



Electronic Resource Guide

European Union

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This electronic resource guide, often called the ERG, has been published online by the American Society of International Law (ASIL) since 1997. Since then it has been systematically updated and continuously expanded. The chapter format of the ERG is designed to be used by students, teachers, practitioners and researchers as a self-guided tour of relevant, quality, up-to-date online resources covering important areas of international law. The ERG also serves as a ready-made teaching tool at graduate and undergraduate levels.

The narrative format of the ERG is complemented and augmented by EISIL (Electronic Information System for International Law), a free online database that organizes and provides links to, and useful information on, web resources from the full spectrum of international law. EISIL's subject-organized format and expert-provided content also enhances its potential as teaching tool.

- I. [Introduction](#)
- II. [Treaties Establishing the European Union](#)
- III. [Community Acts and Sources of Law](#)
- IV. [Institutions and Powers](#)
- V. [European Court of Justice and Case Law](#)
- VI. [Selected Topical Areas of Research](#)
- VII. [Commentary and Databases](#)
- VIII. [Concluding Review of Updating and Citation Tools](#)

I. Introduction

This chapter of the *ASIL Electronic Resource Guide for International Law* (ERG) presents electronic resources for research in the law of the European Union (EU) and its evolving institutional structure. In addition, in order to bring the topic more into the perspective of the international legal order, (that is, beyond the EU's status as a unique international organization with close political ties resembling, but not yet identical to, a loose federation of Member States), emphasis will be placed on the following aspects of the resources for research:

- an overview of the EU's official web site, [Europa](http://europa.eu/) (<http://europa.eu/>)
- other electronic resources such as unofficial databases and relevant academic and intergovernmental or NGO web sites;
- the EU's external relations;
- sources pertaining to recent and continuing debates on enlargement and about changes of a "constitutional" nature;
- sources of updated information by way of blogs, news feeds, and press releases.

Electronically available scholarly resources will be reviewed in the concluding section on commentary.

II. TREATIES ESTABLISHING THE EUROPEAN UNION

A. Current European Treaties

The entity known today as the European Union continues a process of increasing integration, begun after the Second World War and governed by sets of treaties since the first Treaty of Rome (Treaty

This page was last updated March 1, 2014.

establishing the European Economic Community, 1957), toward the creation of a single market. Unlike a Free Trade Area (FTA), a customs union such as the European Community (within the EU and increasingly identified with it) has a common trade policy toward non-members. (Note: throughout this guide, dates for each treaty, given in parentheses, indicate the month and year of coming into force). The Treaty of Lisbon came into force on 1 December 2009 and is now the latest major amending document in the history to date of the European Union. Details on the changes introduced by the latest phase in institutional reform are presented below. **Community law has become European Union Law with the conferral of legal personality on the EU.**

The [Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, Official Journal C 115 of 9 May 2008](http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2008:115:SOM:EN:HTML) (<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2008:115:SOM:EN:HTML>) comprises three spheres of operation : 1) economic institutions and activities, enforced by the EU's own supranational courts; 2) a common foreign and security policy; 3) justice and home affairs. For another presentation of the treaties, see the table below:

Table of Treaties foundational to the European Union prior to the Treaty of Lisbon:

	Treaty Name	Amending...	Main Features	Status
<i>Rome</i>	Treaty Establishing The European Economic Community (1957)	Original treaty setting up a common market, itself amended 1) by a Merger Treaty (1967) to give it and the other two treaties a common set of institutions, and 2) a Single European Act (SEA) for European Political Cooperation in foreign policy	Council with direct Member representation; Commission which initiates and executes Council decisions; A Court of Justice and Assembly of European Parliament (EP). SEA introduces a co-operation procedure,	As amended to date, still the "First Pillar" of economic union and trade relations for what has since become the European Union

			enlarging role of EP in legislative process	
<i>Maastricht</i>	Treaty on European Union, 1993	Treaty Establishing The European Communities	<ul style="list-style-type: none"> • Brought into being the European Union, *founded on the European Communities, supplemented by intergovernmental co-operation formalized as • a common foreign and security policy and • a common justice and home affairs (crime) policy • subsidiarity principle 	Amended by the Treaty of Amsterdam, 1999 and Nice, but with consolidated texts
<i>Amsterdam</i>	Treaty of Amsterdam, 1999	Treaty on European Union	<ul style="list-style-type: none"> • free movement of workers since 1993 enhanced with closer cooperation on security and crime, drug control, corruption, and terrorism • common borders (passport control) under incorporated Schengen Agreement • Co-decision for parliament and 	In force but subject to amendment by Nice Agreement

			<p>Council</p> <ul style="list-style-type: none"> • More areas where Council of Ministers may decide using qualified majority voting instead of unanimity • New title on employment; inserts Social Chapter into main body of the treaty 	
<i>Nice</i>	Treaty of Nice	Treaty on European Union (as amended by Amsterdam)	<ul style="list-style-type: none"> • Looking to enlargement of Member States, 30 new treaty article areas of concern open to qualified majority voting of the Council • Co-decision: 7 new areas 	In force as of 1 February 2003

The official web site of the European Union, [Europa](http://europa.eu/) (<http://europa.eu/>) provides what is now effectively an online official depository of texts and information for the European Union, but in addition to guiding the researcher through this large and complex site, one aim of this guide is to add links to unofficial databases or sources with reliable, enhanced information relevant to EU research. From the [Europa main page](http://europa.eu/index_en.htm) (http://europa.eu/index_en.htm) under EU Law, the [Treaties](http://europa.eu/eu-law/treaties/index_en.htm) section (http://europa.eu/eu-law/treaties/index_en.htm -- scroll down) presents a brief overview with links to complete consolidated texts of the TEU, Amsterdam, Nice, and the original founding treaties.

This page was last updated March 1, 2014.

B. The Treaty of Lisbon: the EU Reform Treaty and Its Process

The [Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community](#)

(<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>), 2007 O.J. (C306) 1 was signed on 13 December, 2007, with protocols and declarations attached. It amends the current EU and EC treaties without replacing them.

History

[Europa](http://europa.eu/) (<http://europa.eu/>) now contains a separate page, posted by the Council of the European Union, for the [intergovernmental conferences \(IGCs\)](#) (<http://www.consilium.europa.eu/Documents/treaty-of-lisbon/previous-igcs?lang=en>) with separate links to the 2007 IGC, the most recent. Appropriately, it is embedded in the portal of the Council of the European Union, about which more information and sources are detailed in section [IV.B. of this chapter](#) .

Previous texts are found at: http://europa.eu/eu-law/decision-making/treaties/index_en.htm As the set of texts and the progress of negotiations have unfolded, a database of comments and versions is provided, along with the preparatory documents. There are declarations, protocols, a main body, and a preamble. Be advised that what we have here is not a single draft of a treaty but rather the paper trail of a process.

