

## Opinion of the Legal Service on the primacy of EC law (22 June 2007)

**Caption:** In connection with the European Council held on 21 and 22 June 2007 in Brussels, the Legal Service delivers an opinion in which it notes that, according to the case law of the Court of Justice, the primacy of EC law is a cornerstone principle of Community law, even though it is not included in the future treaty.

**Source:** European Council. Opinion of the Legal Service on the Primacy of EC law, 11197/07 JUR 260. Brussels : 22.06.2007. 1 p. <http://register.consilium.europa.eu/pdf/en/07/st11/st11197.en07.pdf>.

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**OPINION OF THE LEGAL SERVICE**

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Subject : Primacy of EC law

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It results from the case-law of the Court of Justice that primacy of EC law is a cornerstone principle of Community law. According to the Court, this principle is inherent to the specific nature of the European Community. At the time of the first judgement of this established case-law (Costa/ENEL, 15 July 1964, Case 6/64<sup>1</sup>) there was no mention of primacy in the treaty. It is still the case today. The fact that the principle of primacy will not be included in the future treaty shall not in any way change the existence of the principle and the existing case-law of the Court of Justice.

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<sup>1</sup> "It follows (...) that the law stemming from the treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived of its character as Community law and without the legal basis of the Community itself being called into question."