

Avatares del proceso de adhesión de la Unión Europea al Convenio Europeo de Derechos Humanos. By José Manuel Cortés Martín (Editorial Reus, Madrid, 2018) 247 pp.

Since the sixties of the last century —when the Court of Justice of the European Communities began to protect by praetorian way the fundamental rights as general principles of the Law— until the consideration by the Treaty of Lisbon of the Charter of Fundamental Rights of the Union European as primary and binding law, and the mandate to the European Union to adhere to the European Charter of Human Rights, more than 50 years have passed. However, even today, in the 21st century, there is a feeling of dissatisfaction with the system of protection of fundamental rights in the EU and the question of the model of protection of human rights remains unsolved. Much has been written in recent years on this issue that, despite not being novel, still remains topical. Professor Cortés Martín has spent more than a decade dedicated to the study of the protection of fundamental rights in the European Union. He has therefore a broad and consolidated background in this area.

In this monograph, which can be considered a mature work in the matter, Professor Cortés does not just present an overview of the evolution of the protection of human rights in the EU, but rather poses a comprehensive approach to the problem, proposing ways of solution whose implementation must necessarily be accompanied by a clear political will on the part of both the European Union and the Council of Europe. In the introduction, Professor Cortés gives a clear vision of the evolution of the protection of human rights in the EU and shows the work plan to be developed throughout his work. He refers to the way in which EU accession to the ECHR could provide coherence to the protection of human rights in an area where the same jurisdictional bodies must simultaneously apply different legal texts that do not always have the same standards, structures and terminologies (the national legal systems, the ECHR and the CDFUE). Chapter I focuses on the question of whether accession to the ECHR is still necessary or, on the contrary, the progress that has been made in the EU in terms of the protection of fundamental rights, especially the existence of its own Bill of Rights with binding character, has made of this accession a superfluous issue.

In chapter II, the author delves into the jurisprudence of the European Court of Human Rights. On the one hand, he examines its position in relation to the presumption of equivalence of Union law with the European Convention on Human Rights in the case of obligations arising from the European Union law in respect of which the Member States lack discretion (Bosphorus doctrine). On the other hand, he analyzes how this presumption is broken from the Mathews/United Kingdom judgment in 1999, and finally points out the inconsistencies of that presumption. In Chapter III Professor Cortés conducts an in-depth study of the negotiation and the very content of the EU accession Project to the ECHR as well as the scope of the accession in relation to the respect for the ECHR, of the powers of the EU and the autonomy of the law of the Union. Finally, he focuses on the Opinion 2/13 of December 18, 2014, in which the Court of Justice declared that the EU's accession to the ECHR as designed in the Project was not compatible with the Treaties. In Chapter IV, finally, the author makes a series of reflections with a view to

a renegotiation of the EU accession project to the ECHR, wondering whether the Court of Justice of the European Union will not have opted for a protection too exacerbated of the principle of the autonomy of the law of the European Union, taking into account, above all, the categorical mandate of Article 6.2 of the Treaty of the European Union, which clearly establishes the obligation of the Union to adhere to the European Charter of Human Rights. This work has been edited by Reus Editorial. Due to its moderate length and the specialised but accessible language the author uses, it is a work of interest to any academic, practitioner and, above all, postgraduate students, since there is a growing number of students who orient their final degree projects to these topics of general interest. For all the above said, I congratulate my colleague Professor Cortés Martín, for his useful work and I highly recommend reading it.

M^a Dolores BLÁZQUEZ PEINADO
Universitat Jaume I