

Guide to Researching the European Union

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We will discuss:

- Sources and methods for conducting research of secondary sources, including law journals & treatises from Law Library and Graduate Library.
- Sources and methods for conducting research on primary sources, including legislation and case law.



Secondary Source Research

- Do not reinvent the wheel – use books, law reviews, etc. to learn from and cite to the legal experts
- Good way to obtain citations to relevant case law, statutes, regulations, etc.



Secondary Source Research (con.)

- Books in the Law Library – Always start with **Lexcalibur**:

<http://lexcalibur.lib.law.umich.edu/>

- ◆ Keywords/Table of Contents

- ☞ “European Union and “accession”
- ☞ “Competition law” and “European Community”



Secondary Source Research (con.)

- ◆ Subject Headings, for example:
 - ☞ European Union
 - ☞ Law – European Union
 - ☞ European Communities
 - ☞ European Economic Community
 - ☞ Law -- European Economic Community Countries



Secondary Source Research (con.)

- Books Lists in Law Library – European Union:
 - ◆ List of important works in Law Library, but not comprehensive – place to start
 - ◆ Under “Selected Research Services,” “Books Lists,” “Major Books by Subject”
(<http://www.law.umich.edu/library/students/Documents/eurun.pdf>)



Secondary Source Research (con.)

- Books in other libraries on campus, such as Graduate Library – **Mirlyn** covers all libraries *except* Law and Business:

<http://mirlyn.lib.umich.edu/>

- ◆ EU Center of Excellence
- ◆ Keyword
- ◆ Covers legal aspects and non-legal aspects of the EU.



Secondary Source Research – Major EU Journals

- Common Market Law Review (online linked via Lexcalibur)
- Common Market Law Reports
- European Law Review
- Journal of Common Market Studies
- European Law Journal (online linked via Lexcalibur)
- Modern Law Review (online linked via Lexcalibur)
- Europarecht
- Maastricht Journal of European and Comparative Law
- European Journal of International Law (online linked via Lexcalibur)



Secondary Source Research

- Law Reviews/Journals: Note that there does not exist one single database that comprehensively covers all the journals on EU law
 - ◆ Instead, you must use a combination of tools/databases
 - ◆ **Westlaw/LJI** database most helpful
 - 👉 Articles from over 400 journals in UK/Europe relating to the law of the EU



Secondary Source Research

- **Law Library's Electronic Resources List**
<http://lexcalibur.lib.law.umich.edu/search/y>
 - ◆ **Compiled EU links – “Jurisdictions,” “European Union”:**
<http://lexcalibur.lib.law.umich.edu/search/m?European+Union>
- **Full- text:**
 - ☞ *Lexis/Westlaw*
 - ☞ *HeinOnline*
 - ☞ *JSTOR*



Secondary Source Research - Indexes

- Index to Legal Periodicals and Books
- Index to Foreign Legal Periodicals
- LegalTrac
- European Legal Journals Index (is now Legal Journals Index or LJI on Westlaw)
 - ◆ In paper in Ref Coll, 1993-99
 - ◆ Indexes journals published in Europe, in English, devoted to laws of European Communities and member state



Secondary Source Research - Indexes

- ECLAS: European Commission Libraries Catalog
 - ◆ Bibliographic database (not full text)
 - ◆ Ex. Searching for materials on the European Union constitution
- European Integration Current Contents
 - ◆ Provides access to tables of contents of journals relevant to European integration, including law, economics, history and political science



Secondary Source Research - Indexes

- RAVE
 - ◆ Contains citations to articles, essays, and decisions related to European and public international law
- Bulletin Quotidien Europe (1977-present), JX9 EC E89db
 - ◆ Includes news of internal institutional developments, political events and articles mentioning proposed legislation



Governmental Bodies

■ European Parliament

- ◆ Represents the citizens of the EU
- ◆ Originally had more advisory role; now more of a legislative role after the Maastricht Treaty
- ◆ 3 main roles
 - ☞ Legislative power: amends and adopts legislation proposed by the Commission
 - ☞ Has power over the budget, it must approve the budget each year
 - ☞ “Supervises” the executive branch



Governmental Bodies (con.)

- **Council of the European Union**, also known as the Council of Ministers
 - ◆ Made up of ministers of the governments of member states.
 - ◆ Acts on proposals from the Commission
 - ◆ Primary decision making body that passes laws jointly w/the Eur. Par.



Governmental Bodies (con.)

■ European Commission

- ◆ Independent of the national governments, its job is to represent the interests of the EU
- ◆ It's the executive branch of the EU
- ◆ 4 main roles
 - ☞ Propose legislation to the Par. and the Council
 - ☞ Manage and implement EU policies and the budget
 - ☞ Enforce EU law w/the ECJ
 - ☞ Represent the EU in international arena



Governmental Bodies (con.)

