



**Hertie School**

Executive Education



**STARLIGHT**



**HUNGARIAN  
HELSINKI  
COMMITTEE**

# **STARLIGHT**

## **Unlocking the potential of the Charter of Fundamental Rights**

**EESC – 14 March 2024**



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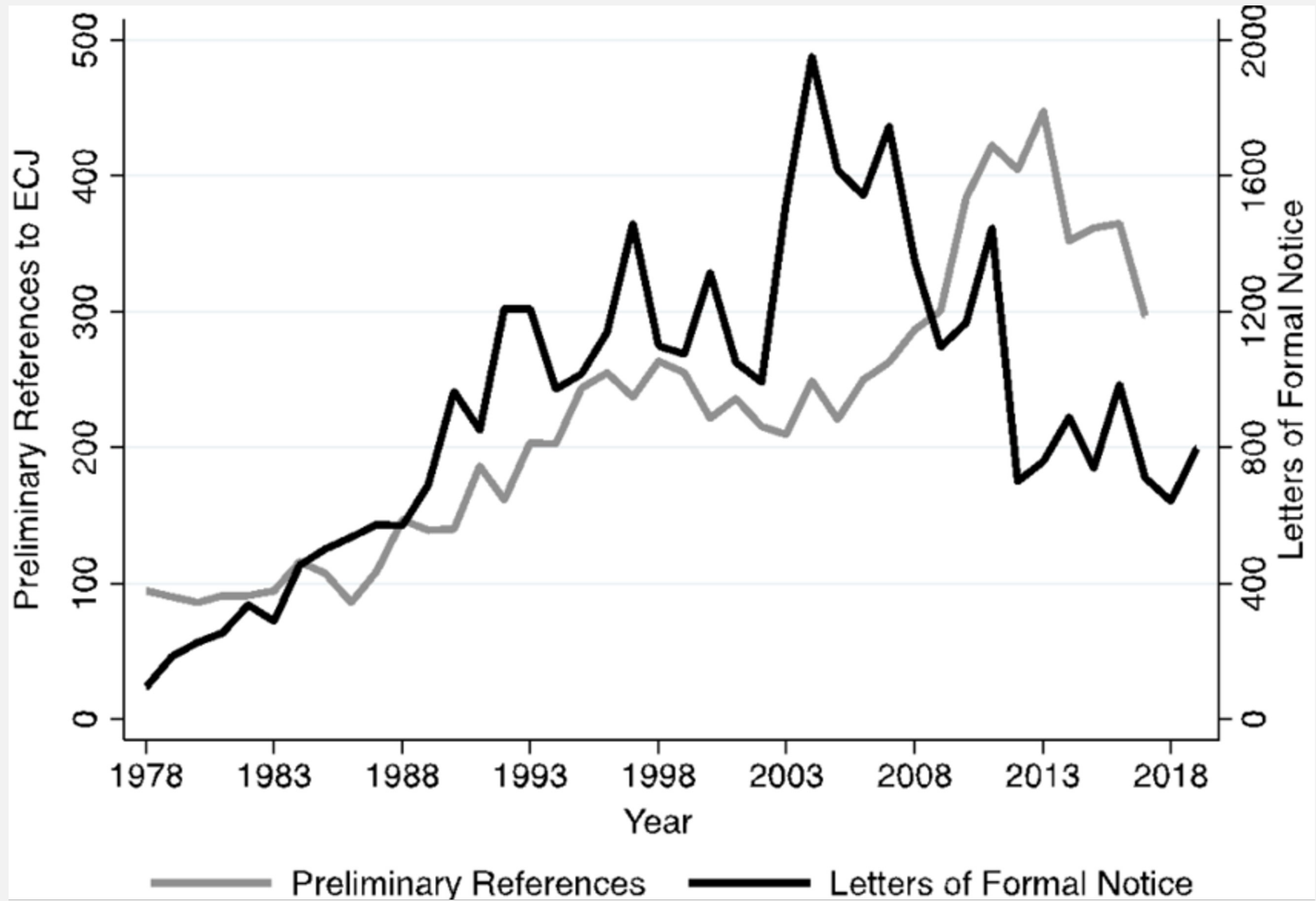
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Using EU law to protect rights – the  
untapped potential of the Charter