Some changes in the new treaty:

A summary of changes in the new treaty may be found at the [Treaty at a Glance](#) portal (http://europa.eu/lisbon_treaty/glance/index_en.htm). Highlights of changes significant to legal research in the EU are as follows, from the list provided at the site above:

- Increase of co-decision procedure in policy-making ...for the vast bulk of EU legislation.
- Withdrawal from the Union: the Treaty of Lisbon explicitly recognizes for the first time the possibility for a Member State to withdraw from the Union
- Effective and efficient decision-making: qualified majority voting in the Council will be extended to new policy areas to make decision-making faster and more efficient. From 2014 on, the calculation of qualified majority will be based on the double majority of Member States and people, thus representing the dual legitimacy of the Union. A double majority will be achieved when a decision is taken by 55% of the Member States representing at least 65% of the Union's population.
- [The creation of] the function of President of the European Council elected for two and a half years introduces a direct link between the election of the Commission President and the results of the European elections, provides for new arrangements for the future

This page was last updated March 1, 2014.

composition of the European Parliament, [for a smaller Commission,] and includes clearer rules on enhanced cooperation and financial provisions.

- Finally, it is important to note that there exists already a source of authority for developments that may take place under the provision for “enhanced cooperation.” That authority exists under the [TEU](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/ce321/ce32120061229en00010331.pdf) (<http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/ce321/ce32120061229en00010331.pdf>) as amended by the [Nice Treaty](http://eur-lex.europa.eu/en/treaties/dat/12001C/htm/12001C.html) (<http://eur-lex.europa.eu/en/treaties/dat/12001C/htm/12001C.html>), specifically TEU Art. 43, and it is within the authority of Member States to decide amongst themselves, that is, a smaller group of them, to accelerate and tighten cooperation as a last resort when objectives cannot be met under the Treaty timetable or methods. Ten conditions for this “enhanced cooperation” are stated in the TEU Art. 43. Basically, the arrangements must respect the *acquis communautaire*.

What is the *Acquis Communautaire*?

“*Acquis Communautaire* means everything that was decided and agreed upon since the establishment of the three European Communities, whatever the form in which this was done, whether legally binding or not,” and refers to “the body of rules which govern the Union in whatever field of activity,” essentially encompassing “everything that was ‘acquired’ by the previous Communities and the Union.” P. Mathijssen, *A Guide to European Union Law* (London: Sweet & Maxwell, 2010) at 5, n9.

III. COMMUNITY ACTS AND SOURCES OF LAW

A. The focus on search examples in this section will be on directives, but in the hierarchy of norms governing the EU, the treaty texts provide for three major types of legislation:

- Regulations, which are binding directly on all Member States upon enactment and required to be published in the [Official Journal of the European Union \(OJ\)](http://publications.europa.eu/official/index_en.htm) (http://publications.europa.eu/official/index_en.htm);
 - Directives, which are not binding directly as written but which require implementation by each Member State, that is, the enactment of laws which create the norms stated in the directive;
 - Decisions, which are binding only upon the members or entities to which each may be addressed; the process is administrative, a kind of regulatory ruling.

With regard to the latter two types of legislation, publication in the OJ is not obligatory. The [structure of the official journal](http://eur-lex.europa.eu/en/oj/NewStructure2010.pdf) (<http://eur-lex.europa.eu/en/oj/NewStructure2010.pdf>) has been clarified after the adoption of the Lisbon Treaty.

This page was last updated March 1, 2014.

The founding treaties are deemed primary sources of law along with international agreements. The legislation, a third source of law, is “secondary.” American researchers should note that “secondary” here means delegated legislation, second in the hierarchy of “what trumps what” but not a type of commentary, as the term is used in the U.S. legal system.

The full range of EU norms is outlined and terms defined at the [Summaries of EU Legislation page](http://europa.eu/legislation_summaries/index_en.htm) (http://europa.eu/legislation_summaries/index_en.htm) and organized at [The ABC of European Union Law](http://eur-lex.europa.eu/en/editorial/abc_toc_r1.htm) (http://eur-lex.europa.eu/en/editorial/abc_toc_r1.htm).

The revised [Europa Index page](http://europa.eu/index_en.htm) (http://europa.eu/index_en.htm) now gathers in one place information on EU policy-making and search capability for EU legislation and case-law under the "EU Law" tab on the menu bar at the top and center of the screen (http://europa.eu/eu-law/index_en.htm). Laws in force includes summaries as well as national laws implementing EU law, and treaties, legislation in preparation, legislative procedures, and legal cooperation may all be reached from this one access page..

In addition, there is now a separate linked page for [Official documents from EU institutions](http://europa.eu/documentation/official-docs/index_en.htm) (http://europa.eu/documentation/official-docs/index_en.htm).

1. Locating EU Legislation in force

An easy way to locate legislation by topic is through [Summaries of EU Legislation](http://europa.eu/legislation_summaries/index_en.htm) (http://europa.eu/legislation_summaries/index_en.htm), For example, the Summaries page lists pre-selected topics. Under “food safety” one is taken to a page with an overview of all EU activities, and the acts described and summarized.

Since March 2013, the new EUR-Lex (<http://new.eur-lex.europa.eu/homepage.html?locale=en>) runs in parallel with this version of EUR-Lex.

- To consult the authentic Official Journal: use the new EUR-Lex . At the new EUR-Lex site, The Official Journal (OJ) database is located at: <http://new.eur-lex.europa.eu/oj/direct-access.html?locale=en>

- To find treaties, preparatory acts, case-law and all other types of EU documents: use the current “grandfathered” EUR-Lex . The new EUR-Lex (<http://new.eur-lex.europa.eu/homepage.html?locale=en>) provides 1) simple search; 2) search by document preference; 3) search by ELI; 4) advanced search; and 5) expert search.

Example: To find the original product liability directive, begin in the simple search template linked above and choose the file category “Legislation.” On the next page, select the radio button for “Directives” (under “Secondary Legislation”) and “Search terms” (under “Further search options”);

This page was last updated March 1, 2014.

this adds specific terms). Then, click "Search." Finally, on the template on the next screen, select the "Title and text" radio button and fill out the template that will come up by putting "liability" in the "Search" term field and "defective products" in the "With" term field. Click "Search."

With fair ease one can survey the resulting list and, after seeing highlighted an amendment to a generally titled directive on approximation of laws etc. re liability for defective products (amended from an original dated 1985), one goes on to locate the original product liability directive as the last entry:

Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, OJ L 210, 7.8.1985, p. 29–33.

The [Directory of Community Legislation in Force](http://eur-lex.europa.eu/en/legis/latest/index.htm) (<http://eur-lex.europa.eu/en/legis/latest/index.htm>) gathers all legislation in force under 20 top-level rubrics for the areas or treaty provisions that provide authority for the legislation. Helpful [thematic files](http://eur-lex.europa.eu/en/dossier/index.htm) (<http://eur-lex.europa.eu/en/dossier/index.htm>) are provided for another set of topics that vary from those listed in the Summaries section, although the site states that these files will no longer be updated. These also list and link to full text legislation in specific areas.

The [European e-Justice Portal](https://e-justice.europa.eu/home.do?action) (<https://e-justice.europa.eu/home.do?action>) is an interface that has been created for greater transparency and access in the areas outlined by the Council of the European Union (see pages 24-25 in the Council's June 2010 press release at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114900.pdf for a discussion of the e-Justice portal project). This interface: 1) brings together legal databases; 2) provides more access to statutory implementation of EU law and court decisions at the national level via N-Lex (available at http://eur-lex.europa.eu/n-lex/index_en.htm) with links to national court sites; and 3) enables communication between citizens and courts as well as among courts themselves. As this portal expands, it will provide integrations of free and subscription-based databases that are part of the EU online internal system. Another feature is its link to a section on public and private international law and its relation to EU law (available at https://e-justice.europa.eu/content_international_law-10-en.do).

