2014

European Union Law

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Introduction

Are you brand new to researching the EU? The first thing you'll need to know is that Europa is the main European Union web portal, and it offers a huge amount of information. Legal researchers will find the majority of pertinent information under the "Institutions" and "Documents" tabs.

From Europa, you can link to EUR-Lex, which is the portal specifically for EU law.

If you feel you need to orient yourself to the structure of the EU in general, you may want to have a look at either of these two sources: How the EU Works or EU Guide for Americans. If you're looking for a more substantial introduction to the legal system of the EU, try the books below.

Once you're really ready to delve into the subject, check out the materials listed in the section on books and other secondary sources in this guide.

Please contact the Law Library's Research Services librarians during their Research Services hours, or via email to research.services@law.csuohio.edu for additional help.

European Union Law in a Nutshell
http://scholar.csuohio.edu/record=b2574172~S0
By Ralph H. Folsom
KJE849 .F55 2011

A Critical Introduction to European Law
http://scholar.csuohio.edu/record=b1893029~S0
By Ian Ward
KJE947 .W365 2003

Cases and Materials on EU Law
http://scholar.csuohio.edu/record=b2063726~S0
By Stephen Weatherill
KJE845 .W43 2007

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Citing to EU Law

The Bluebook's Rule 21 explains how to cite to international materials in general. Specific Bluebook rules pertaining to EU law include:

- Rule 21.5.2 European Union Courts
- Rule 21.5.3 European Court of Human Rights
- Rule 21.8.2 EU and European Community Materials, detailing legislation, COM documents, debates, founding treaties, green and white papers, and other documents.

For citation help on the web, check out the University of Minnesota's Frequently-Cited Treaties and Other International Instruments, which was written with citation checkers in mind. It has a section on EU materials.

Finally, EISIL (Electronic Information System for International Law) can also be helpful. Under any source document in EISIL there is "More Information" which includes a field for legal citation -- see the Treaty Establishing a Constitution for Europe as an example.

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Phone (Voice):216-687-6877
EU Institutions: What They Do and Where to Find Documents

One of the challenging things about EU research is keeping straight all of the institutions that make up the supranational governance structure of the EU. Here is a very brief rundown of four of the key law-making EU institutions, their functions, and what documents you can expect to find from each.

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>What It Does</th>
<th>Documents to Look For</th>
<th>Where to Find the Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Commission</td>
<td>Functions as the EU's executive branch and initiates all proposed legislation. It is organized into sections called Directorate Generals (DGs) that draft and monitor legislation.</td>
<td>COM documents-Commission Documents proposing legislation (e.g. COM (2007) 0633 - a proposal for a Directive on appliances), communications, and &quot;green papers&quot; or &quot;white papers&quot; (reports on specific topics).</td>
<td>EUR-Lex has COM documents, European Union Legislation in WestlawNext, PreLex and the Commission's Documents Register.</td>
</tr>
<tr>
<td>Council of the European Union</td>
<td>Adopts EU laws in conjunction with the European Parliament; the Council also concludes international agreements between the EU and other countries or international organizations.</td>
<td>Monthly summaries of Council Acts, Common Positions on proposed legislation, press releases, minutes.</td>
<td>Prior to 1999, Council documents were kept confidential. Current sources for documents include the Council's Public Register, and Press Releases.</td>
</tr>
<tr>
<td>European Parliament</td>
<td>Adopts EU laws in conjunction with the Council; serves as a democratic check on the Commission.</td>
<td>Committee reports, floor debates, parliamentary actions on proposed legislation, parliamentary questions.</td>
<td>The Legislative Observatory database (for proposed legislation), the Parliament's Register of Documents for a wide range of documents, parliamentary questions on EUR-Lex.</td>
</tr>
<tr>
<td>European Court of Justice</td>
<td>Acts as the Supreme Court for the EU; ensures that EU law is interpreted and applied uniformly throughout EU Member States.</td>
<td>Decisions from the ECJ itself and from the Court of First Instance, a court established in 1969 attached to the ECJ that handles certain types of cases, especially ones</td>
<td>See the caselaw section of this guide.</td>
</tr>
</tbody>
</table>
Other EU Institutions

If you want an overview of all EU institutions, see EU Institutions and Other Bodies.

