Today’s Agenda

1. Very Brief Organizational Grounding
2. Choosing a Topic
3. Locating Secondary Sources
   - Treatises, Journals, etc.
4. Locating Primary Sources
   - EU Treaties, Legislation, and Case Law
   - National Legislation
EU Organization

What is the EU?

The European Union is a unique economic and political union of 28 European countries (currently) that together cover much of the European continent.
EU Organization: Don’t Get Confused

**EU Institutions and Bodies:**
- European Council
- Council of the European Union
- Court of Justice of the European Union
- European Court of Justice
- (many more)

**Not EU Institutions or Bodies:**
- Council of Europe
- European Court of Human Rights
- International Court of Justice

Differences explained:
Choosing a Topic

General Considerations
• Something that Interests You
• Narrow Topic
• Research-able
• Current (within reason)
• http://libguides.law.umich.edu/topicselection
Choosing a Topic

Think about it while you are going about your day

- Class discussions
- TV topics
- Radio stories
- Magazine articles
- Newspaper headlines
- Social media trending topics
Secondary Sources

Always Begin with Secondary Sources

What are they?

- Books (Treatises & Monographs)
- Articles
- News
- Blogs
- Social Media
- Research Guides
News & Current Awareness

News
- Delegation of the EU to the US - https://medium.com/euintheus
  - Blog-style publication by EU staff on the Delegation of the European Union to the United States.
- Politico EU - https://www.politico.eu/
News & Current Awareness

Blogs: Be careful with currency
- EU Law Analysis blog: http://eulawanalysis.blogspot.co.uk/
- Despite our Differences Blog: https://despiteourdifferencesblog.wordpress.com/

Blawg Search: https://blawgsearch.justia.com/

Social Media: Be careful with everything
- Twitter: https://twitter.com/search?vertical=news&q=European%20Union&src=tyah
- Reddit: https://www.reddit.com/r/europeanunion/
Research Guides

U-M Law Library
- [http://libguides.law.umich.edu/EUlaw](http://libguides.law.umich.edu/EUlaw)

Georgetown Law Library
- [http://guides.ll.georgetown.edu/c.php?g=318932&p=2130493](http://guides.ll.georgetown.edu/c.php?g=318932&p=2130493)

Foreign Law Guide
- [http://umil.iii.com/record=e1000132](http://umil.iii.com/record=e1000132)

GlobaLex
- [http://www.nyulawglobal.org/Globalex/European_Union1.htm](http://www.nyulawglobal.org/Globalex/European_Union1.htm)
Books

Quick Substantive Overviews
◦ The ABC of European Union Law (2018): http://umil.iii.com/record=b2016135 or download the PDF.
◦ European Union Law in a Nutshell (2017): http://umil.iii.com/record=b1878282

Treatises
◦ U-M Law Library Treatise Finder: https://libguides.law.umich.edu/treatise-finder/EU
◦ Electronic: Lexis (few) and Westlaw (several) treatise records in U-M Law Library catalog.

Monographs
◦ Search the Law Library catalog (http://umil.iii.com/) using keyword or subjects (e.g. Law -- European Union countries)
◦ Search University Library catalog: https://search.lib.umich.edu/catalog
Articles

Journal Articles
- Legal Journals *Index* (Westlaw, 1986-present): [here](http://umil.iii.com/record=e1000846)
- *Index* to Foreign Legal Periodicals (Hein, 1985-present): [http://umil.iii.com/search/y](http://umil.iii.com/search/y)
- JSTOR/HeinOnline/ProQuest: [http://umil.iii.com/search/y](http://umil.iii.com/search/y)
- Subject Search in Law Library catalog: [Law -- European Union countries – Periodicals](https://libguides.law.umich.edu/c.php?g=863873&p=6197891)
- List of major EU Journals: [https://libguides.law.umich.edu/c.php?g=863873&p=6197891](https://libguides.law.umich.edu/c.php?g=863873&p=6197891)

Working Papers
- [http://eiop.or.at/erpa/](http://eiop.or.at/erpa/)
- [http://aei.pitt.edu/](http://aei.pitt.edu/)
- [https://jeanmonnetprogram.org/papers/](https://jeanmonnetprogram.org/papers/)
EU Institutions and Bodies

7 OFFICIAL BODIES

1. European Commission
2. European Council
3. Council of the European Union
4. European Parliament
5. European Central Bank
6. European Court of Justice
7. Court of Auditors

- Ordinary Legislative Procedure
- About EU Institutions and Bodies (Europa)
Hierarchy of EU Law

Treaties
(Primary Legislation)

Regulations, Directives, Decisions
(Secondary Legislation)

General Principles of Law
Case Law
Treaties between Member States

See Also:
Sources and Scope of European Union Law
Primary Source Research: Major Sources

- Official website of the European Union.
- Links to institutional websites, laws, explanations.

- Official EU website publishing EU law, including the *Official Journal*.
- PDFs of older laws, official electronic versions of recent laws.

