

INTRODUCTION

The European Communities are only two decades old. The most important of the three Communities, the European Economic Community (EEC), is even younger, having come into existence in 1958.¹ Two decades have been hardly enough time to have more than reached, much less settled, the important questions of the relationship between Community law and institutions and those of the Member States.

Among the most challenging of the questions is the extent to which the courts of the Member States will fulfill the obligation of safeguarding the rights created by the Treaty of Rome in favor of private persons, both individual and corporate, an obligation which the Court of Justice of the European Communities has said rests upon the national courts. This obligation flows naturally, though not necessarily, from the commitment of the Court of Justice to an effective Community. However, the result depends on that commitment, and there is a natural concern that the national courts may not share the commitment to an effective Community to a degree necessary to fulfill their obligations under Community law as those obligations have been defined by the Court of Justice.

In order to fulfill their obligations to Community law the courts of the Member States will have to solve some serious problems, and do it with comparatively little help from the Court of Justice. The most important of those problems at this stage of Community development is the need to reconcile the supremacy of Community law and the finality of its interpretation by the Court of Justice with traditional learning about the status of treaties in the courts. This paper discusses that problem as it arises in the French courts.

¹ Treaty of Rome instituting the European Economic Community of March 25, 1957 (Treaty of Rome), ratified in France by law No. 57-880 of Aug. 2, 1957, J.O. 1957. 7716, D. 1957. L. 241, ratified by decree No. 58-84 of Jan. 28, 1958, J.O. 1958. 118, D. 1958. L. 73. The official English language version of the Treaty is available in Sweet & Maxwell's *European Community Treaties* 71 (1972).

All references to the "Communities", "Community law" or to treaty articles refer to the European Economic Community or to the Treaty of Rome unless the context otherwise requires.