Entry into Force of Protocol No. 15 to the ECHR - New Rules for Lodging Applications

Vânia Costa Ramos
Luzia Prata Cordeiro

The information contained in this document is of a general and abstract nature and should not substitute qualified legal advice for specific cases. Its contents may not be reproduced, as a whole or in part, without the express authorization of Carlos Pinto de Abreu e Associados - Sociedade de Advogados, SP, RL.
Entry into Force of Protocol No. 15 to the ECHR - New Rules for Lodging Applications


The entry into force of this Protocol brings about important changes to the right to lodge individual applications before the European Court of Human Rights (ECtHR):

- As of February 1st, 2022, the time limit for filing applications will be of 4 months, rather than 6 months as was the case until now (amendment to Article 35 § 1 of the ECHR). This time limit applies only to cases in which the final decision has been rendered before 1 February 2022 (cf. Article 8 § 3 of Protocol No. 15).

- The admissibility criterion 'significant disadvantage’ is made more stringent, and cases that have not been properly considered by the national courts are now liable to be rejected (amendment to Article 35 § 3 ECHR).

These changes mean, in practice, that the requirements for bringing an application to the ECtHR have been tightened.

Anyone considering lodging an application to the ECtHR should exercise extra caution when invoking violations of the ECHR at the national level and in meeting the deadline for lodging an application, bearing in mind also that preparing such an application requires an extended period.

Lisbon, August 2nd, 2021.

Vânia Costa Ramos and Luzia Prata Cordeiro

Advogadas (attorneys-at-law, registered with the Portuguese Bar Association)