

FREQUENTLY ASKED LEGAL RESEARCH QUESTIONS



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RESEARCHING EU LAW



INNER TEMPLE LIBRARY

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 about 40 EDCs in the UK - for a current list and to find an EDC near you please click [here](#).

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 various courts of the EU?

The European Court of Justice (ECJ) has existed in various forms since 1952. It was first established as the Court of Justice of the European Coal and Steel Community (under the Treaty of Paris), and became the Court of Justice of the European Communities in 1959 (under the Treaty of Rome). Since 2009 (under the Treaty of Lisbon) its official name has been the Court of Justice of the European Union, though it is still commonly referred to as the European Court of Justice. In 1989 a Court of First Instance was created to relieve the case load of the ECJ, and this was renamed in 2009 the General Court. The Court of Justice remains the highest court, interpreting and applying EU law across all member states. There is also, since 2005, a specialised Civil Service Tribunal.

How are cases of the European Court cited?

Before 1989 cases were given a number and year e.g. 145/88. From 1989, when the Court of First Instance was created, Court of Justice cases have the prefix 'C' and Court of First Instance have the prefix 'T' e.g. C-380/00, T-200/96. In 2009, the Court of First Instance became the General Court but it retains the prefix 'T'. In 2005 the Civil Service Tribunal was set up and its cases have the prefix 'F'.

Following the recommendation of the European Council that the Court of Justice of the European Union adopt the European Case-Law Identifier (ECLI) system, the Court has assigned an ECLI to all decisions delivered by the European Union Courts since 1954 and to the Opinions and Views of the Advocates General.

For example, the ECLI of the judgment of the Court of Justice of 12 July 2005 in Case C-403/03 Schempp v. Finanzamt München V is the following: 'EU:C:2005:446'. Both citations will be used in parallel.

The new method of citing the case law has been introduced progressively by each European Union Court or Tribunal since the first half of 2014.

In both the Curia and EUR-Lex databases there are search boxes for the traditional citations and the ECLI references.

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 2 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 General Court (formerly the Court of First Instance) are published in part II.

The Inner Temple Library holds ECRs from 1954 to 2011.

The ECRs ceased publication in print form in 2011. From 2012 the official version of the Reports is published on EUR-Lex.

Where can I find judgments and opinions of the ECJ?

Free web sources

- **Curia website** - has transcripts of decisions from 1954 onwards. There is a search form where you can search by parties, dates, subjects or case number. Also includes numerical lists of cases which are useful as they indicate whether the case is still pending or if it has been removed from the register of cases
- **EUR-Lex** - has ECJ cases from 1954 onwards. You can search by case number, subject or by date. To do this go to **EU law and related documents** and then select **EU case-law**.

Hard copy sources

- European Court Reports (ECR) - from 1954 to 2011 ¹
- Common Market Law Reports (CMLR) - these reports contain selected ECJ decisions from 1962 onwards.¹
- All England Reports: European Cases (ALL ER (EC)) - these reports contain selected ECJ decisions from 1995 onwards.²

¹ held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

² held at Gray's Inn, Inner Temple and Middle Temple Libraries

Subscription-based databases

- Lawtel EU - includes 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 - includes 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 43031 or 00 800 6789 1011.

What are Celex Numbers?

- The CELEX (Communitatis Europeae 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 at <https://eur-lex.europa.eu/content/help/faq/intro.html>

Researching EU Legislation

What are the different types of EU legislation?

Primary legislation consists of the treaties that established the European Communities, the subsequent amending treaties and accession treaties.

Secondary legislation consists of regulations, directives and decisions.

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 Euratom 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** - this includes unofficial consolidated versions. Go to **EU law and related documents** and then select **Treaties**.

Hard copy sources

- Encyclopedia of European Union Law: Constitutional Texts vol 1 - this contains annotated and consolidated versions of the Treaties.¹
- 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.²
- European Union: Selected Instruments Taken from the Treaties - contains consolidated version of the Treaty on European Union and the EC treaty.³

¹ held at Gray's Inn, Inner Temple, Lincoln's Inn and Middle Temple Libraries

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

³ held at Inner Temple and Middle Temple Libraries

Subscription-based databases

- Lawtel EU - select **Treaties** from the menu. The database contains versions of various treaties.
- Lexis Library - click on **Sources**, then **Browse Sources**. Select **European Union**.
- Westlaw UK - in the EU database treaties are found within the Browse section. There are original and consolidated versions available.

