



## Updated Guidelines on implementation of advisory opinion procedure under Protocol No. 16 to the Convention

On 25 September 2023 the Plenary Court approved an updated version of the Guidelines on the implementation of the advisory opinion procedure under Protocol No. 16 to the European Convention on Human Rights (“the Convention”). The changes mainly reflect aspects of the practice developed by the Court under the Protocol.

The updated version is available on the pages “[Advisory opinions](#)” and “[Official texts](#)” of the Court’s internet site.

### Advisory opinion requests

**Protocol No. 16** to the Convention came into force on 1 August 2018, enabling the highest national courts, as designated by the member States concerned, to request the European Court of Human Rights (“the Court”) to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the Protocols thereto.

Requests for advisory opinions are made in the context of cases pending before a national court designated by one of the States which has signed and ratified Protocol No. 16. The Court has discretion to accept or refuse a request. Advisory opinions are delivered by the Grand Chamber; they contain reasons and are not binding.

Currently 22 member States of the Council of Europe have signed and ratified Protocol No. 16 to the Convention ([table of signatures and ratifications](#)).

To date the Court has received eight requests for an advisory opinion. It has accepted seven and refused one ([link to advisory opinions page](#)).

The Court has so far delivered six advisory opinions ([link](#)), with one opinion pending ([press release](#)).

### Guidelines

On 18 September 2017 the Plenary Court approved a set of Guidelines which are intended to offer practical assistance, to the domestic courts concerned, on the initiation and conduct of the procedure set out in Protocol No. 16 to the Convention. The Guidelines are to be viewed in the spirit of dialogue and cooperation, between the national authorities and the Court, which underpins the Protocol.

On 25 September 2023 the Plenary Court approved an updated version of the Guidelines, which can be found on the “[Advisory Opinions](#)” and “[Official Texts](#)” pages of the Court’s internet site. The changes mainly reflect aspects of the practice developed by the Court under the Protocol. They concern, among other things, the Court’s jurisdiction in respect of requests for advisory opinions (paragraphs 6.3 and 7), the appropriate stage at which to submit a request (paragraph 10), the form and content of a request (paragraphs 12, 13 and 14), and the delivery of the Court’s opinion (paragraph 32).

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.