2. Directives: effects

Of the major pieces of legislation, directives may present the greatest additional challenge to the novice researcher because of (1) the requirement that they be implemented in the national law of the Member State and (2) the accompanying legal issues of possible "direct effect" of directives,

This page was last updated March 1, 2014.

notwithstanding the requirement. Direct effect creates individual rights that national courts must protect (P. Mathijsen, [A Guide to European Union Law as Amended by the Treaty of Lisbon](#), London: Sweet & Maxwell, 2010 at 32 and cases cited in fn. 35). However, while regulations generally both pre-empt national law as supranational legislation and create rights by direct effect, only certain directives can have direct effect, and even then, only in certain circumstances. Understanding what this means is a matter of researching case law from the European Court of Justice with regard to the particular directive at issue and cases addressing directives of a similar type. Certain general principles have emerged and are fairly settled in the treatises and basic texts for European Union law or in specific studies of these issues. Stated simply, a directive deemed to have some form of direct effect may be effective, either vertically or horizontally, as follows:

- Vertical Direct Effect:
 - As fully implemented, a directive may affect the Member State in its legal relationship with third parties;
 - As partly implemented or not implemented at all, a directive may be invoked by an individual against a Member State.
- Horizontal Direct Effect:
 - May exist where private entities try to claim any rights under a directive in their relationship with each other.

A “horizontal direct effect” is evaluated in light of the principle that directives place obligations only on Member States and not on individuals. At this point the jurisprudence must be consulted and analyzed carefully as it develops (see section V., subsection A. below). Member States can be liable for damage to individuals regarding failure to implement a directive under certain circumstances, which require a showing that the directive would be of the type to create rights, the language doing so is present in the directive, and the cause of the damage was a breach of this state obligation. The leading case is *Francovich v. Italy*, ECJ 19.11.91 C6,9/90, [1991] ECR I-5357. This case is cited to the official Reports of Cases before the Court and its successor Reports of cases before the Court of Justice and the Court of First Instance (Luxembourg: Court of Justice of the European Communities, 1990-) (ECR). Cases from 1954 onward may be browsed by year and number at the [Eur-lex site](http://eur-lex.europa.eu/JURISIndex.do?ihmlang=en) under the case law search feature accessible at the following link: <http://eur-lex.europa.eu/JURISIndex.do?ihmlang=en>.

Another source of information is the new [CURIA Case-law site](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en), although the CURIA [case law template](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en) (available at <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>) is not comprehensive. A description of the resources available in the CURIA case-law database is available at

This page was last updated March 1, 2014.

http://curia.europa.eu/jcms/jcms/Jo2_14954/. Alternatively, researchers can select the “EU case-law” file category from the [Eur-lex search page](#) (available at http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en) to access the [case law template](#) (available directly at http://eur-lex.europa.eu/RECH_jurisprudence.do) for information on cases from earlier years. One may select the “Court of Justice” and “Date or time span” radio options and click “Search” to get to the following screen and search by date.

3. Researching directives

Researching directives, then, can be a matter of researching the European Union case law (see section V below). There are monographic studies of leading cases in the area that outline the parameters of this research and that may serve as a useful introduction to the field. Updated information may be found by searching library databases generally with Library of Congress subject headings such as “Law -- European Union countries -- Sources International and municipal law -- European Union countries:”

Sacha Prechal, [Directives in EC law](#) (http://www.worldcat.org/title/directives-in-ec-law/oclc/56807067&referer=brief_results), 2d ed. Oxford; New York: Oxford University Press, 2005. Oxford EC Law Library, General Editor: F. G. Jacobs, Advocate-General, Court of Justice of the European Communities. Sacha Prechal is the author of several books on EU law and was the founding editor of the *Yearbook of European Law*.

John Fairhurst, [Law of the European Union](#) (http://www.worldcat.org/title/law-of-the-european-union/oclc/76961181&referer=brief_results), 7th ed. Harlow, UK: Longman, 2010 (textbook, good presentation).

Trevor C. Hartley, [European Union law in a global context: text, cases and materials](#) (http://www.worldcat.org/title/european-union-law-in-a-global-context-text-cases-and-materials/oclc/52460067&referer=brief_results), Cambridge; New York: Cambridge University Press, 2004 (see Chapter 10).

4. National Implementation of Directives

In the product liability search example above, a bibliographic record is obtained by clicking on “[bibliographic notice](#)” under the correct directive (available at <http://eur-lex.europa.eu/Notice.do?val=115911:cs&lang=en&list=115911:cs,&pos=1&page=2&nbl=11&pgs=10&hwords=liability-defective%20products->)

Scroll down- WAY DOWN- and past the useful descriptors or subject headings or further research, one arrives at display the national implementing measures and click on MNE (French abbreviation

This page was last updated March 1, 2014.

to reveal the list of Member States and citations (in the vernaculars to vernacular sources) to their [national implementing laws](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:71985L0374:EN:NOT) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:71985L0374:EN:NOT>).

The new and emerging [N-Lex](http://eur-lex.europa.eu/n-lex/index_en.htm), (available at http://eur-lex.europa.eu/n-lex/index_en.htm) is an experimental portal for national implementing laws. There is a template imposed over national sites for vernacular searching. If you already have the name of the law, or if N-Lex is not successful for searching for the full text (and they warn that national sites must keep it updated), use the [World Legal Information Institute](http://www.worldlii.org/) (<http://www.worldlii.org/>) or [Lexadin World Law Guide](http://www.lexadin.nl/wlg/) site (available at <http://www.lexadin.nl/wlg/>) to see if national legislation is identified as implementing EU directives.

[EuroVoc](http://eurovoc.europa.eu/drupal/) (available at <http://eurovoc.europa.eu/drupal/>) is a search term translation and submission engine that may be useful in research for national legislation. The databases in N-Lex are mostly in the official languages of the Member States and EuroVoc may be used to search for legislation using terms in a language you do not know. For example, if you select Spain and legislation at N-Lex, the [full text search](http://eur-lex.europa.eu/n-lex/legis_es/boe_form_en.htm) (available in a number of collapsible menu options at http://eur-lex.europa.eu/n-lex/legis_es/boe_form_en.htm) will provide a “EuroVoc” link next to each search box. Clicking one of these links will open a separate window to a site for search phrase translation. If you click one of these links and enter, say, animal welfare as a phrase, it will be displayed along with the target language (Spanish) and the translation "bienestar de los animals" for use in searching the N-Lex site in the national language targeted.

For English translations of a number of commercially-related laws that mostly implement EU acts, consult the following print publications:

- Commercial Laws of Europe. (London: European Law Centre, 1978-). Includes texts of legislation in English and also in the original language when authentic English text is unavailable.
- Other loose-leaf services and collections of translated laws in areas such as tax, investment, and labor usually include EU Member States and may indicate origination of the law with EU harmonization efforts.

This page was last updated March 1, 2014.

