

# Frequently Asked Legal Research Questions

## Researching EU Law



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## **Frequently Asked Questions: Researching EU Law**

This guide aims to answer questions frequently asked of the staff at the Inner Temple Library. The sources suggested are not intended to be exhaustive. Rather they are sources that the staff have found to be most useful. The sources include free web-based sources, hard copy materials and subscription-based databases. Details of the coverage of the subscription-based databases and other websites can be found at the end of this guide.

The guide includes information on the holdings of the Inns of Court Libraries which are open to members of the Inns of Court only. Members of the public can use the collections at designated European Documentation Centres. These provide access to the publications and documents of the EU. There are 43 EDCs in the UK - for a current list and to find an EDC near you please see: [www.europe.org.uk/infolinks/-/ctid/5/](http://www.europe.org.uk/infolinks/-/ctid/5/)

In London EDCs are located at the British Library, the library at the LSE, Queen Mary College and London Metropolitan University (North Campus). It is always advisable to contact the libraries before you visit to check that they hold the material you need.

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## Researching EU Case Law

### What is the difference between the European Court of Justice and the Court of First Instance?

The ECJ was created by the Treaty of Rome and interprets and applies EU law as found in the EU treaties and legislation. The Court of First Instance (CFI) was created in 1989 to relieve the case load of the ECJ and mainly hears cases dealing with competition law, dumping, subsidies and staff grievances. The decisions of the Court of First Instance are appealable to the ECJ. From 1989, Court of Justice cases have the prefix 'C' and Court of First Instance have the prefix 'T' i.e. C-386/00, T-201/95. The case number will change if a case is referred from the CFI to the ECJ.

### What is the difference between Judges and Advocates-General at the ECJ?

The Advocates-General review the documents submitted in a case and issue a written opinion advocating a legal position before the court issues its own opinion. The Court is not bound to follow those opinions. The opinions of the Advocates-General are published separately from the judgments of the ECJ. The opinions are generally only published in the language of the judge and parties involved although more are now also being published in English.

### What are the European Court Reports?

These are the official law reports of the European Court of Justice. They contain the judgments and opinions of the ECJ and Advocates-General. They are in 3 parts: the judgments and opinions of the Court of Justice, together with the opinions of the Advocates-General, are published in part I; the judgments of the Court of First Instance are published in part II; case-law in staff cases is in part III. There is some delay in the publication of decisions due to the need to ensure an accurate translation of the judgments into all EU languages. Given this you should check the [Curia database](#) for recent decisions.

## Where can I find judgments and opinions of the ECJ?

### Free web sources

- Curia website - <http://curia.europa.eu/index.htm> - this has transcripts of decisions from 1997 onwards. There is a search form and you can search by date, parties and key words. For cases between 1953 and 1997 you can only search by case number. The numerical lists of cases for the ECJ and CFI are useful as they indicate whether the case is still pending or if it has been removed from the register of cases.
- EUR-Lex - <http://eur-lex.europa.eu/en/index.htm> - this has ECJ cases from 1954 onwards. You can search by case number, subject or by date. To do this use the **Simple Search** option.

### Hard copy sources

- European Court Reports<sup>1</sup>
- Common Market Law Reports (CMLR) - these reports contain selected ECJ decisions from 1962 onwards.<sup>1</sup>
- All England Reports: European Cases - these reports contain selected ECJ decisions from 1995 onwards.<sup>2</sup>

<sup>1</sup> held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

<sup>2</sup> held at Gray's Inn, Inner Temple and Middle Temple Libraries

### Subscription-based databases

- Justis EU - in the **Celex** section there are ECJ cases from 1954 onwards; summaries of opinions from 1965 onwards and full text opinions from 1987 onwards. You can search for cases by case number, parties and subject. Coverage includes judgments and opinions.
- Lawtel EU - this offers coverage of all ECJ cases (except staff cases) from 1954 onwards. For cases prior to 1989 the information available may be more limited. Cases can be searched by case number, parties and subject. Coverage includes judgments and opinions.
- Lexis Library - includes ECJ cases from 1954 onwards and the All England Reports European Cases from 1995 onwards. You can search for cases by case number, parties and subject. Coverage includes judgments and opinions.
- Westlaw UK - ECJ cases from 1954 onwards and CMLR from 1962 onwards. You can search for cases by case number, parties and subject. Coverage includes judgments and opinions.