The STARLIGHT programme

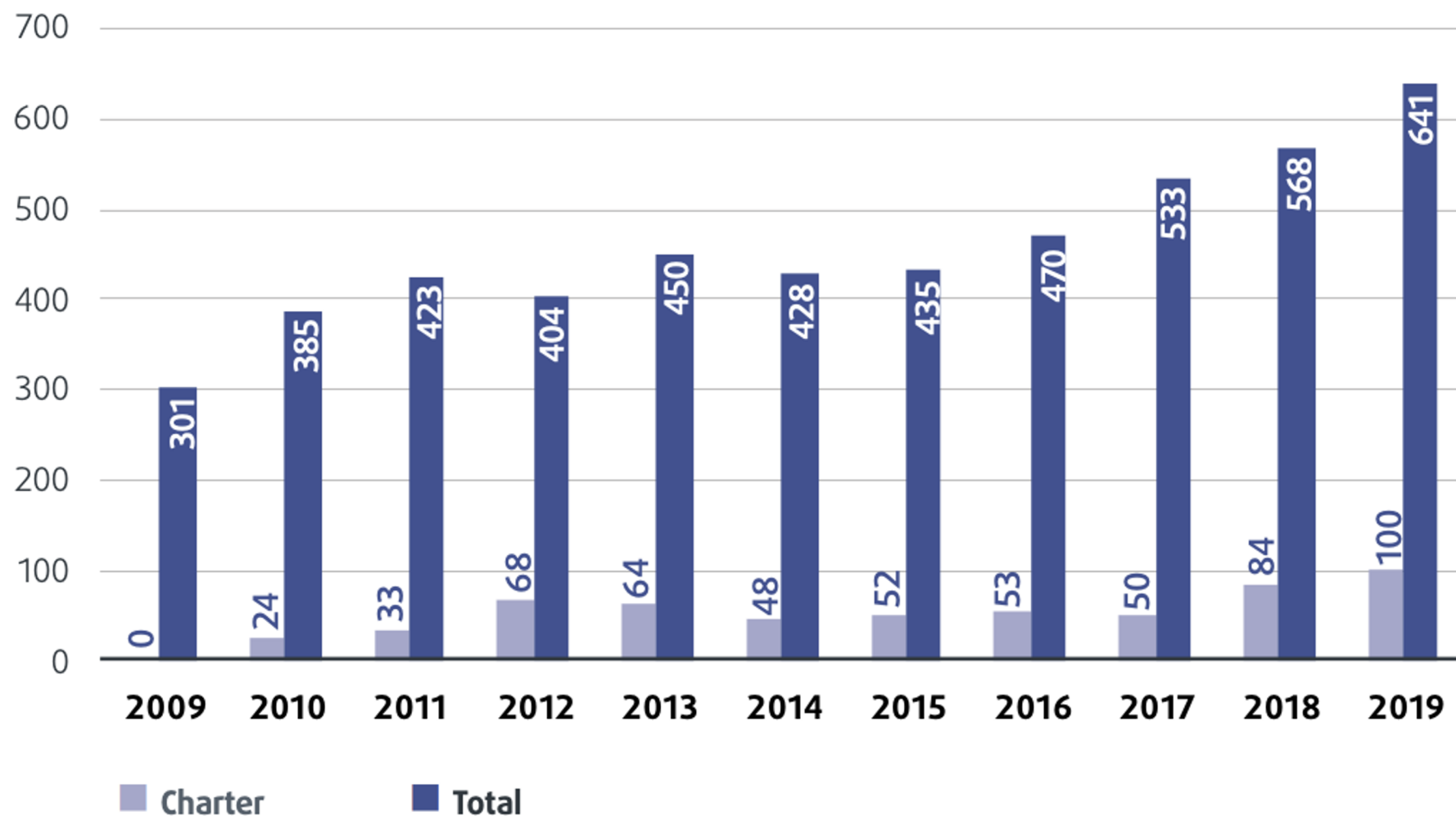
Examples and recommendations



Kelemen, R. D. and Pavone, Tommaso, Where Have the Guardians Gone? Law Enforcement and the Politics of Supranational Forbearance in the European Union (December 27, 2021). Available at SSRN: <https://ssrn.com/abstract=3994918> or <http://dx.doi.org/10.2139/ssrn.3994918>