B. Other acts under the EU Treaty

Acts introduced by the Treaty of Amsterdam under “police and judicial cooperation in criminal matters”

- Framework decisions: unanimously adopted to be approximations of national laws, binding on Member States as to results but method of achievement is up to the Member State (sometimes known as joint action, but see below);
- Common position: according to the Eur-lex definition, “a legal instrument under Titles V and VI of the Treaty on European Union and is intergovernmental in nature. Adopted unanimously by the Council of the European Union, it determines the Union’s approach to particular questions of foreign and security policy or police and judicial cooperation in criminal matters and gives guidance for the pursuit of national policies in these fields”;
- Decisions: used for matters other than approximation of laws;
- Conventions: the Presidency can enter into some intergovernmental cooperative arrangements usually binding only the institutions and not the Member States.

Common positions and joint actions also are used in the area of “common foreign and security policy” (CFSP). The common position for the CFSP is defined much as above; the joint action is in this case adopted by the Council and consists of “set objectives” rather than a framework.

Other Non-binding Instruments

- A recommendation allows the institutions to make their views known and to suggest a line of action without imposing any legal obligation on those to whom it is addressed (the Member States, other institutions, or in certain cases the citizens of the Union).
- An opinion is an instrument that allows the institutions to make a statement in a non-binding fashion, in other words without imposing any legal obligation on those to whom it is addressed. The aim is to set out an institution’s point of view on a question.

C. Legislative Process

The co-decision procedure for the adoption of legislative acts is the most commonly-used procedure. The steps are outlined below in text excerpted from the Consolidated versions of the Treaty on European Union and the [Treaty on the functioning of the European Union](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:EN:PDF) (available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:EN:PDF>) (OJ C115, 9.5.2008) (“This publication contains the consolidated versions of the Treaty on European Union and of the Treaty on the Functioning of the European Union, together with the annexes and

This page was last updated March 1, 2014.

protocols thereto, as they will result from the amendments introduced by the Treaty of Lisbon, signed on 13 December 2007 in Lisbon. It also contains the declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon."). It includes legislation based on important articles regarding types of discrimination, free movement of workers, freedom of establishment, mutual recognition of diplomas, transport, environment, public health, consumer protection, and many aspects of social policy.

Articles 294-296 of the above-referenced document read as follows:

First reading

3. The European Parliament shall adopt its position at first reading and communicate it to the Council.

4. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording which corresponds to the position of the European Parliament.

5. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament.

6. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

7. If, within three months of such communication, the European Parliament:

(a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;

(b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;

(c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.

This page was last updated March 1, 2014.

8. *If, within three months of receiving the European Parliament's amendments, the Council, acting by a qualified majority:*

(a) approves all those amendments, the act in question shall be deemed to have been adopted;

(b) does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.

9. *The Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion.*

Conciliation

10. *The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament within six weeks of its being convened, on the basis of the positions of the European Parliament and the Council at second reading.*

11. *The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.*

12. *If, within six weeks of its being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.*

Third reading

13. *If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If they fail to do so, the proposed act shall be deemed not to have been adopted.*

14. *The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.*

Special provisions

This page was last updated March 1, 2014.

15. Where, in the cases provided for in the Treaties, a legislative act is submitted to the ordinary legislative procedure on the initiative of a group of Member States, on a recommendation by the European Central Bank, or at the request of the Court of Justice, paragraph 2, the second sentence of paragraph 6, and paragraph 9 shall not apply.

In such cases, the European Parliament and the Council shall communicate the proposed act to the Commission with their positions at first and second readings. The European Parliament or the Council may request the opinion of the Commission throughout the procedure, which the Commission may also deliver on its own initiative. It may also, if it deems it necessary, take part in the Conciliation Committee in accordance with paragraph 11.

Article 295

The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Treaties, conclude interinstitutional agreements which may be of a binding nature.

Article 296 (ex Article 253 TEC)

Where the Treaties do not specify the type of act to be adopted, the institutions shall select it on a case-by-case basis, in compliance with the applicable procedures and with the principle of proportionality.

Legal acts shall state the reasons on which they are based and shall refer to any proposals, initiatives, recommendations, requests or opinions required by the Treaties.

9.5.2008 EN Official Journal of the European Union C 115/175

C 115/174 EN Official Journal of the European Union 9.5.2008

1. Preparatory Acts

[European Commission green papers](#)

are found at http://ec.europa.eu/green-papers/index_en.htm and white papers (http://ec.europa.eu/white-papers/index_en.htm) (proposals for action or legislation) are both usually issued as COM documents; when they are legislative proposals, they should be accompanied by an Explanatory Report. Full text or links for papers since 1985 are provided. Most but not all are published in the Preparatory or C section of the OJ. Since the Commission initiates most legislation,

This page was last updated March 1, 2014.

experts in policy areas originate most proposals within their Directorates General, which are policy-specific departments that form the organizational structure of the Commission.

2. Legislation Tracking

The [Ordinary Legislative Procedure](http://www.consilium.europa.eu/policies/ordinary-legislative-procedure?lang=en) (formerly the co-decision procedure) (available at <http://www.consilium.europa.eu/policies/ordinary-legislative-procedure?lang=en>) may be tracked via a section of the portal for the Council of the European Union. Council votes and discussions are tracked.

The European Parliament (“EP”) has an increasing role and its portal provides the [OIEL or Legislative Observatory](http://www.europarl.europa.eu/oeil/index.jsp?language=en) (<http://www.europarl.europa.eu/oeil/index.jsp?language=en>). Documents moving through EP committees, such as reports and draft legislation submitted by one of the other institutional bodies (usually the Commission or Council) may be searched through a variety of access points. The Legislative Observatory is a good choice when you know that Parliament is involved as well as the Council; Council meeting results are given. Parliamentary questions, readings, and conciliations are provided. Political party involvement is included. Results are filtered and sorted by the type of document associated with each stage of the procedure (first reading, etc.).

Inter-institutional procedures beginning in 1976 are tracked via [Pre-Lex](http://ec.europa.eu/prelex/apcnet.cfm?CL=en#) (<http://ec.europa.eu/prelex/apcnet.cfm?CL=en#>); these procedures involve legislative, but also budgetary, proposals and proposed international agreements. Search entry points under the advanced search, http://ec.europa.eu/prelex/rech_avancee.cfm?CL=en include the involved institutions, events, legal basis, and sphere of activity. The document type is called “type of file” and the role of the institutional body is an option, such as “primarily responsible” or “author of report.”

3. Publication; entry into force

A legislative act at the level of regulations and directives is or becomes binding and once enacted, it must be published in the Official Journal of the European Union (“OJ”) and then included in the [Directory of Legislation in Force](http://eur-lex.europa.eu/en/legis/index.htm) (<http://eur-lex.europa.eu/en/legis/index.htm>). As noted above regarding Preparatory Acts, the OJ is published in the C series and L series; these designations are part of the official citation to a text (see citation section below). Competition decisions are no longer published in the OJ. A source for these decisions is the [Competition Directorate General under the Commission](http://ec.europa.eu/competition/antitrust/cases/index.html) (<http://ec.europa.eu/competition/antitrust/cases/index.html>).

Acts enter into force on the 20th day following their publication unless a date is specified in the legislation.

This page was last updated March 1, 2014.

