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On legal situations and the interpretation of European Union law

Summary

European Union (EU or Union) law is a source of rights, entitlements, authorisations, duties and obligations for all kinds of subjects: European Union institutions, Member States and their nationals. Since it is not a trivial question to explore how Union law actually does this, the primary purpose of this paper is to analyse how, at the rudimentary level of legal provisions and rules, it is at all possible for any national to enjoy rights or obligations that are in one way or another rooted in EU law. As arriving at an answer presupposes a certain concept of legal interpretation, the second purpose of this paper is to demonstrate how, by applying Professor Maciej Zieliński's derivative concept of legal interpretation, one may clarify and possibly even offer solutions to some puzzling problems that the interpretation and application of EU law in the Member States have revealed. Through the normative analysis of selected provisions it is demonstrated that Union law in fact defines the primary, secondary and complex legal situations of national subjects because its provisions express legal rules (their elements) which designate such nationals as their addressees, beneficiaries or authorized subjects. It is shown that both the apparatus and methodology designed under the derivative concept of interpretation may be successfully applied to reconstruct legal rules as part of the interpretation of EU law. This concept has proven particularly useful where different syntactic and semantic elements of legal rules are cross-distributed across legal acts enacted by institutionally distinct legislators. Furthermore, the notion of the plurality of legal provisions, developed within the derivative concept of interpretation, contributes to the explanation and resolution of some puzzling questions that EU law has presented one with, such as the problem of multiple and implied addressees of legal rules.

Keywords: derivative concept of legal interpretation – European Union law – interpretation of EU law – legal interpretation – legal situations