- **European Court of Justice (“The Court”)**
 - ◆ Ensures that EU law is interpreted and applied in the same way
 - ◆ Composition
 - ☞ 1 judge per member state
 - ☞ 8 advocates general: present opinions on the cases before the court, must be impartial
 - ☞ Appointed by joint agreement btwn the govts of the member states for 6 year terms (can be renewed)



Governmental Bodies (con.)

- **Court of First Instance**

- ◆ Created to help with the case load of the ECJ
- ◆ Hears specific kinds of cases: actions brought by private individuals, companies, cases relating to competition law (doesn't handle cases brought by member states)
- ◆ Also includes the European Civil Service Tribunal



Primary Research - Types of EU Legislation

- Process
 - ◆ Basically, legislation is drafted by the Commission and requires approval by the Council and in most cases Parliament
- Primary Legislation: Treaties are the primary legislation of the EU
 - ◆ Founding treaties of the EU
 - ◆ Other EU agreements
 - ◆ Can find information on the treaties, including the text, amendments, ratifications, etc. at http://europa.eu.int/abc/treaties/index_en.htm



Legislation (con.)

- Secondary Legislation: Based on the treaties
 - ◆ Regulation: Binding on all member states
 - ◆ Directive: Framework statutes binding only through enactment of a law within the member state of a similar law or amendments to laws harmonizing the member state's laws
 - ◆ Decision: Binding in all aspects for those to whom they are addressed (Member States, enterprises or individuals), do not require national implementing legislation
 - ◆ Recommendation: Adopted by the Commission or Council, have no binding force
 - ◆ Opinion: Written statements by the Commission, Council or Committees, have no binding force but indicate policy



A Note on EU Websites

- Europa (<http://europa.eu/index.htm>) – A portal for all EU information.
- Eur-Lex (<http://eur-lex.europa.eu>) - Provides direct free access to European Union law, including access to the Official Journal of the European Union, treaties, legislation, case-law and legislative proposals.



Official Journal

- Online at Eur-Lex (<http://eur-lex.europa.eu/en/index.htm>) and Westlaw/Lexis
- Source for treaties and all types of legislation is the Official Journal of the European Communities – usually called the “OJ”
 - ◆ in French it is the Journal Officiel des Communautés Européennes “JO”
 - ◆ Before the accession of the United Kingdom and Northern Ireland to the EU in 1972, the OJ wasn’t published in English, therefore all citations previous to 1972 are to the French version of the OJ



Official Journal (con.)

- ◆ All legislation in force has subsequently been translated into English in a special edition of the OJ (1952-1972), JX9 EC.2 O32s
- The OJ is published in several different series
 - ◆ L Series: Legislation, JX9 EC.2 J86L E, enacted regulations, directives, decisions, recommendations, opinions, treaties



Official Journal (con.)

- ◆ C Series: Information and Notices, JX9 EC.2 J86c E, proposed legislation, draft legislation, communications, announcements
 - ☞ Also includes parliamentary Opinions and Minutes (includes voting records)
 - ☞ Also includes the Council's Common Positions
- ◆ Annex: Extracts from the Debates of the European Parliament, full text of debates of the Plenary Sessions of the European Parliament



Finding Commission Documents

- Usually referred to as “Com docs”
- Working documents of the commission: proposed legislation, broad policy documents, reports, “green papers”, “white papers”
 - ◆ “Legislation in process”
 - ◆ Can be good for determining legislative intent
- Green Papers: Cover specific areas of policy and may be impetus for subsequent legislation, usually are addressed to interested organizations or individuals who are invited to participate in consultation and debate
 - ◆ can be accessed on Europa or the Electronic Resources page



COM Docs (con.)

- White Papers: Usually follow a Green Paper on a particular subject and contain official proposals for Community action; usually vehicles for development
 - ◆ can be accessed on Europa, but use Electronic Resources page to get the correct link
- Citation form: committee initials – year – consecutive number
 - ◆ COM(82) 192



COM Docs (con.)

- Pre-Lex
 - ◆ Includes Commission proposals and other communications throughout the legislative process
 - ◆ Shows the status of a proposal
 - ◆ Online via Europa or the Electronic Resources page
- Legislative Observatory
 - ◆ Provides info, follow-up, forecasting and research on legislative procedures
 - ◆ Online via Europa or the Electronic Resources page



COM Docs (con.)

- Many COM docs are in the C Series of the OJ but they do not include any of the important Explanatory Memorandum
- Commission of the European Communities Documents: most recent years in paper, earlier years on microfiche
 - ◆ Also available on the web via Eur-Lex – need to access via Lexcalibur
- Bulletin of the European Union: reports on the activities of the Council and Commission, discusses proposed legislation, including information about its purpose and background
 - ◆ In paper and also available on the web via Europa and Eur-Lex



COM Docs (con.)