IV. INSTITUTIONS AND POWERS

A. Commission and Directorates General

The Commission of the EU is a powerful quasi-executive central body that monitors compliance with EU law, delivers its own decisions, participates in the legislative process, negotiates international agreements, and implements the budget. The [Commission portal](http://ec.europa.eu/index_en.htm#) (http://ec.europa.eu/index_en.htm#) links to the [Directorates General](http://ec.europa.eu/about/ds_en.htm) (http://ec.europa.eu/about/ds_en.htm) of which it is also composed, with each DG representing an important sphere of activity. The Commission originally had to include at least one national from each Member State. While the Presidency of the EU has been a rotating position among Member States, the President of the Commission is appointed by the governments of the Member States and then approved by the European Parliament. The President of the Commission serves a term of five years.

B. Council of the European Union (different configurations)

The Council is made up of a representative of each Member State at a ministerial level. The type of representative may vary depending upon the type of meeting or area under consideration, be it finance or agriculture. Thus, they take on configurations in about 9 different areas. There is a [Committee of Permanent Representatives \(“COREPER”\)](http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeID=3760&lang=en) (<http://europa.eu/whoiswho/public/index.cfm?fuseaction=idea.hierarchy&nodeID=3760&lang=en>) that consists of Permanent Representatives of the Member States to the Union, but high-level civil servants rather than cabinet-level ministers frequently represent the Member States in less important discussions. This is not the same as the European Political Council, which is a conference of Heads of State.

The duties of the Council concern the bringing together of Community and national interests and as such take decisions as well as coordinate policies. The role in the legislative process is detailed above. The official portal can be found at the [EU Council's website](http://www.consilium.europa.eu/homepage?lang=en) (<http://www.consilium.europa.eu/homepage?lang=en>).

C. European Parliament

The [European Parliament](http://www.europarl.europa.eu/portal/en) (<http://www.europarl.europa.eu/portal/en>) is an assembly of representatives of the peoples of the Member States. Under the Nice Treaty, there are different caps on numbers of members for different designated years. They are elected for a term of five years. Parliament now participates in the legislative process through [committees](http://www.europarl.europa.eu/activities/committees/committeesList.do?language=EN) (<http://www.europarl.europa.eu/activities/committees/committeesList.do?language=EN>). Among other powers, Parliament puts questions to the Council, Commission, and President, participates in

This page was last updated March 1, 2014.

the budgetary process, and other monitoring tasks. It participates in the legislative process by committees but also acts on legislative proposals meeting as a body, in plenary.

D. Economic and Social Committee

The [European Economic and Social Committee \(“ESC”\)](http://www.eesc.europa.eu/index_en.asp) (http://www.eesc.europa.eu/index_en.asp) plays a consultative or advisory role to the Council, Commission, or Parliament and its members represent economic and social interests within civil society, such as consumers, workers, etc.

E. Committee of the Regions

This [Committee of the Regions](http://cor.europa.eu/en/Pages/home.aspx) (<http://cor.europa.eu/en/Pages/home.aspx>) has advisory status and consists of representatives of regional or local bodies who are elected or accountable to an elected assembly. They must be informed of requests for opinions from the ESC. It is independent but may be consulted by Parliament. One important activity is subsidiarity monitoring, which tracks the mandated process of keeping decision-making as close as possible to the citizen. Reports on the process are on the [CoR Subsidiarity website](https://portal.cor.europa.eu/subsidiarity/Pages/default.aspx) (available at <https://portal.cor.europa.eu/subsidiarity/Pages/default.aspx>) with useful links to additional information.

V. EUROPEAN COURT OF JUSTICE AND CASE LAW

A. The Court of Justice

The following new information is pertinent to the case law research for the European Union beginning 1 December 2009 and the entry into force of the Treaty of Lisbon:

"Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union now has legal personality and has acquired the competences previously conferred on the European Community. Community law has therefore become European Union law, which also includes all the provisions previously adopted under the Treaty on European Union as applicable before the Treaty of Lisbon. In the following presentation, the term *Community law* will nevertheless be used where reference is being made to the case-law of the Court of Justice before the entry into force of the Treaty of Lisbon." ([Presentation](http://curia.europa.eu/jcms/jcms/Jo2_7024/) (http://curia.europa.eu/jcms/jcms/Jo2_7024/) of the Court of Justice in the legal order of the European Union)

Case law of the European Union may be accessed via the major courts portal, [CURIA](http://curia.europa.eu/jcms/jcms/j_6/) (http://curia.europa.eu/jcms/jcms/j_6/). One may follow links from the first welcome page of the portal or from the left pane of any sub-portal.

This page was last updated March 1, 2014.

As noted above, the case law of the European Court Justice stands alongside the treaty and acts as the major source of the rule of law. The interpretation of the treaty and laws, often at the request of national courts' judges seeking guidance in the application of the law in pending case, is crucial to the evolution of EU law. Therefore, before attempting a cold search of the case law, it is recommended that the researcher begin with some familiarity with the most well-known, watershed cases, especially in particular areas of law, by consulting a concise text or journal article, such as one of the following (though note that developments after the entry into force of the Treaty of Lisbon may not be reflected):

- The website ECLAS (European Commission Library Catalogue) (<http://ec.europa.eu/eclas/F>) gives access to articles and books in the Central Library of the European Commission.
- Bogdandy, Armin von, and Jürgen Bast. *Principles of European Constitutional Law*. 2d rev. ed. Oxford: Hart, 2010.
- Craig, Paul and Gráinne de Búrca. *The Evolution of EU Law*. 2nd ed. Oxford: Oxford University Press, 2011.
- Hartley, Trevor C. *The Foundations of European Union Law*. 7th ed. Oxford: Oxford University Press, 2010.
- Maduro, Miguel Poiares, and Loïc Azoulai. *The Past and Future of EU Law: The Classics of EU Law Revisited on the 50th Anniversary of the Rome Treaty*. Oxford: Hart, 2010.
- Mathijssen, P. S. R. F. *A Guide to European Union Law: As Amended by the Treaty of Lisbon*. London: Sweet & Maxwell, 2010.
- Piris, Jean-Claude. *The Lisbon Treaty: A Legal and Political Analysis*. Cambridge [U.K.]: Cambridge University Press, 2010.
- *European Union Law Reporter: an explanatory commentary on the principal aspects of EU law and policy*.⁴ v. (loose-leaf). Bicester, Oxfordshire: CCH Editions Limited; Commerce Clearing House; CCH International (Firm); CCH Europe (Firm) 1962- .

Newer cases, articles, and commentary often refer to these cases as rubrics in a kind of shorthand indicating a settled principle of EU law or a significant line of cases, even in subject areas that are still contested.

The final legality of European Union acts is determined by the courts, and this ensures that the Member States and the EU institutions, as well as natural and legal persons, enact or comply with community law. Jurisdiction includes preliminary rulings and failure to fulfill EU obligations. Advocates-General assist the court.

This page was last updated March 1, 2014.

