



Research Article

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Relationship between the European Court of Justice and the European Court of Human Rights

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Abstract

The focus of this article is to address the current relationship that exists between the European Court of Justice and the European Court of Human Rights referring to the legal provisions of the Lisbon Treaty on the accession of the European Union to the European Convention on Human Rights. Meanwhile, due to its importance, the content of the article will also address the relationship between these two important institutions of justice, in the interpretation of human rights and fundamental rights, as well as a description of the relationship between these two institutions after the accession of the European Union to the European Convention on Human Rights.

Referring to the provisions of the Lisbon Treaty, the not-too-distant future promises a possible accession of the European Union to the European Convention on Human Rights, in a situation where legal prerogatives are sanctioned both in this document and in the Treaty on the Functioning of the European Union.

This process has benefits and problems that may arise after the accession of the European Union to the Convention, which are of particular importance for the Union and in particular for the European Court of Justice, which will need to transfer part of its powers to the European Court of Human Rights, despite the fact that the delegation also has a very good impact on the treatment of fundamental human rights and freedoms, as we will discuss further in this paper.

Keywords: European Court of Human Rights, European Court of Justice, Treaty on the Functioning of the European Union, Accession to the ECHR, Treaty of Lisbon, fundamental rights, etc.

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