
HUMAN RIGHTS · DIGNITY · EQUALITY

Linking Structural Issues to Charter Rights

Protecting dignity, autonomy and equality across the life course.

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Validity Foundation

30 June 2026



Care and support across generations

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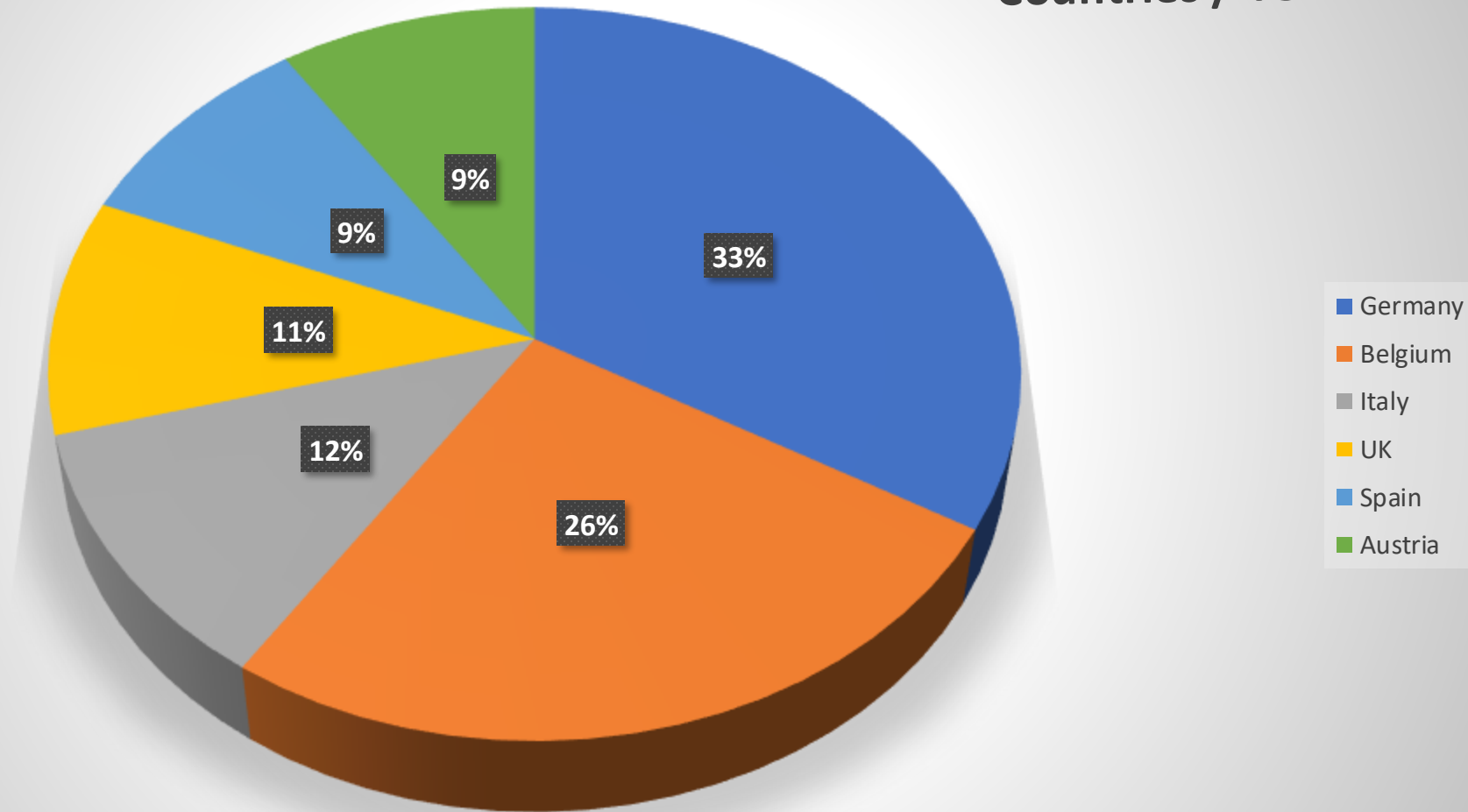
- Your name
- The organisation you represent
- A matter you are currently handling or considering that could lend itself to strategic litigation

