

Chapter 5

Overview: Implementation, Interpretation and Application of Rules that Grant Individual Rights

The current part aims to give an overview of some aspects of the application of rules granting individual European Union law rights, i.e. the consequences of the fact that one is faced with individual rights, without going into eventual remedies for infringement.

First, there are allegedly particular requirements imposed on Member States when they legislate to transpose directives which entail the grant of individual rights. Scrutinizing this issue serves a double function. The topic of implementing rights contained in directives is of interest, first, in order to determine the extent to which specific requirements actually exist and, second, in order to discuss whether the ‘rights’ referred to by the Court of Justice are truly individual rights (Chap. 6). Moreover, the fact that a rule confers rights upon individuals may have an impact on how that rule—and any surrounding rules—is/are to be interpreted (Chap. 7). Finally, some remarks will be made on the phenomenon of direct effect and its relation to the European Union law notion of rights (Sect. 8.1). When dealing with the issue of application by the national courts, it is natural to recall their obligation to apply European Union law *ex officio*, as the notion of individual rights has also been partly mixed into that complex of matters (Sect. 8.2).

This part will finish with a brief summary of the main arguments (Chap. 9).