5. Principles of direct applicability and direct effects

This chapter examines the scope of the doctrines of direct and indirect effect (including ‘direct applicability’) in the context of European Union (EU) law. These doctrines allow individuals to rely on EU law rights in national courts. It explains that while the Court of Justice (CJ) has emphasised that EU directives can apply against the state (vertical direct effect: starting with the Van Gend case), but cannot have direct effect as against individuals (horizontal effect), its case law shows a range of developments which operate to undermine the simplicity of this position. The chapter suggests that granting individuals and national courts a role in the enforcement of Union law has ensured that EU law is applied and Union rights are enforced. It also considers questions concerning the idea of incidental direct effect, triangular situations and the consequences of the line of jurisprudence starting with the judgments in Mangold (case C-144/04) and Kücküdeveci (case C-555/07).