Chapter: (p. 109) 5. Direct Effect

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This chapter focuses on the direct effect of European law in the national legal orders. The European Union insists on a monistic relationship between European and national law. This, in particular, means that the EU will itself determine the effect of its law in the national legal orders. The chapter then looks at the direct effect of the European Treaties. The European Treaties are, however, mainly framework treaties; that is, they primarily envisage the adoption of European secondary law and especially EU legislation. This secondary law may take various forms, which are set out in Article 288 TFEU. The provision acknowledges three binding legal instruments—regulations, directives, and decisions—and two non-binding instruments. Much of the constitutional discussion on the direct effect of European secondary law has consequently concentrated on the direct effect of directives. The chapter also analyses the doctrine of indirect effect within the EU legal order.
5. Direct Effect

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