

Case 106/77 Simmenthal [1978]

Facts: The respondent company claimed within national courts that veterinary fees levied on imports of beef at the border were incompatible with (prior) Community law.

Held: [Preliminary Reference] that these charges were incompatible with EU law, and that the ECJ, preliminary reference: Such charges were indeed contrary to the Treaty. The Italian fiscal authorities objected, claiming that a national court could not refuse to apply national law and it had to go past the Constitutional Court. It was then further held that a national court called upon to apply provisions of EU law must give full effect to those laws, refusing to apply a conflicting provision of national law if required. EU law therefore renders inapplicable conflicting provisions of national law, furthermore precluding the adoption of new national laws if incompatible with EU law. Any recognition that such national legislative measures had a legal effect would ‘imperil the very foundations of the Community’.