This chapter assesses the ‘primacy’ of European law. When the European Union was born, the European Treaties did not expressly mention the primacy of European law. Did this mean that primacy was a matter to be determined by each national legal order; or was there a European Union doctrine of primacy? There are two perspectives on the primacy question. According to the European perspective, all Union law prevails over all national law. This ‘absolute’ view is not, however, shared by the Member States. According to the national perspective, the primacy of European law is relative. The chapter then considers the two national challenges to the absolute primacy of European law. The first is the national claim asserting the relative primacy of European law in the context of fundamental human rights. The second is the contested question of who is the ultimate arbiter of the scope of the European Union’s competences.
6. (Legal) Primacy

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