

FINDING EUROPEAN UNION LEGAL INFORMATION AT THE UNIVERSITY OF BRADFORD

This document explains how to access EU legal
resources.

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INTRODUCTION

This document will help you to locate the following types of European Union legal information: EU legislation; EU cases; EU legal journal articles; and EU textbooks.

1. EUROPEAN UNION LEGISLATION

In 1973 the UK became a member of the European Community, which itself is now part of the wider European Union. Consequently, EU legislation is an integral part of UK law.

- The **primary sources** of EU legislation are the **Treaties**. These define the rights and obligations of the EU member states.
- The **secondary sources** of EU legislation are **Regulations, Directives, and Decisions**.

A very useful compilation of the main EU Treaties and legislation is the book edited by Nigel Foster, titled: *Blackstone's statutes: EU treaties and legislation*, published by Oxford University Press.

For online access to EU Treaties and legislation, use our subscription databases, either Westlaw UK; Lexis®Library; the free website EUR-Lex; or the **FLARE Index to Treaties** at: <http://catalogue.brad.ac.uk/record=e1001105~S1>

For online access to other EU legislation (*Regulations, Directives, and Decisions*), use our subscription databases, either *Westlaw UK* or *Lexis®Library*, or the free website *EUR-Lex*.

Westlaw UK

1. Click on: **EU** tab at top of screen.
2. To search for EU Treaties: under '**Browse**', click on '**Treaties**'. This option allows you to search and browse the '**Founding treaty**', '**Accession treaties**', and '**Other treaties and protocols**'.
3. To search for EU Directives, Regulations and Decisions: return to the basic search screen by clicking on the '**EU**' tab; under '**Browse**', click on '**Legislation**'. This allows you to search by the following: *Free Text, Title, Document Number and Year*.

Example: Find *Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States*. Type a phrase from the title into the '**Title**' search box, e.g. type *functioning of the internal market in relation to the free movement of goods*.

Alternatively, because all EU documents are assigned a unique reference number,

you can simply type the reference number '**2679/98**' in the '**Document Number**' search box.

Lexis®Library

1. To find EU legislation, click on the '**Legislation**' tab and then choose '**International Legislation**'.
2. The '**Sources**' default setting is to search '**EU Legislation**', which covers EU *Decisions, Directives and Regulations*.
Example: Find Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services. Type a phrase from the title into the '**Title**' search box, e.g. type the principle of equal treatment between men and women in the access to and supply of goods and services. Alternatively, you can simply type the reference number '**2004/113/EC**' in the '**Search terms**' search box.
3. To search for EU Treaties use the pull-down window and highlight '**EU Treaties**'.

EUR-Lex

Part of **Europa**, the official database of the EU. Go to: <http://new.eur-lex.europa.eu/homepage.html?locale=en> [accessed 07.01.14].

EUR-Lex contains the full text of all EU Treaties, Regulations, Directives, Decisions and proposed legislation.

When you have entered the database, click on the type of record you want to search: '**Treaties**' or '**Legislation in force**'.

To view proposals for new legislation, go to: '**Preparatory acts**' and select '**COM documents**'. Note: 'COM docs' (Commission Documents) are the preparatory documents that correspond to the various stages of the legislative process.

Finding Treaties on EUR-Lex

To find a specific Treaty and an Article from a Treaty, click on '**Treaties**'. Choose the Treaty you require from the list displayed.

Example: Find Article 48 of the Treaty of Amsterdam (1997).

Go to: '**Other treaties and protocols**' and select *Treaty of Amsterdam 1997*; you can open the document either as an **html** file or as a **pdf** file and then select Article 48.

Finding Regulations, Directives, and Decisions on EUR-Lex

To find a Regulation, a Directive, or a Decision, the most effective way is not to search by keyword, but instead to search by document reference number. All EU documents are assigned a unique reference number. Note: doing a general keyword search on *EUR-Lex* often brings up a confusing series of results and is to be avoided if possible.

Example: Find Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Return to the *EUR-Lex* homepage and go to '**Simple search**', then choose '**Search by document number**' and then '**Natural number**' and select: **Directive**.