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* Title  Author  Keyword  Subject  Call Number

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Key Treaties

Key Treaties

There are some key treaties associated with the European Union that you will see cited in the legal literature again and again. These are generally very easy to find online, but sometimes you need an official citation or a print copy.

Sources for locating foundational treaties, as well as other EU treaties include EUR-Lex, European Union Legislation: Treaties in WestlawNext, and EU Treaties and Legislation [KJE916 .B526].

The three 1957 treaties establishing the original entities that eventually became today's EU are: the Treaty Establishing the European Economic Community (Treaty of Rome), the Treaty Establishing the European Atomic Energy Community (Euratom Treaty), and the Treaty Establishing the European Coal and Steel Community.

Some of the other key EU treaties are listed in the chart below.

Citation Note: Be sure to check the Bluebook or whatever citation manual you are using to verify the correct citation format. The citations given below are there to help you get started; they may not be 100% Bluebook. For more detailed information, see the section Citing to European Union Law.

<table>
<thead>
<tr>
<th>Name</th>
<th>Citation</th>
<th>Why It's Important</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treaty on European Union (TEU, Maastricht Treaty)</td>
<td>1992 O.J. (C191) 1; 31 I.L.M. 253</td>
<td>Brought the EU as we know it today into being; established common foreign and security policy.</td>
</tr>
<tr>
<td>Treaty of Nice</td>
<td>2001 O.J. (C80) 1</td>
<td>Amended existing TEU and other treaties; prepared for EU enlargement.</td>
</tr>
<tr>
<td>Treaty of Amsterdam</td>
<td>1997 O.J. (C340) 1; 37 I.L.M. 56</td>
<td>Provided closer cooperation on security and crime, free movement of workers, establishment of common borders.</td>
</tr>
<tr>
<td>Treaty Establishing a Constitution for Europe (TCE, European Constitution)</td>
<td>2004 O.J. (C310/01)</td>
<td>Attempts to create one clear foundational document for the EU. The approval of all Member States is required for the Constitution to enter into force.</td>
</tr>
<tr>
<td>Treaty of Lisbon (Reform Treaty)</td>
<td>6655/08</td>
<td>Amends prior treaties and attempts to streamline efficiency. The approval of all Member States is</td>
</tr>
</tbody>
</table>
The Charter of Fundamental Rights of the EU is required for the Treaty of Lisbon to enter into force.

<table>
<thead>
<tr>
<th>Treaties</th>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charter of Fundamental Rights of the EU</td>
<td>2000/C 364/01</td>
<td>Spells out basic EU rights in terms of dignity, freedoms, equality, solidarity, citizens’ rights, and justice.</td>
</tr>
<tr>
<td>Accession Treaties</td>
<td>--</td>
<td>Expands the EU beyond its six founding members.</td>
</tr>
</tbody>
</table>

### Abbreviations and Sources:
- O.J. = The Official Journal of the European Union
- I.L.M. = International Legal Materials

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## Case Law & Legislation

### Legislation

Researching EU legislation can be fairly complex, but the majority of researchers are looking for regulations or directives, which are considered secondary legislation, as are opinions of the ECJ. Treaties [covered here] are considered primary legislation.

First, for focusing on regulations and directions, a basic definition is useful. These two definitions are taken from The European Union: A Guide for Americans (page 9):

- "Regulations .... are binding in their entirety, self-executing, directly applicable, and obligatory throughout EU territory. They can be compared to U.S. federal laws passed by Congress."
- "Directives are binding in terms of the results to be achieved and are addressed to individual Member States, which are free to choose the best forms and methods of implementation." Directives require national implementing legislation — see note below, this section.