What is the Official Journal (OJ)?

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

- **Official Journal L (Legislation)** 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 (Information & Notices)** contains brief details of European Court of Justice (ECJ) and General Court (formerly the Court of First Instance) 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 (Supplement)** 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 [here](#).

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. Note that after 1st July 2013, the electronic editions of the OJ have legal value. The paper version only has legal value if the electronic version cannot be published. The OJ is still published in hard copy but only single copies can be bought.

Free web sources

- **EUR-Lex** - online editions of the Official Journal from 1952 onwards. Go to **Official Journal** and then **Search**. Or you can search by year and issue number. From 1973 texts are available in English.

Subscription-based databases

- Lawtel EU - links to the OJ on EUR-Lex for legislation and cases
- Lexis Library - OJ text is reprinted from EUR-Lex
- Westlaw UK - OJ text is reprinted from EUR-Lex

What is the difference between Directives, Regulations and Decisions?

These are the main forms of EU legislation.

- **Regulations** - are addressed to all member states and are applied in full. They are directly applicable without the need for national legislation.
- **Directives** - 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 - are 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
- From 1 January 2015, documents published in the L series of the Official Journal will be numbered in the following standardised way - (domain) year/number e.g.

Regulation **(EU) 2015/1** of the European Parliament and of the Council.

Directive **(EU) 2015/2** of the European Parliament and of the Council.

Council Decision **(EU) 2015/3**

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

Free web sources

- **EUR-Lex** - go to **EU law and related documents** and select **Legislation**. You can then search by year, document number and document type.

Hard copy sources

- OJ index - use the methodological index which is published monthly and yearly.

Subscription-based databases

- Lawtel EU - select **Adopted Legislation** from the menu and enter the citation in the **References** section of the Search box.
- Lexis Library - from the **Bookshelf**, select **European Union Legislation** - Search. In the Search box enter the citation in the **Title** 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** - go to **EU law and related documents**, then select **Legislation**. You can enter subject terms in the **Text** search box. Alternatively, under Legislation there is the **Directory of European Union legislation in force**, which is arranged by subject.

Hard copy sources

- Halsbury's Laws volume 47(a) (5th edition) - use the subject index in the volume.
- Textbooks - the Library holds texts on EU law that can be used to find legislation on a topic.

Subscription-based databases

- Lawtel EU - from the **Adopted Legislation** option, enter your subject terms in the search **keywords** box.
- Lexis Library - from the **Bookshelf**, select **European Union Legislation - Search**. Enter your terms in the **Search terms** section.
- Westlaw UK - select the **EU database**; enter search terms in the **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 **Practice Tools** option; select **Glossaries** and then **Legislation Nicknames**. There will be a summary and a link to the full text.

How do I find amendments to EU legislation?

Free web sources

- **EUR-Lex** - go to **EU law and related documents**, then select **Legislation** and search for your document. Then select **Linked documents**. Details of amendments are under **Amended by**.

Subscription-based databases

- Lawtel EU - the summary document gives details of amendments.
- Lexis Library - once you have found the document, there will be information about how it has been amended.
- 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 e.g. 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 - will shortly include all COM docs from 1958 onwards. Within **EU law and related documents**, select **Preparatory acts**.

Hard copy sources

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

Subscription-based databases

- 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

- **EUR-Lex** - select **Legislative procedures** to follow a legislative proposal through all procedures until the final law is adopted.
- **European Parliament's Legislative Observatory (OEIL)** - this is the European Parliament's database for monitoring the EU decision-making process.
- **RAPID** - this is the European Commission's press release website. When a stage of the legislative process is finished, a press release is issued. The database can be searched by keyword, date or press release reference number. The archive coverage is from 1975 onwards.

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

Free web sources

- **EUR-Lex** - go to **EU law and related documents**, select **Legislation** and search for your document. Details of implementation are under **NIM**.
- **European Commission website** - 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 volume 47(a) (5th 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

- Lawtel EU - the summary information gives details of implementing measures.
- 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 - judgments of the ECJ 1954 onwards.

EUR-Lex - judgments of the ECJ 1954 onwards; legislation 1951 onwards.

RAPID - press releases 1975 onwards.

Subscription-based databases

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

Lexis Library - judgments of the ECJ 1954; legislation 1951 onwards.

Westlaw UK - judgments of the ECJ 1954 onwards; legislation 1951 onwards.