Simply type the year **2004** into the '**Year search**' box and the document reference no. **38** into the '**Number**' search box.

From the results list, scroll down to find the text of the original Directive. Note that documents labelled '**Corrigendum**' are amendments to the original document in the form of a separate page, or pages, of corrections.

Finding COM docs on EUR-Lex

The final version of COM docs (proposals for new EU legislation) are only published after much discussion with interested parties (earlier drafts are generally not publically available). To find COM docs, return to the *EUR-Lex* homepage and select '**Preparatory acts**', then choose '**COM documents**'. Scroll down the screen, past all the '**Latest documents**', until you come to '**Direct access to PDF documents**'.

Example: Find the Proposal for a Council Directive concerning the general arrangements for excise duty, COM 2008/0035.

Select the year '**2008**' and type the document number '**0035**'. You should now retrieve the COM document that you require.

2. EUROPEAN UNION LAW REPORTS

The most authoritative Court of the European Union / European Community was established in 1952 and was called, until 1st December 2009, the *Court of Justice of the European Communities*. It is still commonly known by English lawyers as the *European Court of Justice* (ECJ).

When the Treaty of Lisbon came into force on 1st December 2009, the official name of the *Court of Justice of the European Communities* was shortened to the *Court of Justice* (CJ).

Note that the *Court of Justice* is an EU institution and has **no** connection whatsoever with the *European Court of Human Rights* (ECtHR) based in Strasbourg. For further information on the ECtHR, see the Law Library guide titled: *The European Court of Human Rights – finding law reports*.

Because judgments made in the *Court of Justice* bind our national court, the importance of its case law cannot be underestimated. It is thus essential that all law students have a good understanding of the EU legal system and the *Court of Justice*.

The official law reports of the *Court of Justice* are called the *European Court Reports*. You will find these in paper copy in the J.B. Priestley Library, in the **European Documentation Centre**.

European Court Reports [ECR] (1954 – onwards)

These are the official and the most authoritative reports covering EU / EC case law. Be aware of the following:

The *Court of Justice of the European Communities* quickly built up a heavy case load. To ease its workload, the *Court of First Instance* was established in 1989 to hear cases brought by private parties. Consequently, between 1990-2009 the *European Court Reports* were split into two parts:

- Part I contain reports of cases from the Court of Justice of the European Communities.
- Part II contains reports of cases from the *Court of First Instance*.

The full titles of the *European Court Reports* are: *Reports of Cases before the Court* (1954 – 1989) and *Reports of Cases before the Court of Justice and the Court of First Instance* (1990 – onwards).

On 1st December 2009 the *Court of First Instance* was renamed the *General Court*. The *European Court Reports* continue to be split into two parts:

- Part I contains reports of cases from the *Court of Justice*.
- Part II contains reports of cases from the *General Court*.

Finding European Court Reports online

European Court Reports are available online via **Westlaw UK**, via **Lexis®Library**, and via **EUR-Lex** (see below, Section 3).

Because judgments have to be accurately translated into each of the official languages of the EU, a major problem with the *European Court Reports* concerns their delay in publication – there is often a time lapse of two years between the court hearing and publication of the official report. It is thus difficult to use the *European Court Reports* for very recent cases.

Other important series of EU law reports available in print and online

The Law Library provides other major series of EU law reports as follows:

Common Market Law Reports [CMLR] (1962 – onwards)

These are **not** the official law reports of the *Court of Justice* and the *General Court*, but a major series published commercially by Sweet & Maxwell. The series contains significant cases only, i.e. not all cases.

The *Common Market Law Reports* began in 1962 and are important and very useful because they are published much quicker than the official *European Court Reports*.

The full series is available online via **Westlaw UK**.

All England Law Reports (European Cases) [All ER (EC)] (1995 – onwards)

This series, published commercially by Butterworths, includes the texts of selected cases only. The series began in 1995.

Students will find All ER (EC) particularly useful because the series provides good summaries of important EU cases heard since 1995.

The full series is also available online via **Lexis@Library**.