### Contact the ECJ

- You could also try contacting the ECJ on 00 352 4303 3355.

## What are Celex Numbers?

- The CELEX (Communitatis Europaeae Lex) group of databases was the computerised documentation system for European Union law that was used by all of the institutions of the Union. It was originally intended only for in-house use by EU institutions and EU civil servants, but has been available to the public since 1981.
- Each document in the CELEX databases has been assigned a unique document number (e.g. 31997L0044), which usually contains ten characters.
- Document numbers are constructed using the following format:  
  
Sector + Year + Document Type + Document Identifier (usually a four digit number)
- To find out how to construct a Celex number, there is a guide available from Justis at [www.justis.com/support/guide\\_numdoc.html](http://www.justis.com/support/guide_numdoc.html)

## Researching EU Legislation

### What are the founding treaties of the EEC and EU?

- European Coal and Steel Community Treaty (ECSC Treaty). Signed 1951; in force July 1952. Also known as the Treaty of Paris.
- European Atomic Energy Community Treaty. Signed 1957; in force January 1958. Also known as the Eurotom Treaty.
- European Economic Community Treaty (EEC Treaty, later re-named EC Treaty). Signed 1957; in force January 1958. Also known as the Treaty of Rome.
- Treaty on European Union (TEU). Signed 1992; in force November 1993. Also known as the Maastricht Treaty.

### Where would I find the founding treaties?

#### Free web sources

- EUR-Lex - [http://europa.eu/abc/treaties/index\\_en.htm](http://europa.eu/abc/treaties/index_en.htm) - this includes unofficial consolidated versions.

#### Hard copy sources

- Encyclopedia of European Union Law: constitutional texts vol 1 - this contains annotated and consolidated versions of the Treaties.<sup>1</sup>
- Documents Concerning the Accessions to the European Communities - Volume 1 contains the Treaties establishing the European Communities, the Treaties amending those Treaties and the Single European Act. Volume 2 contains documents concerning the accession of various countries.<sup>2</sup>
- European Union: Selected Instruments Taken from the Treaties - contains consolidated version of the Treaty on European Union and the EC treaty.<sup>3</sup>

<sup>1</sup> held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

<sup>2</sup> volumes 1 & 2 are held at Inner Temple, Lincoln's Inn and Middle Temple Libraries. Gray's Inn Library holds volume 1 only

<sup>3</sup> held at Inner Temple and Middle Temple Libraries

#### Subscription-based databases

- Justis EU - select **Celex** from the **Data Sources** list and tick **Treaties**. Fill in other details.
- Lawtel EU - select **Treaties** from the menu. The database contains original and consolidated versions.
- Lexis Library - from the European Union database select **Treaties**. The database contains original texts and unofficial consolidated versions.
- Westlaw UK - in the **EU database** treaties are found within the **Browse** section. There are consolidated versions available.

## What is the Official Journal (OJ)?

It is the official journal of record of the European Union. It has several sub-series, of which the most important are L, C and S.

- **Official Journal L** contains the text of adopted legislation and details of international agreements, conventions etc entering into force. Within the L series there are two sections: Acts whose publication is obligatory (includes Regulations) and Acts whose publication is not obligatory (includes Directives).
- **Official Journal C** contains brief details of European Court of Justice (ECJ) and Court of First Instance (CFI) actions and judgments; draft legislation; notices from the European Commission and European Parliament minutes. It does not contain opinions of the Advocates-General.
- **Official Journal S** contains invitations to tender for public contracts. This ceased to be available as a print version at the end of 1996 and is now available at <http://ted.europa.eu>

The OJ is published daily. Each issue is numbered and each series has its own numbering sequence which starts anew each year. You need the year, the series and the issue number to find a particular piece of information.

### Free web sources

- EUR-Lex - <http://eur-lex.europa.eu/JOIndex.do> - online editions of the Official Journal from 1998 onwards, listed in date and issue number order. The texts published in the Official Journal between 1952 and 1998 can also be accessed using the site's search functions.