The General Court

To clarify the jurisdiction of the lower court under the Treaty of Lisbon, the following text is taken directly from the [presentation of the General Court](http://curia.europa.eu/jcms/jcms/Jo2_7033/): (http://curia.europa.eu/jcms/jcms/Jo2_7033/)

"The General Court has jurisdiction to hear:

- direct actions brought by natural or legal persons against acts of the institutions, bodies, offices or agencies of the European Union (which are addressed to them or are of direct and individual concern to them) and against regulatory acts (which concern them directly and which do not entail implementing measures) or against a failure to act on the part of those institutions, bodies, offices or agencies; for example, a case brought by a company against a Commission decision imposing a fine on that company;
- actions brought by the Member States against the Commission;
- actions brought by the Member States against the Council relating to acts adopted in the field of State aid, 'dumping' and acts by which it exercises implementing powers;
- actions seeking compensation for damage caused by the institutions of the European Union or their staff;
- actions based on contracts made by the European Union which expressly give jurisdiction to the General Court;
- appeals, limited to points of law, against the decisions of the European Union Civil Service Tribunal;
- actions brought against decisions of the Community Plant Variety Office or of the European Chemicals Agency.

The rulings made by the General Court may, within two months, be subject to an appeal, limited to points of law, to the Court of Justice."

EU Civil Service Tribunal

[A European Civil Service Tribunal](http://curia.europa.eu/jcms/jcms/T5_5230/) (http://curia.europa.eu/jcms/jcms/T5_5230/) hears disputes regarding the EU civil service, and appeals from it on questions of law may be taken to the General Court.

The European Court of Justice

There is one judge for each Member State on the court and eight Advocates-General. The latter are advisory judges called upon to offer separate opinions in areas of special expertise. The judges of the court, however, do not issue separate or dissenting opinions. The [Rules of Procedure of the court](#)

This page was last updated March 1, 2014.

[may be found via links posted under Court of Justice](#)

(http://curia.europa.eu/jcms/jcms/Jo2_7024/#procedures) at the Curia website.

Searching for particular cases by topic using keywords or known citations

Since case-law from 1954 onwards is now stored separately from the case database for cases from June 17, 1997, the best overview of the links is available from the [case-law content link](#) (http://curia.europa.eu/jcms/jcms/Jo2_14954/) at Curia. Translation services are under way for Member States who came into the EU at 2004 or 2007; see this [notice](#) (http://curia.europa.eu/jcms/jcms/Jo2_14955/). The [older cases](#) (http://curia.europa.eu/en/content/juris/c1_juris.htm) in English are [searchable from Eur-Lex](#) (<http://eur-lex.europa.eu/JURISIndex.do?ihmlang=en>) but also linked from the [numerical search feature at Curia](#) (http://curia.europa.eu/jcms/jcms/Jo2_7045/). There are two different search templates: one is for access by case number and the other through more options.

If you know the case number (e.g. for the ECJ, C-184/06) the [simple browse portal](#) (http://curia.europa.eu/en/content/juris/c2_juris.htm) is a proper starting point. If you want to specify the [type of document](#) (<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&>), opinion of an Advocate-General versus a judgment, for example, use the template.

Example: [search the template](#) (<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&>) leaving the boxes checked (except for Civil service Tribunal). Fill in the subject-matter field from clickable menu, a link to the right of the field. From the areas of the treatylisted, check “free movement of goods.” Enter “bananas” in the text field, and click the green search arrow at the bottom right. Currently 28 documents are retrieved. To limit this to judgments only, click the “modify” link at the upper right and then, back at the template, use the menu of the documents field to eliminate all but judgments.

Bear in mind that just as in the printed publication of the cases in the official Reports of Cases before the Court and its successor, *Reports of cases before the Court of Justice and the Court of First Instance* (Luxembourg: Court of Justice of the European Communities, 1990-) (ECR), the Curia search template and results list designate the main Court of Justice with case numbers and hyphen C- and Court of First Instance cases with hyphen T-, these full case numbers remain valid for online case searching by number as well. Also remember that terminology used in the English language versions of the cases is based on British English usage, so American researchers should note that, for example, insider trading becomes insider dealing.

This page was last updated March 1, 2014.

Note: Since 2004 there are selected unpublished recent decisions, and the Curia database incorporates the full texts as appearing in the official reports (see two paragraphs above) with these guidelines appearing on the web site:

Since 1 May 2004, subject to a decision to the contrary by the formation of the Court concerned, the following are not published in the ECR:

- *judgments delivered, other than in preliminary ruling proceedings, by Chambers of three Judges,*
- *judgments delivered, other than in preliminary ruling proceedings, by Chambers of five Judges ruling without an Advocate General's Opinion,*
- *orders.*

However, those decisions are accessible on the Court's internet site (<http://curia.europa.eu>) in the available languages, namely the language of the case and the language of deliberation.

[Annotations or "notes de doctrine"](http://curia.europa.eu/jcms/jcms/Jo2_7083) (http://curia.europa.eu/jcms/jcms/Jo2_7083) are presented in a separate database and contain annotations of cases by legal commentators.

Apart from (links that may exist from the curia site under certain rubrics etc) , there are unofficial case collections, both electronic and print, that assist researchers in finding cases relevant to particular areas of European Union law:

Common Market Law Reports. Yorkshire: Thomson Sweet & Maxwell, 1962- . (title varies) (C.M.L.R.).

Common Market Law Reports. Antitrust Reports (Supplement). London: The European Law Centre at Sweet & Maxwell, 1991- . (called Reports after 2000; constitutes v. 4 of each year's issues of Common Market law reports for 1991, and v. 4-5 of each year's issues for 1992).

European Human Rights Reports. London: European Law Centre Ltd., 1979- .

Blogs

European Law Blog, <http://europeanlawblog.eu/>

[ECJ Blog](http://courtofjustice.blogspot.com/) (<http://courtofjustice.blogspot.com/>)

B. National case law

An overview of national case law and member implementation of EU law in general may be found as [Application of Community law by national courts: a survey](#)

This page was last updated March 1, 2014.

(http://curia.europa.eu/jcms/jcms/Jo2_18914/?hlText=annual+report+on+monitoring+the+application), survey and summaries in English 1983-2002, and 2003 onwards in French only.

The Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union have created the searchable [JuriFast database](http://www.aca-europe.eu/index.php/en/jurifast-en) (<http://www.aca-europe.eu/index.php/en/jurifast-en>) linked to a database of national decisions which gathers preliminary questions and rulings on them before the Court of Justice of the EC and national decisions following the ruling.

European Commercial Cases. London: European Law Centre, 1978-
Simmonds, K.R., general editor. *Encyclopedia of European Community Law*:
London: Sweet & Maxwell, (1973- .) contains a focus on U.K. case law.
European Community Cases. London: Sweet & Maxwell, 2000- .
1989- Previously published: Bicester: CCH Editions, 1989-1992; Kensington upon Thames, Surrey:
CCH. *New Law*, 1992-1999; these cases originally appeared in the *Common market reporter*, now
called the *European Union Law Reporter*.

VI. SELECTED TOPICAL AREAS OF RESEARCH

Under the “Policies and legislation” link on the main page of the European Commission site (http://ec.europa.eu/index_en.htm) are richly populated portals for information on many topics, including the selected topics listed below. Legal texts, summaries, and search portals are featured under the "legislation" link.