- Official gazette of record for the EU. Publishes binding legal acts.
- Published daily in all of the official languages of EU Member States.
Primary Source Research: Primary Legislation

Treaties
- Binding agreement among EU member countries.
- Identifying and Locating Treaties
- Commentaries on Treaties
  - Encyclopedia of European Union law. Constitutional texts http://umil.iii.com/record=b1121325
    [Commentaries, cases and other references]
  - Library Catalog Search: keyword: Amsterdam Treaty
  - Travaux Préparatoires http://www.nyulawglobal.org/globalex/Travaux_Preparatoires1.html
Primary Source Research: About Secondary Legislation

Secondary Legislation: Art. 288 of the Treaty on the Functioning of the EU
- **Regulation**: Binding on all member states
- **Directive**: Framework statutes binding only through enactment of a law within the member state of a similar law or amendments to laws harmonizing the member state’s laws
- **Decision**: Binding in all aspects for those to whom they are addressed (Member States, enterprises or individuals), do not require national implementing legislation
- **Recommendation**: Adopted by the Commission or Council, have no binding force
- **Opinion**: Written statements by the Commission, Council or Committees, have no binding force but indicate policy
Primary Source Research: Secondary Legislation

Legislation in Force
- Browse the Directory of European Union Consolidated Legislations
  - [http://eur-lex.europa.eu/browse/directories/consleg.html](http://eur-lex.europa.eu/browse/directories/consleg.html)
  - Enacted legislation organized by subject.
- Search Consolidated Acts Collection in EUR-Lex
- Search in Official Journal
  - O.J. = Official Journal L= Legislation; C= Information and Notices
- Examples from Bluebook R21.9:
  - Administrative Commission on Social Security for Migrant Workers, 2009 O.J. (C 213) 6, 8.
Primary Source Research: Secondary Legislation

**Proposed Legislation** and **Preparatory Acts**
- Directory of European Union Legislation in Preparation on EUR-Lex
- Official Journal, C Series: Information and Notices
- Print Version (ceased in 2013) [http://umil.iii.com/record=b1007440](http://umil.iii.com/record=b1007440)
Primary Source Research: Secondary Legislation

Find official EU documents by issuing bodies on EUR-Lex
  - [https://eur-lex.europa.eu/browse/institutions/institutions-intro.html](https://eur-lex.europa.eu/browse/institutions/institutions-intro.html)
  - E.g., European Commission > COM and JOIN documents

Lawmaking Procedures database
  - Legislative history of EU laws
Primary Source Research: International Agreements

Agreement between European Union and non-member states or other international organizations.

Authorized by Art. 216 of the Treaty on the functioning of the European Union

Search or Browse on EUR-Lex
Primary Source Research: Case Law

Court of Justice of the European Union (CJEU, est. 1952)
  - [https://curia.europa.eu/jcms/jcms/j_6/en/]

Two Component Courts
  - Court of Justice, a.k.a. European Court of Justice (ECJ)
    - Ensures that Member States fulfill obligations of EU law
  - General Court (EGC), f.k.a. Court of First Instance (CFI)
    - Actions against EU by individuals, companies, and national governments (limited subject-matter)
    - Decisions subject to appeal to Court of Justice on points of law

Defunct: Civil Service Tribunal (2005-2016)
  - Heard disputes between EU and its staff; subject to appeals to General Court
  - Jurisdiction over staff cases transferred to General Court September 1, 2016
Primary Source Research: Case Law

Reports of Cases before the Court of Justice and the General Court (E.C.R.)
- Print (1954-2011): [http://umil.iii.com/record=b1077889](http://umil.iii.com/record=b1077889)
- Online:

Annotation of Judgments:
- Discussion by legal commentators about the judgments
Primary Source Research: Case Law

Cases on Lexis and Westlaw
- **Lexis**: International > View All Countries > European Union > All European Union Cases > EU Cases
- **Westlaw**: International Materials > European Union > All European Union Cases

Regarding *stare decisis*
- No formal *stare decisis*, but the ECJ does tend to follow its own decisions
- Decisions are binding on national courts of Member States
National Transposition Measures: About

*Regulations* and *decisions* become automatically binding throughout the EU on the date they take effect.

*Directives*, on the other hand, must be incorporated by EU countries into their national legislation.

- Such legislative acts are referred to as “National Transposition Measures”
- Transposition deadlines are contained within directives (usually after two years)
National Transposition Measures: Locating

Online
- EUR-Lex: Search National Transposition Measures
- N-Lex: Search one or more EU countries’ national law databases
  - [http://eur-lex.europa.eu/n-lex/index_en](http://eur-lex.europa.eu/n-lex/index_en)
- Still in experimental stage

Print
  - [http://umil.iii.com/record=b1084050](http://umil.iii.com/record=b1084050)
- Issued monthly, then replaced by yearly digest
- Includes cumulative tables of implementing legislation
Final Tips

• Start with secondary resources

• [http://libguides.law.umich.edu/EUlaw](http://libguides.law.umich.edu/EUlaw)

• Primary sources: Europa, EUR-Lex, *Official Journal*

• Keep a research log!

• Stop by the Reference Desk for further help (8AM-midnight, 7 days a week)

• Speak to a Librarian!
  - Monday-Wednesday: 10-7, Thursday-Friday: 10-5, Sunday: 9-6
  - askalawlibrarian@umich.edu, Research Consultations, chat reference
Questions?

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