

Review of European Administrative Law

FOCUS VAN GEND EN LOOS

Direct Effect before National Courts

It is now 60 years ago that the Court of Justice of the European Union held, in the *Van Gend en Loos* ruling, that EU law is capable of creating individual rights enforceable in the national legal orders.¹ In the meantime, and in a long line of case law, the CJEU has refined the doctrine of direct effect, by defining its features and limits. Recently, the Court clarified the relation between direct effect and primacy, by holding that national courts are not required to disapply a provision of national law which is incompatible with a provision of EU law if the latter does not have direct effect.²

Together with the doctrine of primacy of EU law, direct effect has come to be one of the defining characters of the EU legal order. However, as Karen Alter put it, ‘the ECJ can say whatever it wants, the real question is why anyone should heed it’.³ As a matter of fact, direct effect and the capacity of EU law to be enforced before national courts, entirely depends on the national courts’ attitudes to grant such power to EU law norms.

In order to understand and shed further light on the national administrative courts’ attitude *vis-à-vis* the doctrine of direct effect, the *Review of European Administrative Law* invites contributions focused on one or more legal systems, discussing how the doctrine has been applied and discussed at the national level. Following questions are of particular interest: How do national administrative courts understand the requirements of ‘sufficiently clear, precise and unconditional’ for a provision of EU law to have direct effect? How do national administrative courts frame and understand the consequences of direct effect? How do national administrative courts intertwine direct effect with primacy of EU law? How do they prioritise between direct effect and the duty of consistent interpretation? How did direct effect shape the enforcement of EU law in one or more specific policy areas?

Papers will be subject to double-blind peer-review in accordance with the standard procedure of the journal. They should not exceed 8,000 words and are due by the end of August 2023.

¹ Case 26/62, *Van Gend en Loos v Netherlands Inland Revenue Administration*, ECLI:EU:C:1963:1.

² Case C-573/17, *Criminal proceedings against Daniel Adam Popławski (Popławski II)*, ECLI:EU:C:2019:530.

³ KJ Alter, ‘The European Court’s Political Power’ (1996) 19 *West European Politics* 458, 459.