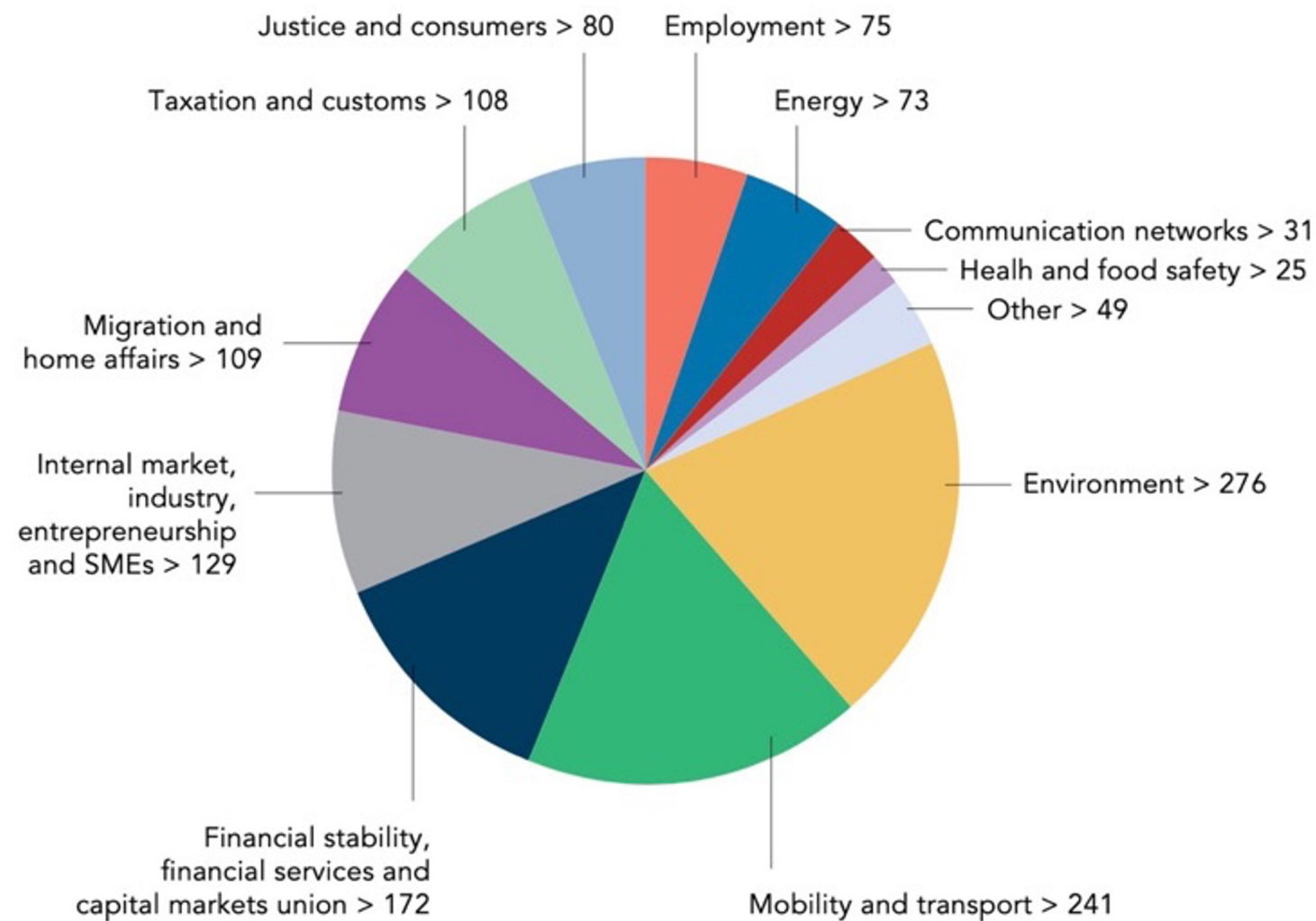
**FIGURE 1: USE OF CHARTER IN REQUESTS FOR PRELIMINARY RULINGS SENT BY NATIONAL COURTS TO CJEU**

Note: The percentages of requests for preliminary rulings that mention the Charter range from 6 % (2010) to 17 % (2012). On average, it was 12 % in 2010-2019.



Source: Data provided to FRA by the CJEU, 2020

**FIG. 7. Infringement cases open at the end of 2015, by policy areas**



**Source:** European Commission, *Report from the Commission. Monitoring the application of European law - 2015 Annual Report* (2016), p. 25.



EU LAWS – the Shark  
The CHARTER is a Remora Fish

The Charter applies when EU law applies; it can only move/apply when the much bigger Shark can be moved /made to apply – i.e. EU Law competence always has to be triggered first

The Charter needs to attach itself to the Shark  
It always needs a hook

*(Slide John Morijn)*



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# What is STARLIGHT?

The STARLIGHT project provides legal practitioners in the European Union with the skills and knowledge to apply the Charter of Fundamental Rights in strategic litigation.