In print and in sections linked at each of the topic portals listed below, monthly and annual reports on those topics and other sectors represented in the treaty are included in analyzed numbered sections of the now-archival [Bulletin of the European Union](http://europa.eu/bulletin/en/welcome.htm)

(<http://europa.eu/bulletin/en/welcome.htm>), European Commission. Brussels: European Commission, Secretariat-General, 1994- 2006 (ceased in print), carried forward to 2009 (content through July/August 2009) online, and now replaced by [EU News](http://europa.eu/news/index_en.htm) (http://europa.eu/news/index_en.htm). Activities reports and analysis are still supplemented by the [General Report on the Activities of the European Union](http://europa.eu/generalreport/en/welcome.htm)

(<http://europa.eu/generalreport/en/welcome.htm>). European Commission, Brussels: The Commission, 1995- .

A. External Relations

Of considerable interest to international lawyers are the foreign relations activities of the EU as an international actor as well as the continuing path to enlargement of membership. The Commission’s portal for the [European Union-External Action](http://eeas.europa.eu/index_en.htm) (http://eeas.europa.eu/index_en.htm)

This page was last updated March 1, 2014.

(contains links at the top to major sub-portals for the principal related areas under “what we do” http://eeas.europa.eu/what_we_do/index_en.htm), [security and defense](http://eeas.europa.eu/csdp/index_en.htm) (http://eeas.europa.eu/csdp/index_en.htm), and [enlargement](http://eeas.europa.eu/enlargement/index_en.htm) (http://eeas.europa.eu/enlargement/index_en.htm).

B. Commercial Regulatory Matters: Competition Policy, Banking and Financial Regulation

Competition: There are several electronic and print avenues to researching [EU competition law and policy](http://europa.eu/pol/comp/index_en.htm) (http://europa.eu/pol/comp/index_en.htm). In addition to sources cited above under commercial cases and statutory law for European jurisdictions, there is a wealth of specialized monographs in the area of competition law and policy. The Enterprise section is also relevant. The Commission has a separate page for [competition policy](http://ec.europa.eu/competition/index_en.html) (http://ec.europa.eu/competition/index_en.html) at and in the Commission’s Directorate-General structure there is the web page for the [Competition DG](http://ec.europa.eu/dgs/competition/index_en.htm) (http://ec.europa.eu/dgs/competition/index_en.htm) linking to the annual [Report on Competition Policy](http://ec.europa.eu/competition/publications/annual_report/index.html) (http://ec.europa.eu/competition/publications/annual_report/index.html).

An excellent site for competition law and policy with links to many national competition law web sites for the EU Member States is [Concurrences](http://www.concurrences.com/): (<http://www.concurrences.com/>) web site of The Institute of Competition Law. The links are free and there is an offer of a paid subscription to the online review Concurrences in French on antitrust law as well as an e-competition database. The latest English versions of the e-Competitions Bulletin and abstracts from the review are free on the site. The editors and contributors are from law firms and academic faculties.

Banking and Financial Regulation: In the wake of the severe and continuing crisis involving bank regulation, capitalization, sovereign debt and the financial crisis overall with regard to jobs and public sector cutbacks, the Commission has created a site for links to the De Larosière Report and successor oversight to the Lamfalussy process, which may be found under a new important official section in the Commission’s portal on [financial services supervision and committee architecture](http://ec.europa.eu/internal_market/finances/committees/index_en.htm) (http://ec.europa.eu/internal_market/finances/committees/index_en.htm). Related issues of governance in the eurozone are [posted](http://ec.europa.eu/economy_finance/focuson/crisis/index_en.htm) (http://ec.europa.eu/economy_finance/focuson/crisis/index_en.htm) at the Commission site and linked from the site for the rotating EU presidency.

The European Council has created a [portal for the European response to the debt crisis](http://www.european-council.europa.eu/eurozone-governance?lang=en) and Eurozone governance (<http://www.european-council.europa.eu/eurozone-governance?lang=en>).

This page was last updated March 1, 2014.

C. Social Policy

The relevant portal for this topical area is “[Employment, Social Affairs & Inclusion](#)” (<http://ec.europa.eu/social/main.jsp?catId=547&langId=en>). A useful feature is the [Practical guide-Applicable legislation in the EU, EEA, and Switzerland](#) (<http://ec.europa.eu/social/main.jsp?langId=en&catId=22>) under “Publications and Documents”; this guide summarized social and employment-related law for the increasingly mobile population of Europe.

Since 2001, several papers and articles have been posted to the [Jean Monnet program](#) (<http://centers.law.nyu.edu/jeanmonnet/>) and [SSRN](#) (<http://www.ssrn.com/>) on EU employment policy and the European Social Model.

Just as there can be confusion about the European Council and the Council of Ministers of the Council of Europe, the [European Social Charter](#) (<http://conventions.coe.int/Treaty/EN/Treaties/Html/035.htm>), ETS 035 of 1961, 1996 is a document of the Council of Europe and now includes a complaints procedure whereby violations may be brought by some ground (trade unions, national NGOs) to a European Committee of Social Rights.

D. Health and Consumer Protection

Consumers, Fraud, Public Health, Food Safety portals are found under the [Directorates-General page](#) (http://ec.europa.eu/about/ds_en.htm). The [Health and Consumer DG](#) (http://ec.europa.eu/dgs/health_consumer/index_en.htm) site has links to different pages than the above for [food and feed safety](#) (http://ec.europa.eu/food/food/index_en.htm), and [consumer safety](#) (http://ec.europa.eu/consumers/index_en.htm) with its [RAPEX database](#) (http://ec.europa.eu/consumers/safety/rapex/index_en.htm) for non-food consumer alerts.

E. Human Rights

There are new initiatives on human rights detailed at the [EU External Action Service’s Human Rights section](#) (http://eeas.europa.eu/human_rights/index_en.htm). The Council publishes an annual [EU Report on Human Rights](#) (http://eeas.europa.eu/human_rights/docs/2011_hr_report_en.pdf) (latest 2011). But human rights internally is a more complex area of research involving the relationship between the decisions of the ECJ interpreting the EU treaty and the European Court of Human Rights, interpreting the Council of Europe’s European Convention on Human Rights, and the pending Reform Treaty integration of human rights into the constitutional arrangements of the EU. The overall framework and texts of

This page was last updated March 1, 2014.

the Charter of Fundamental Rights are linked in the “summaries of EU legislation” and in a page on [fundamental rights within the European Union](#)

(http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/index_en.htm). In light of terrorism and developments balancing rights with security, this framework database within Europe also presents another gateway to these links via the [justice, freedom and security](#)

(http://europa.eu/legislation_summaries/justice_freedom_security/index_en.htm) summary.

F. Private International Law

Several issues of importance stand at the intersection of European Law and international law. Choice of law and jurisdiction are chief among these. The [JURE](#) database

(http://ec.europa.eu/civiljustice/jure/search_en.cfm) has been set up by the Commission to collect and make searchable European and national case law interpreting the Council regulation (Brussels I, 2000 regulation) ([http://eur-](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001R0044&model=guichett)

[lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001R0044&model=guichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001R0044&model=guichett)). theas well as the [Lugano Convention](#)

(<http://curia.europa.eu/common/reccdoc/convention/en/c-textes/lug.htm>). Both deal with

recognition and enforcement of judgments in civil and commercial matters. There is also a 2003

[Brussels II](#) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R2201:EN:NOT>

) regulation of the Council dealing with “jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility.” Overall, the [European e-Justice Portal](#) (<https://e-justice.europa.eu/home.do?action=home&plang=en>) presents procedures

and documents related to judicial cooperation.

