The implementation of the principle of primacy of EU law

2022/2143(INI) - 21/11/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 430 votes to 172, with 29 abstentions, a resolution on the implementation of the principle of primacy of EU law.

Main conclusions

Parliament reiterated that, by their accession to the EU, the Member States have adhered to the entire body of EU law, including the case-law of the CJEU, and to all the EU values and principles as referred to in Article 2 TEU, which they thus share and have undertaken to respect at all times. It recalled that this includes, inter alia, the **principle of primacy**, which is crucial for ensuring the consistent application of EU law throughout the Union and guaranteeing equality of EU citizens before the law.

Members recalled that the principles of primacy of EU law or that of the precedence of international law over national law are present in the constitutional order of several Member States. While the vast majority of Member State courts apply the principle of primacy of EU law, this principle is disputed or not applied in some Member States.

The resolution emphasised that, since it ensures the uniform interpretation of EU law, the preliminary reference procedure is a prerequisite for the consistency and autonomy of the EU's legal order.

Recommendations

Parliament insisted that the executive and legislative bodies of the Member States also bear a responsibility to ensure that their respective Member State respects EU law. It stressed in this regard that executive and legislative bodies should take action to amend or withdraw legal acts that have been found to be in breach of EU law.

As the guardian of the Treaties, the Commission is called on to:

- build on the annual report on monitoring the application of EU law by introducing an analysis of the **state of play** of the implementation of CJEU case-law;

- initiate the appropriate proceedings against Member States that fail to implement EU law, including infringement procedures;

- initiate **infringement procedures** under Article 258 TFEU in response to judgments of national constitutional or supreme courts that challenge the principle of primacy and thereby result in a breach of EU law, when other forms of dialogue fail;

- make full use of its powers to **address the existing and potential breaches of the values enshrined in Article 2 TEU**. Parliament is determined to initiate the procedure referred to in Article 7 TEU.

Recalling that the precedence of EU law was explicitly laid down in the Treaty establishing a constitution for Europe, Parliament recommended the principle of primacy be included as an **explicit Treaty provision**.