



## The direct effect of the European Union law celebrates its 50th anniversary

### *Regarding the judgment of the European Court of Justice in the Case Van Gend & Loos of 5 February 1963*

50 years have passed since the delivery of the Van Gend & Loos judgment, the first one in which the European Court of Justice established the doctrine known as the principle of direct effect.

The creation of the EEC in 1957, a few years after the end of the Second World War, marked an authentic revolution in the field of international law. For the first time, sovereign states transferred to a supranational organisation the power to adopt rules that were binding on national administrations. The founders of the European Union must have thought, very accurately, that this was the only way to achieve the pursued objectives of economic integration, the long-awaited free movement of goods, persons, services and capital.

Some years later, in 1963, the European Court of Justice had to rule on the consequences in the event that a country did not comply with the obligations imposed by the community rules.

In this case, a Dutch transport company argued that the authorities from its country infringed European Community law as some of the customs duties that they imposed were prohibited under the EEC Treaty. The Dutch administration, distrustful of the fact that a company tried to invoke a European Community rule directly, argued that European Community law only imposed obligations between the countries, but that it did not confer specific rights on companies or citizens.

The judges of Luxembourg were implacable, and did not hesitate to establish the principle of direct effect. In virtue of this principle, the provisions of Community law that are directly applicable, such as regulations, have immediate effects in the benefit of citizens and companies and they create rights that must be respected, both by national administrations as well as by national courts. With regard to directives, which in principle oblige the Member States to adapt their internal rules to what is established in such directives, those provisions that are unconditional and sufficiently precise will have a direct effect. These provisions may also be invoked directly before the administration or the courts in case that the States do not implement them into their internal law within the granted period or in case they implement them incorrectly.

Our pharmaceutical law is strongly conditioned by rules of European law that are directly applicable and by provisions of the directives that are unconditional and precise. Without ever losing out of sight the main objective that is the protection of the health of people and other objectives equally praiseworthy such as the promotion of innovation and the defense of competition, these EU rules seek to protect achievements reached in respect of free movement of goods, persons, services and capitals. Their direct effect is a tool of very high legal value in order to meet the objectives for which they were approved. So happy birthday then to the direct effect of European Union law.