In more substantive areas of law, harmonized rules are being crafted. In contract law, for example, after consideration in 2007 of a Common Frame of Reference, the Commission is working on a European contract law through a project on common principles. The major area is that of sales, with insurance and cloud computing also under consideration. National fact sheets and current proposals with key dates are linked under Contract law at the [Justice section of the European Commission site](#)

(http://ec.europa.eu/justice/contract/dates/index_en.htm). The 1980 convention on the law

applicable to contractual obligations has been replaced by a 2008 regulation on the law applicable to contractual obligations ([Rome I](#), ([http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:177:0006:0016:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:177:0006:0016:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:177:0006:0016:EN:PDF)). The [latest communication](#) on cross-border transactions dates from 2011.

The implementation of a harmonized choice of law instrument for non-contractual obligations of 2007 ([Rome II](#), ([28](http://eur-</p></div><div data-bbox=)

This page was last updated March 1, 2014.

lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0040:0040:EN:PDF) which came into force in January, 2009) has been under discussion in areas such as defamation and privacy.

VII. COMMENTARY AND DATABASES

Bogdandy, Armin von, and Jürgen Bast. Principles of European Constitutional Law. 2d rev. ed. Oxford: Hart, 2010. (http://www.worldcat.org/title/principles-of-european-constitutional-law/oclc/248990639&referer=brief_results)

Craig, Paul and Gráinne de Búrca. The evolution of EU law. 2nd ed. Oxford: Oxford University Press, 2011. (<http://www.worldcat.org/oclc/665136465>)

Hartley, Trevor C. The Foundations of European Union Law. 7th ed. Oxford: Oxford University Press, 2010. (http://www.worldcat.org/title/foundations-of-european-union-law/oclc/620092531&referer=brief_results)

Maduro, Miguel Poiars, and Loïc Azoulai. The Past and Future of EU Law: The Classics of EU Law Revisited on the 50th Anniversary of the Rome Treaty. Oxford: Hart, 2010. (http://www.worldcat.org/title/past-and-future-of-eu-law-the-classics-of-eu-law-revisited-on-the-50th-anniversary-of-the-rome-treaty/oclc/187294493&referer=brief_results)

Mathijssen, P. S. R. F. A Guide to European Union Law: As Amended by the Treaty of Lisbon. London: Sweet & Maxwell, 2010. (http://www.worldcat.org/title/guide-to-european-union-law-as-amended-by-the-treaty-of-lisbon/oclc/551427632&referer=brief_results)

Piris, Jean-Claude. The Lisbon Treaty: A Legal and Political Analysis. Cambridge [U.K.]: Cambridge University Press, 2010. (http://www.worldcat.org/title/lisbon-treaty-a-legal-and-political-analysis/oclc/540143425&referer=brief_results)

European Union Law Reporter: an explanatory commentary on the principal aspects of EU law and policy. 4 v. (loose-leaf). Bicester, Oxfordshire: CCH Editions Limited; Commerce Clearing House; CCH International (Firm); CCH Europe (Firm) 1962- . (<http://www.worldcat.org/oclc/36949482>)

[European Research Papers Archive](http://eiop.or.at/erpa/) (<http://eiop.or.at/erpa/>)

includes the Jean Monnet and European University Institute Papers and many more.

[ECLAS](http://ec.europa.eu/eclas/F) (<http://ec.europa.eu/eclas/F>).

A catalog of the European Commission Libraries

This page was last updated March 1, 2014.

Databases charging subscription or access fees:

[Justis](http://www.justis.com/) (<http://www.justis.com/>)

A database of Context, Ltd. provides EC law, including the Official Journal C series in combination with English and Irish legal materials.

[Lawtel](http://www.lawtel.com/Login.aspx) (www.lawtel.com/Login.aspx), Sweet & Maxwell (Thomson) is focused on the integration of EU law into the UK legal system.

[EU Competition Law Online](http://www.ellispub.com/eu-competition-law-online.html) (<http://www.ellispub.com/eu-competition-law-online.html>), Ellis Publications promises enhanced news and documents on competition developments within twenty-four hours.

VIII. CONCLUDING REVIEW OF UPDATING AND CITATION TOOLS AND OTHER RESOURCES

Updating Tools

The following should prove useful in preparing updated articles or guides on EU law:

European Law Institute (ELI), (<http://www.europeanlawinstitute.eu/home/>), Similar to the American Law Institute, this organization has formed to study the development of European law and legal integration by jurists and experts, across legal traditions.

[EU Focus](http://www.euintheus.org/resources-learning/eu-focus/) (<http://www.euintheus.org/resources-learning/eu-focus/>), (under " Resources & Learning) and the [EU Guide for Americans](http://www.euintheus.org/resources-learning/eu-guide-for-americans/) (<http://www.euintheus.org/resources-learning/eu-guide-for-americans/>), at the Delegation for the European Commission to the USA under publications and one can subscribe to the EUNewsBrief at the site.

[VoxEU.org](http://www.voxeu.org), (<http://www.voxeu.org>) describes itself as ...a policy portal set up by the [Centre for Economic Policy Research](http://www.cepr.org) ([www.CEPR.org](http://www.cepr.org)) in conjunction with a consortium of national sites. Vox aims to promote research-based policy analysis and commentary by leading scholars. The intended audience is economists in governments, international organizations, academia and the private sector as well as journalists specializing in economics, finance and business. Assistance for the Centre's work on Vox has been provided by the European Union, through its programme of support for bodies active at the European level in the field of active European citizenship.

This page was last updated March 1, 2014.

Research Guides

For additional details of the legal research process for the European Union, please refer to the following research guides and resources (with some academic URLs listed should institutional guides move).

[EISIL](http://www.eisil.org/index.php?sid=297648529&t=index) (<http://www.eisil.org/index.php?sid=297648529&t=index>), Electronic Information System for International Law (An ASIL Research Tool) has an [EU section](http://www.eisil.org/index.php?sid=297648529&cat=41&t=sub_pages) (http://www.eisil.org/index.php?sid=297648529&cat=41&t=sub_pages).

[European Union Research](http://www.law.nyu.edu/library/research/researchguides/europeanunionresearch/), NYU Law School, (<http://www.law.nyu.edu/library/research/researchguides/europeanunionresearch/>)

[European Union Research](http://lawlibraryguides.bu.edu/EU) Boston University Pappas Law Library, (<http://lawlibraryguides.bu.edu/EU>)

[Research Guide](http://library.law.columbia.edu/guides/European_Union_Legal_Materials) (http://library.law.columbia.edu/guides/European_Union_Legal_Materials), European Union Materials, Diamond Law Library, Columbia University School of Law

[RAPID](http://europa.eu/rapid/) (<http://europa.eu/rapid/>), EU press releases, official.

[European Union Law: An Integrated Guide to Electronic and Print Research](http://www.llrx.com/features/eulaw2.htm) (<http://www.llrx.com/features/eulaw2.htm>), Marylin J. Raisch, Includes the EU Document Location Chart but is no longer updated.

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This page was last updated March 1, 2014.

several articles, reviews, and web guides on international and foreign legal research, such as “The European Union: A Selective Research Guide,” 1 *Columbia Journal of European Law* 149 (1994/95), and hyperlinked web guides published from 2001 through 20013 on international family law, European Union law, and religious law.