

# LA RÉCEPTION DU DROIT EUROPÉEN PAR LE DROIT FRANÇAIS: INTÉGRATION ET RESPECT DE LA SOUVERAINETÉ NATIONALE

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**ABSTRACT:** *France at the origins of the European construction. French law subjected to European law, but guaranteed of national sovereignty.*

*I. Submission to European law: European “legal order”*

*1. “Legal order” of the European Order*

*“A community legal order integrated into the domestic legal order and distinct from the international order”*

*A. Time resistance: a Jacobin State Council*

*Manifestations of resistance: screen law, pre-legal matters, transposition of directives. A more respectful position of the Court of Cassation. Boosting the Constitutional Council*

*B. Integration by recognizing the specificity of Community law*

*The principle of integration constitutional (2004). Harmonization between the supreme courts. Preventing the conflict. Independence in interpretation*

*2. Integration of the European Convention on Human Rights*

*A. Safeguarding fundamental rights*

*Adapting French law and jurisprudence. Examples: phone-tapping; stakeout ...*

*B. Fair trial*

*French specificity put into debate: the famous trial of Government’s Commissioner before the administrative courts; advisory and contentious double function. Subtle arrangements.*

*II. Respect of national sovereignty*

*1. Statement of the Constitutional Council*

*A. Bloom of the constitutional review: first only a priori, the apparition of the a posteriori control with the priority issue of constitutionality.*

*B. A conventional constitutional and administrative law*

*Area of the judges’ power on the constitutional control and constitutional control: anything, except for the control of law’s constitutionality.*

*2. The superiority of the Constitution on the treaties*

*The importance of the Constitution and priority in examining the issue of constitutionality.*

*A. Constitutional rules and Community rules: translation*

*Migration of a rule to another. Sending from one jurisdiction to another of the pre-trial matters.*

*B. Constitutionality preventive control of treaties*

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*The main issue of constitutionality: which is the way the priority should be managed?  
Conclusion: The complexity in the service of harmony*

**MOTS-CLÉS:** *la réception du droit européen, transposition des directives européennes, intégration et respect de la souveraineté nationale*

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