Glossary of summaries

PRIMACY OF EU LAW

The principle of the primacy (also referred to as ‘precedence’) of EU law is based on the idea that where a conflict arises between an aspect of EU law and an aspect of law in an EU country (national law), EU law will prevail. If this were not to be the case, EU countries could simply allow their national laws to take precedence over primary or secondary EU legislation, and the pursuit of EU policies would become unworkable.

The principle of the primacy of EU law has developed over time by means of the case law (jurisprudence) of the Court of Justice of the European Union. It is not enshrined in the EU treaties, although there is a brief declaration annexed to the Lisbon Treaty in its regard.

In the Van Gend en Loos v Nederlandse Administratie der Belastingen (Case 26/62), the Court declared that the laws adopted by European institutions must be integrated into the legal systems of EU countries, which are obliged to comply with them. EU law therefore has primacy over national laws.

Further examples of cases in which the Court affirmed the primacy of European law include:

- Costa v ENEL (Case 6/64)
- Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle fur Getreide und Futtermittel (Case 11/70)
- Amministrazione delle Finanze dello Stato v Simmenthal SpA (Case 106/77)
- Marleasing SA v La Comercial Internacional de Alimentacion SA (Case C-106/89)

In these cases, the Court clarified that the primacy of EU law must be applied to all national acts, whether they were adopted before or after the EU act in question. With EU law becoming superior to national law, the principle of primacy therefore seeks to ensure that citizens are uniformly protected by an EU law across all EU territories.

It should be noted that the primacy of EU law only applies where EU countries have ceded sovereignty to the EU — fields such as the single market, environment, transport, etc. However, it does not apply in areas such as social policy and taxation. The supremacy of EU laws is not, however, considered absolute. For example, while EU regulations prevail over national law because they have direct effect, directives do not prevail unless they have been incorporated into national law and are applicable.

SEE ALSO

- Court of Justice of the European Union
- EU legal instruments
- European Union hierarchy of norms
- **Treaties**
- The European Union’s primary law (summary)
- Secondary legislation (summary)
- European Union regulations (summary)
- European Union directives (summary)