### Subscription-based databases

- Justis EU
- Lawtel EU
- Lexis Library
- Westlaw UK

## What is the difference between Directives, Regulations and Decisions?

- **Regulations** - these are addressed to all member states and are applied in full. They are directly applicable without the need for national legislation.
- **Directives** - they are addressed to all member states and require an objective to be achieved by a given date. National authorities must draw up legislation in order to conform with the Directive within a certain time frame (the date of implementation is known as the date of transposition). In the UK, Directives are usually implemented by Statutory Instruments and occasionally by Acts.
- **Decisions** - issued by the Council or Commission; these are not of general application. They may be addressed to particular member states, individuals or companies and they are binding on those to whom they are addressed.

## How are Directives, Regulations and Decisions cited?

- Regulations - number/year - e.g. 1408/71
- Directives and Decisions - year/number e.g. 2001/44

## How do I find EU legislation if I only have the document number?

### Free web sources

- EUR-Lex - <http://eur-lex.europa.eu/en/index.htm> - use **Simple Search**; select **Natural Number** option and enter the year and number.

### Hard copy sources

- Encyclopedia of European Community Law - this has tables of Directives and Regulations arranged chronologically by document number.<sup>1</sup>
- OJ index - use the methodological index which is published monthly and yearly.

<sup>1</sup> held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

### Subscription-based databases

- Justis EU - select **Celex** from the **Data Sources** list and tick **Legislation**. Enter year and number in the **Document Type** field.
- Lawtel EU - select **Adopted Legislation** from the menu and enter the citation in the search box.
- Lexis Library - from the European Union database, select **Legislation and Regulations** and then enter the citation in the **Search** box.
- Westlaw UK - select the **EU database**; enter the details in the **Document Number** box.

## How do I find EU legislation if I only know the subject matter?

### Free web sources

- EUR-Lex - <http://eur-lex.europa.eu/en/index.htm> - select **Simple Search** and then **Search terms**. Enter your terms in the box. Alternatively from the home page of EUR-Lex, under **Collections** there is a link to **Legislation in force**. This is an online version of the *Directory of Community Legislation in Force* and is arranged by subject.
- Summaries of EU legislation - [http://europa.eu/legislation\\_summaries/index\\_en.htm](http://europa.eu/legislation_summaries/index_en.htm) - this site provides summaries of European legislation, divided into 32 subject areas. There are links to Eur-Lex for full text documents.

### Hard copy sources

- Directory of Community Legislation in Force - 20 chapters based on subjects; vol. 2 has a subject index. The electronic version on EUR-Lex has links to the online OJ L series. Please note that the hard copy version of the Directory stopped publication in 2004.
- Encyclopaedia of European Community Law - arranged with broad subject headings<sup>1</sup>
- Halsbury's Laws volumes 51 & 52 (fourth edition) - use the subject indexes in the volumes.

<sup>1</sup> held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

### Subscription-based databases

- Justis EU - fill in **Document Type** box and search terms in the **Full Text** box.
- Lawtel EU - from the **Adopted Legislation** option, enter your subject terms in the search box.
- Lexis Library - from the European Union database, select **Legislation and Regulations** and enter your search terms in the **Search** box.
- Westlaw UK - select the **EU database**; enter search terms in **Free Text** box.

## Directives and Regulations are often referred to by an unofficial title or nickname. How would I find a piece of legislation if I only know its nickname?

### Subscription-based databases

- Lawtel EU - on the front screen there is a **Research Tools** option; select list of nicknames. There will be a summary and a link to the full text.
- Justis EU - in the **Reference (Celex)** box, enter the colloquial terms.

## How do I find amendments to EU legislation?

### Free web sources

- EUR-Lex - <http://eur-lex.europa.eu/en/index.htm> - find the document; select **Bibliographic notice**; details of amendments are given under the **Relationship between documents** heading.

### Hard copy sources

- Directory of Community Legislation in Force - this gives references to amendments.
- Encyclopaedia of European Community Law - amended legislation is either reprinted as amended or footnotes give details of amendments.\*

\*held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

### Subscription-based databases

- Justis EU - retrieve the full text from the **EU database** and select the **Amended By** tab to see how it has been amended.
- Lawtel EU - the summary document gives details of amendments.
- Westlaw UK - find the full text in the **EU database**; under the **Related Information** options, select **Modifications**.

## What is a COM doc?

- COM docs are Commission documents, usually proposals for legislation, but they can also be consultative documents or reports on EU policies.
- They are numbered sequentially each year and are referenced by number and date i.e. COM (2002) 0018.
- Note that the COM doc number is often seen in the format COM (2007) 368 final - the word 'final' indicates that this is the version formally adopted by the Commission.