- General Report on the Activities of the European Communities and the General Report on the Activities of the European Union: Annual report of the Commission
 - ◆ In paper in the stacks, and online via Europa back to 1995



Finding Parliamentary Documents

- These can include committee actions, explanatory reports, draft opinions, opinions, voting records
- Reference Format: document designation – series – document number – year
 - ◆ Doc A3 0380/91
- Session Documents/Report, Micro 10 S428: Have 1985-1997
- Website: <http://www.europarl.eu.int/>
- Also can find information via Eur-Lex



Finding Council Documents

- Documents available on the Council website at <http://ue.eu.int>
- Review of the Council's Work (1972-1996), JX9 EC.25 A641a: gives a summary for each year
- The Council's common positions are also published in the C Series of the OJ



Finding Cases from the European Court of Justice

- ECJ website
 - ◆ <http://curia.europa.eu/en/transitpage.htm>
 - ◆ Can browse the cases by case number, or search by name, keyword, subject, etc.
 - ◆ Html copy of the decision or opinion, not an official PDF copy



Case Law (con.)

- Common Market Law Reports, 1962-present, JX9 EEC.5 C73: not the official reporter, more current than the ECR but doesn't include all cases, does include some national cases
- Official Journal, C Series: but it only publishes the operative part of the judgment



Finding Cases from the European Court of Justice (con.)

- Official reporter for the Court of Justice and the Court of First Instance is the Reports of Cases Before the Court of Justice and the Court of First Instance, JX9 EC.6 R425, abbr. is E.C.R.
 - ◆ There are two sections to the publication, Section I is cases before the Court of Justice, Section II is cases before the Court of First Instance
 - ◆ We are usually a few years behind in what we have in paper



Case Law (con.)

- Finding cases by topic
 - ◆ European Currently Monthly Law Digest, 1992-present: In Ref Coll, contains submit indexes of regulations and directives, cumulative annually and published as the European Current Law Yearbook
 - ☞ From 1973-1991 was called the European Law Digest
 - ◆ Butterworth's EC Case Citator and Service, Ref Coll
 - ◆ European Union Law Reporter
 - ◆ Digest of Case Law Relating to the European Communities (tends to be very behind in publication)



Case Law (con.)

- A note on stare decisis
 - ◆ No formal stare decisis, but the ECJ does tend to follow their own decisions
 - ◆ Decisions are binding on national courts of member states



Finding National Implementating Legislation

- When the EU passes a directive that is binding on the member states, each member state's government must pass national legislation to implement the directive according to the implementation date (usually after two years).



Finding National Implementating Legislation (con.)

- Online

- ◆ **Eur-Lex**: For each directive, choose a link to “bibliographic notice” and “display the national implementing measures.”
- ◆ **Westlaw/Lexis**: Each directive contains a section titled “Implementation” which lists the national laws enacted in response to that particular piece of legislation.
- ◆ **Lexis - National Provisions Implementing Directives database** (EURCOM; NATPRV) (1989 -)



Finding National Implementating Legislation (con.)

- Additional helpful website:
 - ◆ **TAIEX Law Approximation Database** - a global overview of the legislative progress of candidate countries in the process of approximation of national legislation to the EU *acquis communautaire*: <http://lad.taieux.be/>



Finding National Implementation Legislation (con.)

- Paper

- ◆ *EC Legislation Implementator*, Latest year only [Stacks, JX9 EEC.6 E108 L52]
- ◆ *European Current Law*, 1992-present [Ref Coll FL6 E893 C976 L41]: issued monthly, then replaced by yearly digest, has cumulative tables of implementing legislation
- ◆ *Commerical Laws of Europe* [Ref Coll FL7 23 C733]: contains a list of important national legislation enacted in Western European Countries, including legislation implementing EU directives.



Lexis and Westlaw

- In general, Westlaw's information on the EU is more complete and up-to-date
- Both of them have a great deal of information
- Nice feature of Westlaw is that you can search all of the EU databases at once, so if you're really stuck on something, it's easier to figure out what it is



Background Materials

- *European Union Law in a Nutshell* (2005), by Ralph H. Folsom
- *Researching the Law of the European Union*
(<http://www.law.umich.edu/library/students/research/Pages/researchguides.aspx>).
- *A to Z Index of EU Websites*
(<http://www.eurunion.org/infores/euindex.htm>).



Finals Tips

- Keep a research log!
- Be sure to properly cite your sources – do not plagiarize!
- Stop by the Reference Desk for further help:
 - ◆ Staffed 9am-midnight, 7 days/week
 - ◆ Librarians available Mon-Fri, 10-5pm
 - ◆ AskLawLibrarian@umich.edu (email reference)