3. FINDING EU LAW REPORTS ONLINE

For online access to varying series of EU law reports, use either our subscription databases (*Westlaw UK*, *Lexis@Library*) or the free websites (*EUR-Lex* and *Curia*).

Westlaw UK

To find *European Court Reports*, click on the '**EU**' tab on the homepage; under '**Browse**', click on '**Cases**'. This option allows you to search and browse cases from the European Court of Justice (from 1954) and from the Court of First Instance (from 1989).

To find *Common Market Law Reports [CMLR]* click on the '**Cases**' tab on the homepage; under '**Browse**', click on '**Law Reports and Official Transcripts**' and select '**Common Market Law Reports**'. You can now search for *CMLR* cases from 1962 onwards by *Free Text*, by *Party Names*, or by *Citation*.

Lexis®Library

To find *European Court Reports*, click on the red '**Sources**' tab on the homepage; under '**Find Sources**', click on '**E**', and choose '**EU Cases**'. This option allows you to search and browse cases from the European Court of Justice (from 1954) and from the Court of First Instance (from 1989).

To find *All England Law Reports (European Cases) [All ER (EC)]*, go to '**Find Sources**', click on '**A**', and choose '**All England Law Reports European Cases**'. This option allows full text access to EU cases reported by the *All ER (EC)* series, 1995 – onwards.

EUR-Lex

Part of the **Europa** website, the official legal database of the EU; provides free online access to EU law.

Go to: <http://new.eur-lex.europa.eu/homepage.html?locale=en> [accessed 07.01.14].

EUR-Lex contains the full-text of judgments from the European Court of Justice and the Court of First Instance.

From the EUR-Lex homepage, select '**EU Case-law**'. Scroll down the screen, past all the '**Latest cases**', until you come to full list of '**EU case law**'. Refine your search using the filters in the left-hand side of the screen.

CURIA

Part of the **Europa** website; provides free online access to EU law case law. Go to: <http://curia.europa.eu/> [accessed 07.01.14].

4. CITATION OF EU CASES

European cases are cited differently from those of England and Wales.

European Court Reports [ECR]

The *European Court Reports [ECR]* are the official and the most authoritative reports covering European Union case law.

The European Court of Justice quickly built up a heavy case load. To ease its workload, the Court of First Instance (since 1st December 2009 called the *General Court*) was established in 1989 to hear cases brought by private parties (but not by institutions or EU member states).

Consequently, since 1990 the *European Court Reports* have been split into two parts: Part I contains reports of cases from the Court of Justice and are prefixed with

a ‘C’ (from the French *Cour* for “Court”); Part II contains reports of cases from the Court of First Instance / General Court, and are prefixed with a ‘T’ (from the French *Tribunal*).

Examples:

Case C-278/01 *Commission of the European Communities v Spain* [2003] ECR I-14141.

Case T-62/98 *Volkswagen AG v Commission of the European Communities* [2000] ECR II-2707.

The above citations are “de-coded” as follows:

Case C-278¹ /01² Commission of the European Communities v Spain³ [2003]⁴ ECR I⁵ - 14141⁶

1. Serial number of the case (C = ECJ)
2. Year of application
3. Names of parties; the party initiating proceedings is placed first
4. Year of the report.
5. Name of the law report, i.e. *European Court Reports*, part no.I, i.e. ECJ
6. Page number

Case T-62¹ /98² Volkswagen AG v Commission of the European Communities³ [2000]⁴ ECR II⁵ - 2707⁶

1. Serial number of the case (T = CFI)
2. Year of application
3. Names of parties; the party initiating proceedings is placed first
4. Year of the report
5. Name of the law report, i.e. *European Court Reports*, part no.II, i.e. CFI
6. Page number

You will notice from both examples that there is a two year delay between the court hearings and publication of the reports. Because judgments have to be accurately translated into each of the official languages of the EU, a major problem with the *European Court Reports* concerns their delay in publication.

You will find the full reports of both these cases in the appropriate volumes of the *European Court Reports* which are held in the **European Documentation Centre (EDC)** in the J.B. Priestley Library.