## Where can I find COM docs?

### Free web sources

- EUR-Lex - <http://eur-lex.europa.eu/en/index.htm> - contains all COM docs in full from 2000 onwards and selected ones from 1999. Select **Simple Search**, then **Preparatory Acts**.
- PreLex - <http://ec.europa.eu/prelex/apcnet.cfm?CL=en> - contains COM docs from 1976. Select **Standard Search** and enter 'COM' in the **Series** box.

### Hard copy sources

- Some COM docs are published in the Official Journal C series.

### Subscription-based databases

- Justis EU - select **Celex** from the **Data Sources** list. Tick **Proposals** and enter year and number in the **Document Type** field.
- Lawtel EU - search under **Proposed Legislation**.
- Westlaw UK - in the **EU database**, enter the COM doc number in the **Document Number** box.

## How do I find the status or progress of draft legislation?

### Free web sources

- European Commission's PreLex website - <http://ec.europa.eu/prelex/apcnet.cfm?CL=en>

PreLex collects documents at each stage of the legislative process. Select **Standard Search**; enter series type i.e. COM doc, year and number or key word. This site lists the stages of the legislative process, with links to relevant documents. It contains documents from 1976 onwards.

- European Parliament's Legislative Observatory (OEIL) - [www.europarl.europa.eu/oeil/index.jsp](http://www.europarl.europa.eu/oeil/index.jsp)

This provides a synopsis of legislative procedures taken in enacting legislation.

Choose the **Procedures** option; then the **Commission document** link; enter the document type, year and number. Once the required document is found, click on the **Selected** button for the procedure file to be downloaded. The **Stage Reached** section shows the progress of the proposed legislation. There will also be links to selected documents mentioned. All "live" proposals are included in the database, irrespective of when they originated.

- RAPID - the European Commission's press release website - <http://europa.eu/rapid/> When a stage of the legislative process is finished, a press release is issued. You can search by keyword, date or press release reference number. The archive coverage is from 1985 onwards.

## How do I find out if EU legislation has been implemented in the UK?

### Free web sources

- EUR-Lex - <http://eur-lex.europa.eu/en/index.htm> - once you have found the document, select **Bibliographic Notice**; under **Relationship between documents** there is an option to **Display national execution measures**. EUR-Lex may not have the implementation details so do not assume that if there are no details that the legislation has not been implemented. Try the other sources listed below.
- European Commission website - [http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm). Find the Directorate-General responsible for the Directive via Departments and Services and see if there is any information about implementation.

### Hard copy sources

- EC Legislation Implementator (part of Halsbury's Statutory Instruments) - issued annually. Covers only UK implementation of Directives. It is arranged chronologically by Directive number.
- Halsbury's Laws volumes 51 & 52 (fourth edition) - details of implementation are included in the footnotes.
- Current Law Monthly parts - in each part there is a section on European Legislation Implemented by Statutory Instruments.

### Subscription-based databases

- Justis EU - select **Celex** from the **Data Sources** list and tick **National Implementation**. Fill in other details.
- Lawtel EU - the summary information gives details of implementing measures.
- Lexis Library - within the European Union database, there is an option for **National Provisions Implementing Directives**.
- Westlaw UK - once you have found the document in the **EU database**, select **National Measures** from the **Document Outline** options.

## Database Coverage

### What are the coverage dates for databases and websites?

#### Free websites

**Curia** - <http://curia.europa.eu/> - judgments of the ECJ 1953 onwards.

**EUR-Lex** - <http://eur-lex.europa.eu/en/index.htm> - judgments of the ECJ 1954 onwards; legislation 1951 onwards.

**PreLex** - <http://ec.europa.eu/prelex/apcnet.cfm?CL=en> - COM docs 1976 onwards.

**Rapid** - <http://europa.eu/rapid/> - press releases 1985 onwards.

#### Subscription-based databases

**Justis** - judgments of the ECJ 1954 onwards; legislation 1951 onwards.

**Lawtel** - judgments of the ECJ 1954 onwards; legislation 1951 onwards.

**Lexis Library** - judgments of the ECJ 1954; legislation 1952 onwards.

**Westlaw UK** - judgments of the ECJ 1954 onwards; legislation 1952 onwards.