

Solange I - Internationale Handelsgesellschaft von Einfuhr- und Vorratsstelle für Getreide und Futtermittel, decision of 29 May 1974, BVerfGE 37, 271 [1974] CMLR 540.

Article 24 of the German constitution permits the transfer of sovereign powers to intergovernmental institutions. Thus, in general, the German courts had no difficulty in accepting the supremacy of Community law. However, one issue that did cause some difficulty was the question of whether Community law could take priority over the inalienable fundamental rights contained in the German Basic Law. In the Internationale Handelsgesellschaft case the Bundesverfassungsgericht (German Constitutional Court) stated that in the present state of evolution of the Community it would not renounce its right to uphold German fundamental rights in the face of a conflict with Community law. The Constitutional Court did not accept that Community law must take priority even over German fundamental rights in cases brought before the European Court. However, on the facts of this case the German Court accepted that the Community legislation did not violate German fundamental rights. The reservations noted by the Constitutional Court included the fact that the European Parliament was not at the time directly elected and that the Community law did not include a precise catalogue of fundamental rights. The dissenting opinion emphasised that the German Constitutional Court was bound by EC law.

This position was subsequently abandoned, see Wünsche Handelsgesellschaft case.