence, Mutual Learning (14.00–16.00)

Michael Dougan, Chair
Róisín Ó Costello, *Data protection*

* Mariagiulia Giuffre, *Migration*

Barbara Grabowska-Moroz, *Rule of law / judicial independence*

**Close of Proceedings (16.00)**

* participating via Zoom