

Abstract

The aim of this thesis is to describe the fundamental issues related to the future accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to provide an overall understanding of the issue. To fulfil this objective, the first part of the thesis deals with the current situation in the European human rights protection system. It introduces the protection system of the Council of Europe as well as the system of protection provided by the European Union. This part aims to describe relationships between them and also gives the overview of the development of the question of accession and of the main features defining the autonomy of the European Union law. The second part then turns the attention to the legal instruments which make it possible for the European Union to accede. This part provides an analysis of the Accession agreement on the accession of the European Union to the Convention for Protection of Human Rights and Fundamental Freedoms which contains legal, institutional and technical solutions of the European Union's incorporation into the Convention system. This analysis serves as a basis for the next part of the thesis, which focuses on the recent Opinion of the Court of Justice of the European Union 2/13. In this opinion the Court found the Accession agreement to be incompatible with the primary EU law. Firstly the particular arguments of the Court are presented in a comprehensive manner. The following chapter then seeks to look at the selected arguments from the opposite perspective. The possibilities of the future development are also briefly outlined. The conclusion provides answers to the questions raised at the beginning of the thesis.