The relationship between national and Union law – supremacy, direct effect, indirect effect

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I. THE ESSENTIALS

- Interdependent principles
- Creating an autonomous legal system
- Self-assertion and conflict
- Direct effect and primacy as existential and operative principles of EU Law
II. DIRECT EFFECT

- The essentials

- Van Gend en Loos (26/62)

- Direct effect of Treaties

- Direct effect of Secondary Legislation, in particular Directives
  - Van Duyn (41/74)
  - Von Colson (14/83) and Marleasing (106/89)
  - Arcaro (168/95)
  - Inter-Environnement Wallonie (C-129/96)
II. DIRECT EFFECT

➤ Moving on

➤ Kükücdeveci (C-555/07): full horizontal direct effect

➤ Audiolux (101/08): defining principles

➤ Adeneler (C-212/04): interim conform interpretation
III. PRIMACY

- The essentials

  - Normative primacy:
    - Costa/Enel (6/64)
    - Internationale Handelsgesellschaft (11/70)

  - Applicative primacy
    - Simmenthal (106/77)
    - Factortame (C-213/89)
    - Costanzo (103/88)

- National Counter-reactions
III. PRIMACY

- Moving on

- The ECJ-priority issue (Küküçdeveci)

- The Constitutional Court’s-priority issue (Melki, C-189,188/09)

- Challenging Constitutional Courts (Filipiak [C-314/08], Landtovà [C-399/09])

- Ultra vires scrutiny of EU acts, including ECJ judgments (Honeywell, 6.7.2010 – 2 BvR 2661/06).
IV. THE LISBON CONTEXT: OPEN QUESTIONS

- Transitory effects of former third-pillar acts
- Foreign and Security Policy acts
- ECHR accession
- The European Patent Jurisdiction