Common Market Law Reports [CMLR]

These are **not** the official law reports of the *Court of Justice* and the *General Court*, but an important series published commercially by Sweet & Maxwell. They are very useful because they are published much quicker than the official European Court Reports. Citation is straightforward, e.g.

Ministre de l'Interieur v Oteiza Olazabal [2005] 1 CMLR 49.

The above citation is “de-coded” as follows:

Ministre de l'Interieur v Oteiza Olazabal ¹ [2005] ² 1 ³ CMLR ⁴ 49 ⁵

1. Names of parties; the party initiating proceedings is placed first.
2. Year of the report.
3. Number of volume in which it was reported.
4. Name of the law report, i.e. *Common Market Law Reports*.
5. The number of the law report (not the page number).

You will find the full report of this case in the appropriate volume of *Common Market Law Reports* in the Law Library.

5. EU LAW JOURNALS IN THE LAW LIBRARY

To support you in your studies, the Law Library subscribes to four key EU journals in paper copy:

- ***Common Market Law Review*** (also available online, 2003 – onwards; access directly via the Library catalogue – see below Section 8).
- ***European Law Journal*** (also available online, 1997 – onwards; access directly via the Library catalogue – see below Section 8).
- ***European Law Review*** (also available online via Westlaw UK).
- ***European Lawyer***.

6. EU LAW Journals ONLINE

The full-text of articles from various journals concerned specifically with EU law are also available online via:

Westlaw UK

Titles include: EU Focus, European Competition Law Review, European Human Rights Law Review, European Intellectual Property Review, European Journal of international Law, and European Law Review.

Lexis®Library

Titles include: European Competition Journal, European Journal of International Law, European Constitutional Law Review and European Company and Financial Law Review.

HeinOnline

Titles include: European Journal of Crime, Criminal Law and Criminal Justice, European Journal of Law Reform, and European Journal of Migration and Law.

ProQuest®

ProQuest is a world-class database containing articles and abstracts from around 1,000 worldwide business publications, but it also includes numerous European legal publications not available on other legal databases, e.g. *Common Market Law Review*, *European Constitutional Law Review*, *European Journal of Law and Economics*.

7. AN IMPORTANT NOTE CONCERNING SOME SPECIFIC JOURNALS

Certain legal journals concerning EU law **CANNOT** be accessed online via the major legal databases (i.e. *Westlaw*, *Lexis®Library*, and *HeinOnline*) because these databases are not licensed to hold certain titles. Consequently, the Law Library pays extra subscriptions for online access to the following:

- ***Common Market Law Review***: (2003 – onwards).
- ***European Law Journal***: (1997 – onwards).

To gain online access to the above titles, you **MUST** use the Library catalogue. Go to: <http://www.bradford.ac.uk/library/>.

1. Select '**Catalogue**' followed by '**Journal Title Search**'.
2. Type the name of the journal you require, e.g. **common market law review**.

8. EU TEXTBOOKS

Look at the **Reading Lists** given to you by your tutors. The Law Library should have all (or most) of the EU books listed. In addition to copies available for loan, one copy of each core item on your Reading List will be kept as a **1 day loan** item in the **Short Loan Collection** behind the library counter. This is to ensure that essential titles should be available for consultation in the Library at all times.

If your tutors recommend that a book is an essential title, then you should consider buying a copy.

Books in the Law Library are arranged in accordance with the Dewey Decimal Classification system. Use the following list as a guide only. Consult the library catalogue to find specific titles:

- **341.2422**: General EU law textbooks.
- **342.4**: EU constitutional law.
- **344.401**: EU employment law.
- **344.4046**: EU environmental law.

9. European Sources Online (ESO)

European Sources Online (ESO) is a European information service maintained by the European Documentation Centre of Cardiff University. ESO used to be a subscription service, but it is now a free access service accessible to all at: <http://www.europeansources.info> [accessed 07.01.14].

ESO is not exclusively a legal information service, but it provides a significant amount of legal content. Students new to the study of EU law will find it useful for its authoritative commentary and information guides on, for example, the Court of Justice of the European Union. It also has a section concerning legal updates.

Help

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