30 June 2026

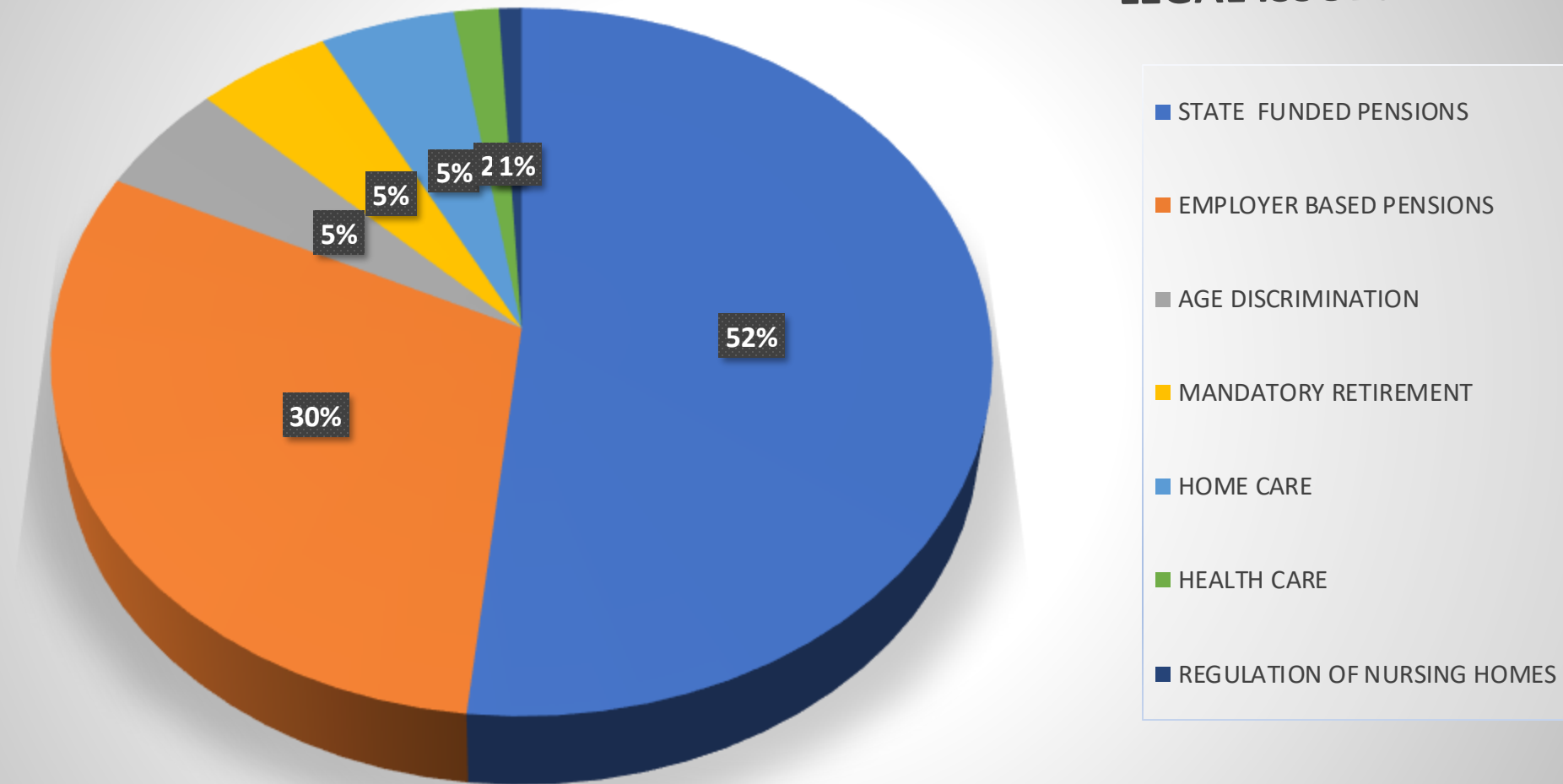


Care and support across generations

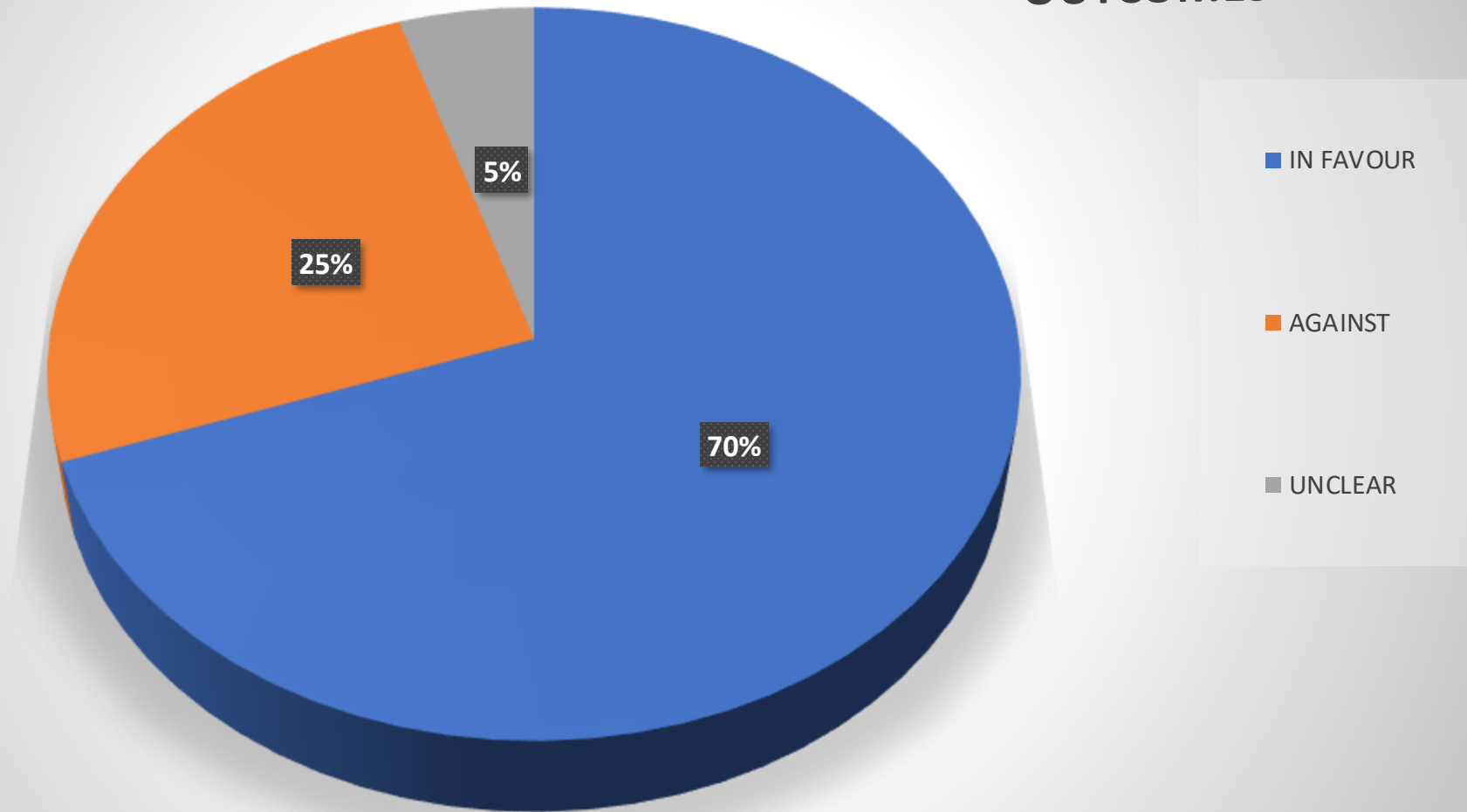
Countries / TOTAL 123



LEGAL ISSUES



OUTCOMES



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WHY ?

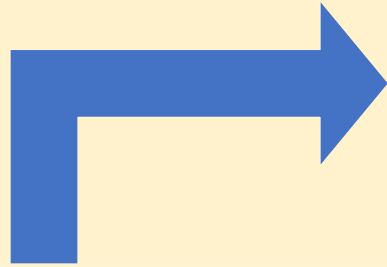
Charter-based litigation -practical questions

STEP 1: THE FACTUAL AND LEGAL ISSUES AT DOMESTIC LEVEL

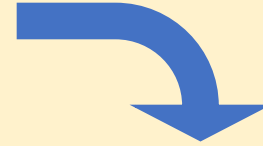
STEP 2: EU LAW

STEP 3: A DOMESTIC LEGAL PROCEDURE

Preliminary references Luxembourg



The CJEU answers the question in a judgment



The national court asks a question to the CJEU



Pending case at national level

The CJEU sends the judgment to the domestic court



The case is decided at national level

ASPECTS TO CONSIDER

- ❖ Average decision making time – 15 months / PPU
- ❖ Visibility – litigation in person
- ❖ Designing test cases
- ❖ Strong enforcement power – via the EU Commission
- ❖ Less budgetary constraints

Strategy Questions

- ❖ Is there a problem with EU Law?
 - ❖ remember, EU law may look like national law
 - ❖ Is the application of national law contrary to EU law?
 - ❖ procedural accommodations examples/ accessibility
-
- ❖ What if domestic courts recognise the incompatibility?
 - ❖ What if domestic authorities refuse to implement EU law?

EU AREAS OF COMPETENCE

- Council and Parliament strike deal on new EU rules to protect vulnerable adults
- Freedom of movement of services/ persons

Thank you

Questions?

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