

Book Review: D. Gallo, *Direct Effect in EU Law*,
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1. This volume is particularly noteworthy for the Italian academic community. It represents the first time that an Italian Professor of EU Law contributes to the prestigious “Oxford EU Law Library” series; an authoritative collection that includes some of the most influential titles in the field, such as Koen Lenaerts’ *EU Constitutional Law* and *EU Procedural Law*. Gallo’s inclusion in this series is more than a personal achievement: it signifies the recognition of the high quality and maturity of Italian legal scholarship in EU law. This development reflects a growing integration of Italian academics into the mainstream of EU legal debate and theory. The book’s methodological precision, theoretical ambition, and its clear engagement with both historical and contemporary sources position it alongside the most respected contributions to the discipline.

2. The complexity of the topic addressed by Gallo—the principle of direct effect in EU law—should not be underestimated. Although central to the effectiveness of EU law, the doctrine still raises numerous conceptual and practical challenges. The book delves into unresolved doctrinal debates regarding the origins and legal foundation of direct effect, underlining the persistent lack of consensus. It also clarifies the often-confused distinction between *direct effect* and *direct applicability*, two concepts that are frequently conflated in both scholarship and case law. Gallo also confronts the intricate and evolving jurisprudence of the Court of Justice, which has developed a rich and at times elusive case law concerning the many expressions of direct effect: vertical and horizontal, upward and downward, and even triangular forms. Moreover, the author explores the direct effect in the context of

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international treaties concluded by the Union, presenting a detailed and coherent framework for navigating a principle that is both foundational and in continuous transformation.

3. The book is structured into seven chapters, which may be grouped into four thematic sections, followed by a substantial concluding chapter that also offers policy-oriented suggestions for future jurisprudence. The first section explores the origins of direct effect and its conceptual links to the principles of primacy and autonomy of EU law, as well as its relationship with the preliminary ruling procedure under Article 267 TFEU. The second section analyses how *Van Gend en Loos* has evolved over time, addressing the nature of direct effect, its defining features, and its connection with the obligation of disapplication. The third section focuses on the controversial issue of horizontal direct effect, particularly in relation to directives and fundamental rights. The fourth section examines the possibility of direct effect for norms found in international agreements concluded by the EU. Each section is thoroughly researched and supported by extensive references to both legal scholarship and case law, ensuring a comprehensive understanding of each sub-topic within the broader doctrinal framework.

4. The attempt to summarise the contents of this volume—written with remarkable intensity and academic fervour—risks diminishing the richness and depth of the author’s achievement: these are its main tenet. Gallo offers a compelling doctrinal and theoretical interpretation of the principle of direct effect. He attributes its foundation to the unique character of the European Union and the autonomous nature of its legal order—distinct from both international law and domestic legal systems. This interpretation is grounded in the central role of individual rights and the model of shared sovereignty underpinning the Union, conceived as a structure somewhere between international organization and federation. Regarding the criteria for direct effect, Gallo argues that the traditional tripartite test defined by the first case law (clarity, precision, unconditionality) has been functionally simplified, with clarity and precision being absorbed into the broader concept of unconditionality. Furthermore, Gallo equates direct effect with the justiciability of a norm, emphasizing that enforceability is key to recognizing individual rights

and enabling disapplication of conflicting national rules. On another issue, the book also asserts the idea that disapplication results not from the primacy principle alone but from its conjunction with direct effect. Otherwise, primacy might contradict the principle of conferred competences. Finally, Gallo identifies limits to primacy where its application could harm individual rights or conflict with national identity, as enshrined in Article 4(2) TEU. On the thorny issue of horizontal direct effect of unimplemented directives, the author courageously argues for a change in CJEU jurisprudence, grounded in the principle of legitimate expectations. His treatment of direct effect for international treaty norms is equally original, concluding that current restrictions are politically rather than legally motivated—supported by the growing practice of including non-direct effect clauses in international agreements, a trend Gallo questions legally.

5. One cannot align himself with the words of Gráinne de Búrca in the foreword of the book: Gallo's work constitutes a new reference point for scholars of EU law in understanding and interpreting the principle of direct effect. Beyond its vast bibliography, what sets this book apart is its theoretical reorganization of a principle that is central to the legal order of the Union and to the success of European integration itself. Gallo convincingly argues for the dynamic nature of direct effect and shows how its concept has been shaped and reshaped by decades of jurisprudence. He rightly warns that a minimalist or confused interpretation of this principle might jeopardize both the spirit and objectives of the European legal order and of the integration process. *Direct Effect in EU Law* is an outstanding scholarly achievement that deepens our understanding of a complex topic and will undoubtedly influence both academic debate and judicial reasoning in the years to come.