Basic information

2022/2143(INI) INI - Own-initiative procedure	Procedure completed
The implementation of the principle of primacy of EU law **Subject** 8.50.01 Implementation of EU law	

Key players

European Parliament

Joint committee responsible	Rapporteur	Appointed
JURI Legal Affairs	TOOM Jana (Renew)	20/06/2022
AFCO Constitutional Affairs	ENGERER Cyrus (S&D)	20/06/2022
	Shadow rapporteur HORTEFEUX Brice (EPP) POSPÍŠIL Jiří (EPP) REPASI René (S&D) IN 'T VELD Sophia (Renew) BOESELAGER Damian (Greens/EFA) BREYER Patrick (Greens /EFA) SARYUSZ-WOLSKI Jacek (ECR) LEBRETON Gilles (ID) SCHOLZ Helmut (The Left) MAUREL Emmanuel (The Left)	

European Commission

Commission DG	Commissioner
Legal Service	REYNDERS Didier

Key events

Date	Event	Reference	Summary
15/09/2022	Committee referral announced in Parliament		

15/09/2022	Referral to joint committee announced in Parliament		
24/10/2023	Vote in committee		
07/11/2023	Committee report tabled for plenary	A9-0341/2023	Summary
21/11/2023	Decision by Parliament	T9-0406/2023	Summary
21/11/2023	Results of vote in Parliament		

Technical information	
Procedure reference	2022/2143(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Legal basis	Rules of Procedure EP 59 Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	CJ22/9/10050

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE751.560	04/07/2023	
Amendments tabled in committee		PE752.807	06/09/2023	
Committee report tabled for plenary, single reading		A9-0341/2023	07/11/2023	Summary
Text adopted by Parliament, single reading		T9-0406/2023	21/11/2023	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2024)220	24/06/2024	

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**.

The implementation of the principle of primacy of EU law

2022/2143(INI) - 07/11/2023 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs and the Committee on Constitutional Affairs jointly adopted the own-initiative report by Yana TOOM (Renew, EE) and Cyrus ENGERER (S&D, MT) on the implementation of the principle of primacy of EU law.

Primacy is a core principle of EU law, which has been developed over time by the jurisprudence of the CJEU. It is crucial for ensuring the consistent application of EU law throughout the Union and guaranteeing equality of EU citizens before the law. Furthermore, the concept of primacy does not imply that there is a hierarchy between EU and national law. Instead, it means that, in case of a conflict, Member States have the obligation not to apply national law that is contrary to EU law. If the conditions for direct applicability are met, national authorities are obliged to apply the provision of EU law. If not, national authorities are obliged to interpret national law in conformity with EU law.

Noting that the vast majority of the courts of the Member States apply the principle of primacy of EU law, the principle is challenged or failed to be applied in certain Member States.

This implementation report shows the importance that Parliament attaches to the compliance with that principle and the monitoring of such compliance.

The research carried out on this matter has led to the following considerations, which constitute the basis for the following recommendations:

- executive and legislative bodies should take action to amend or withdraw legal acts that have been found to be in breach of EU law;

- the principle of primacy should be included as an explicit Treaty provision.

- the CJEU, as exclusively competent for the definitive interpretation of EU law, should define the scope of the principle of primacy;

- the principle of primacy should be binding on all bodies of the Member States at all times, and the executive force of EU law should not vary from one Member State to another;

- although, in their vast majority, courts of Member States comply with the principle of primacy of EU law, national courts have in a number of cases refused to draw the consequences of judgments of the CJEU;

- in the context of a systemic breach of the rule of law procedure under Article 7, Member States have strategically called into question the principle of the primacy of Union law for political reasons; such cases of systemic breach of the rule of law constitute a threat to the legal order in the Member State concerned and to sincere cooperation between Member States, as well as a failure by that Member State to fulfil its obligations under the Treaty;

- the effectiveness and uniformity of EU law and the authority of the CJEU must be preserved;

- the Commission should closely monitor the rulings of national courts with regard to the primacy of EU law, and initiate infringement procedures under Article 258 TFEU in response to judgments of national constitutional courts challenging that principle.