

ECtHR: Reform of Rule on Interim Measures

András Csúri

News

On 26 June and 6 November 2023, in the context of wider procedural reforms, the ECtHR, sitting in for the Plenary Court (assembly of all ECtHR judges), adopted several [decisions clarifying and codifying its existing practice relating to interim measures](#). Under the ECHR system, [interim measures \(Rule 39 of the Rules of Court\)](#) are applied under exceptional circumstances to avoid irreversible situations that would prevent national courts and/or the ECtHR from properly examining Convention complaints and, where appropriate, securing to the applicant the practical and effective benefit of the Convention rights asserted. A failure by a respondent State to comply with interim measures undermines the effectiveness of the right of individual application guaranteed by Art. 34 ECHR and the State's formal undertaking in Art. 1 ECHR to protect the Convention rights and freedoms.

Following the aforementioned decisions of the Plenary Court, certain proposed amendments to Rule 39 were submitted to contracting parties for written comments, in accordance with Rule 116 of the Rules of Court. Similar consultations will be launched with a number of organisations with experience in representing applicants before the Court and with relevant bar associations.

An updated Practice Direction – issued by the President of the Court to provide clarification on aspects of the Court's procedure – accompanying the amended Rule 39 will be prepared and published following the consultation process. It aims to provide further details on the decision-making process when requests for interim measures are lodged.

The Plenary Court has also decided the following:

- Disclosing the identity of the judges who render the decisions on interim measure requests;
- Maintaining the practice of providing reasons for Rule 39 decisions on an *ad hoc* basis and issuing press statements when the circumstances of the cases so require;
- Issuing formal judicial decisions to be sent to the parties;
- Maintaining the established practice of adjourning the examination of requests for interim measures and requesting the parties to submit information in those circumstances where the situation is not extremely urgent and where the information that the applicants submit to the Court was not sufficient for the Court to examine the request.

At a later stage, the ECtHR will communicate how the changes to the procedure are to be implemented.

AUTHOR

András Csúri

Vienna University of Economics and Business

ISSN: 1862-6947



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The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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