Over a period of 12 months, participants take part in a series of online seminars, legal clinics and an in person skills workshop to accomplish two main goals:



**Applying the CFR and other EU laws in three thematic areas:  
rule of law, asylum/migration, criminal justice;**



**Acquiring crucial skills to engage in strategic litigation at EU level, develop EU  
jurisprudence and promote systemic and social changes in their respective countries.**



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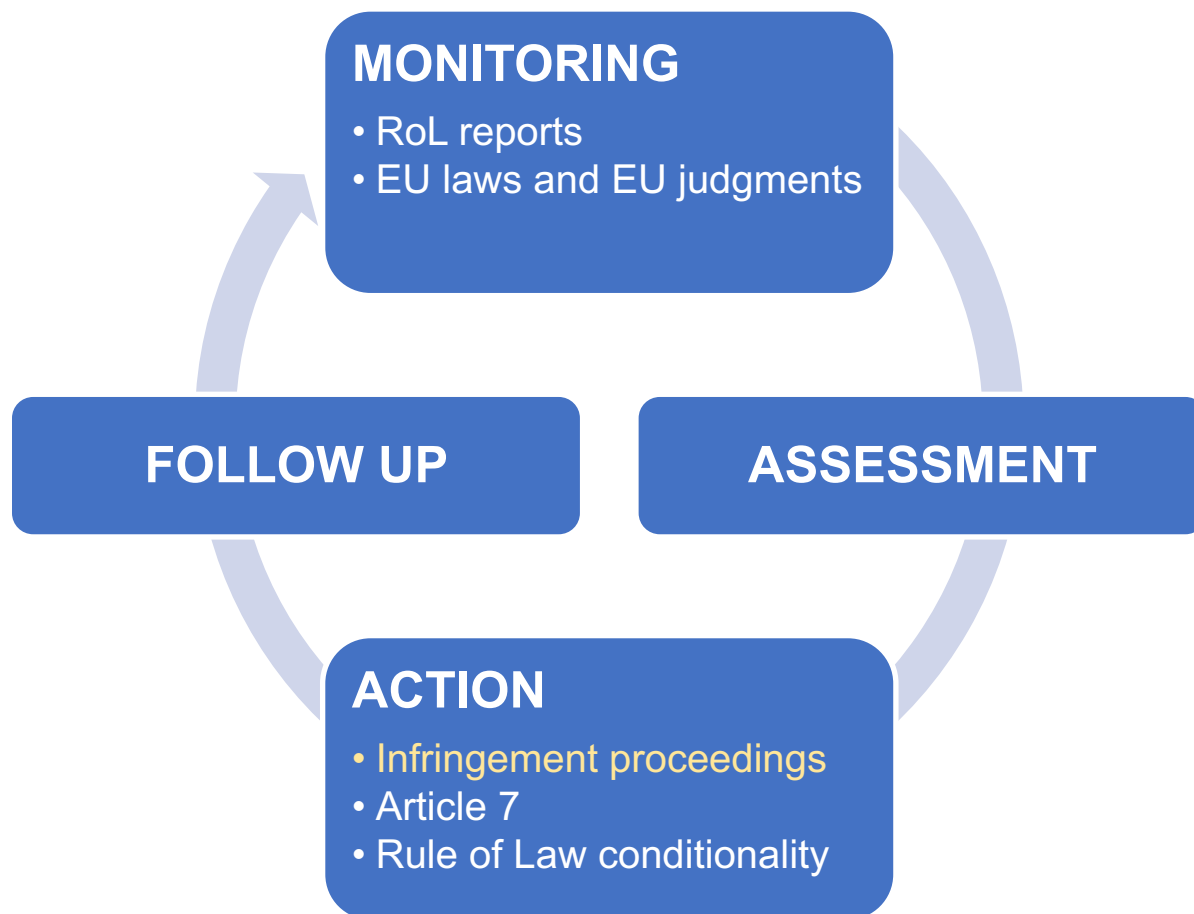
# STARLIGHT YEAR I







# Rule of Law Cycle





# Enforcing the Charter

- **MONITORING**
  - Systemic monitoring and follow up
- **SYSTEMIC INFRINGEMENT PROCEEDINGS**
  - Spotlight on rights based cases
  - Transparency in proceedings
  - Possibility for amicus briefs
  - Expedited procedure and interim measures
- **IMPLEMENTATION OF JUDGMENTS**
  - Monitoring unit
  - Procedure – similar to Rule 9 procedure
  - Expedited referral back to the court
- **FUNDING FOR LITIGATION**





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# THANK YOU

<https://www.hertie-school.org/en/customised/starlight>