Next, it's helpful to see what a citation example or partial citation for a regulation and a directive looks like:

- Regulation example [number of regulation, then year]: (EC) 358/2008 (laying down measures for the implementation of the common basic standards on aviation security)
- Directive example [year, then number of directive]: 2008/39/EC (relating to plastic materials and articles intended to come into contact with food)

**NOTE:** You can find citations to both directives and regulations in the Official Journal.

Finally, you'll want to know about a few sources for locating regulations and directives:

- **Official Journal (OJ)** -- You'll want to focus on the L series which publishes regulations and directives. (There's also a C series that publishes notices and other information). The OJ is available in print [CM Law Library does not have a copy], and in European Union Legislation in WestlawNext. The OJ is freely available online through EUR-Lex.
- **Note on CELEX database** -- Prior to EUR-Lex, CELEX was a database used for EU legislation research. The contents of CELEX are now contained in EUR-Lex. Occasionally, you'll still run across a citation for a CELEX document number (e.g. of CELEX number: 32007R0967). There is a CELEX number search screen on EUR-Lex that you can use for this.

How to find implementing legislation:

Directives require further action on the part of Member States, which is called implementing legislation. Some sources for locating implementing legislation include European Union Legislation in WestlawNext and EUR-Lex. If you're using EUR-Lex, bring up the directive first, then click "Bibliographic Notice"; scroll down and select the link under the heading "Display the national implementing measures." This will take you to a list of national legislation implementing that directive. [for example -- this list of legislation implementing Directive 97/56/EC restricting the use of certain dangerous substances].

For more thorough treatment of EU legislation, see the section on Legislation from Duncan Alford's European Union Legal Materials: An Infrequent User's Guide.

### Case Law

The caselaw of the European Court of Justice (ECJ) and its associated Court of First Instance can be found on the ECJ's website, Westlaw [EU-CS-ALL database], Lexis [Legal > Find Laws by Country or Region > European Union > Case Law], European Community Cases KJE925.5 .C652, and other sources.

For current news and analysis on the ECJ, see the ECJBlog, written by a scholar at the University of Utrecht.

### Secondary Sources

#### Books

If you are ready for something more in-depth than a nutshell and more analytical than a hornbook, these treatises are the way to go. They represent some of the most-cited authors in the area of EU law. You can find more books on EU law by searching Scholar, the online catalog.

- Principles of European Union Law
Journals

You'll find many articles on EU law in general-topic American law reviews, as well as foreign periodicals. For a complete guide to journals research see Finding Articles in Law Reviews, Journals, and Other Legal Periodicals. A few specialized journals include:

- Columbia Journal of European Law
  http://scholar.csuohio.edu/record=b1524380~S0
  K3 .O4494

- European Law Journal
  https://scholar.csuohio.edu/record=b2684908~S0
electronic resource

- European Journal of International Law
  https://scholar.csuohio.edu/record=b2725774~S0
  via OhioLink

- European Union Politics
  https://scholar.csuohio.edu/record=b2725861~S0
  via OhioLink

- Maastricht Journal of European and Comparative Law
  http://scholar.csuohio.edu/record=b1506744
  K13 .A22

Study Aids

Go to Study Aids Hints and Tips for more general sources

- European Union Law in a Nutshell
  http://scholar.csuohio.edu/record=b2574172~S0
  by Ralph H. Folsom
  KJE949 .F55 2011

CALI Lessons

To register for online interactive CALI lessons, see Law Student Registration Instructions

- Supranational Organizations: The European Union
  http://www.cali.org/lesson/8141
  This lesson provides an overview of the history and structure of the European Union, followed by an introduction to researching European Union documents. The European Union is a truly unique structure which represents over half a century of cooperation between select nations. As the sole supranational legal order in the world, the European Union offers a truly unique model of study to legal scholars and practitioners

- European Union Trademark Basics
  http://www.cali.org/lesson/837
  This lesson gives an overview of the basics of the European Union's trademark system. The emphasis is on issues of registration and infringement. It often uses a comparative approach, with the U.S. system as a foil. It takes users through both the national systems (via the Trademark Harmonization Directive) and the Community Trademark system. Familiarity with U.S. trademark law is assumed.

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