Session III
An Introduction to
Researching the Law of the European Union

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Topics Covered in These Slides

I. Introduction to the European Union & Its Institutions

II. Sources of EU Law
   A. Primary Law – Treaties and Where to Find Them
   B. Secondary Law
      1. Legislative Acts – Regulations & Directives
      2. Other Legal Acts – Decisions, Recommendations & Opinions
      3. Case Law

III. The Publication of EU Laws

IV. Researching EU Legislation & Other Legal Acts

V. Researching EU Case Law

#AALL19
Introduction to the European Union

Brief Historical Overview; Key Institutions

#AALL19
What Is the European Union?

Official EU Web Portal: Europa

- A unique entity, partly supra-national and partly inter-governmental.
- Established and governed by a series of treaties.
- Comprised of 28 member states (sovereign countries).
- Operates under a system of shared (pooled) sovereignty on matters of common concern.
- Managed and governed by seven institutions.
- 24 official languages.
- Working languages: English, French, and German.
- Headquartered in Brussels, Belgium.

#AALL19
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>The Treaty of Paris establishes the European Coal &amp; Steel Community (Benelux, France, West Germany, and Italy).</td>
</tr>
<tr>
<td>1957</td>
<td>The Treaty of Rome establishes the European Economic Community.</td>
</tr>
<tr>
<td>1965</td>
<td>The Treaty of Brussels (Merger Treaty) creates common governing institutions for all three European Communities.</td>
</tr>
<tr>
<td>1973</td>
<td>First Enlargement: UK, Denmark &amp; Ireland join.</td>
</tr>
<tr>
<td>1981</td>
<td>Greece joins.</td>
</tr>
</tbody>
</table>

More about the history of the EU
Brief Historical Timeline of European Integration

1986  The Single European Act establishes the goal of creating a single market in goods, services, capital, and labor by 1992.

1987  Spain & Portugal join.

1990  German reunification.


1993  Single (internal) Market established, facilitating the free movement of goods, services, capital, and people (a/k/a “the four freedoms”) within the EC.

1995  Austria, Finland, and Sweden join.

1997  The Treaty of Amsterdam changes institutions & voting procedures. It also consolidates & re-numbers existing treaties.
Brief Historical Timeline of European Integration

2001  The Treaty of Nice enacts further changes to institutions & voting procedures to accommodate new members.
2002  Single currency (euro) launches.
2004  Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia join.
2007  Romania & Bulgaria join.
2009  The Treaty of Lisbon facilitates constitutional reforms via amendments to existing treaties. New Name: The European Union (EU).
2013  Croatia becomes the 28th member state.
2016  UK voters narrowly approve referendum to leave the EU.
European Union
Evolving Membership of What Is Now the EU

1957

Animated GIF by Kolja21 via Wikimedia Commons, CC BY-SA 3.0 license (free to use with attribution).

Brexit

Public domain image by Petr Kratochvil via PublicDomainPictures.net.

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European Union

- Successor organization to the three European Communities (coal & steel, economic, and atomic energy) established in the 1950s.
- Core mission remains economic cooperation and integration.
- 28 member states. The EU’s membership has expanded over time, but it is not as broad as the CoE’s membership.
- The Court of Justice of the European Union (a/k/a the European Court of Justice) is one of the EU’s seven governing institutions.

Council of Europe

- Inter-governmental organization established in 1949 to promote & protect human rights.
- Core mission has expanded to include promoting democracy, the rule of law, and uniform standards, as well as protecting cultural heritage.
- 47 member states. Membership has expanded over time to include almost every country wholly or partly within Europe.
- Accomplishes its work primarily through the drafting of treaties, including the European Convention on Human Rights (1953).
- The European Court of Human Rights was established under Article 19 of the Convention.

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European Union
Overlapping Membership with Other IGOs

Diagram by The Emirr via Wikimedia Commons,
CC BY 3.0 license (free to use with attribution)
The EU’s Seven Institutions

- The European Council
- The European Commission
- The Council of the European Union (Council of Minsters)
- The European Parliament
- The Court of Justice of the European Union
- The European Central Bank
- The Court of Auditors
The European Council

- Comprised of the heads of state or heads of government of the 28 member states.
- Has no formal legislative powers, but sets the EU’s policymaking agenda.
- Appoints a full-time council president (typically a former head of state) to serve as its public face.
- Appoints the 28 members of the European Commission, the EU’s executive arm.
- Holds summit-style meetings at least four times per year.
- Primary venue for resolving policy disputes, negotiating treaty changes, and managing crises.

European Council Website

European Council Meeting, March 2018. Image by the European External Action Service via Flickr. CC BY-NC 2.0 license (free to use with attribution).
EU Institutions

The European Commission

European Commission Website

- The EU’s executive arm, organized as a 28-member cabinet.
- One commissioner from each member state. Appointed by the European Council, subject to the approval of the European Parliament.
- Commissioners represent the interests of the EU as a whole.
- Initiates and drafts all EU legislation.
- Implements policy and manages day-to-day operations, assisted by 23,000 civil servants.

#AALL19
EU Institutions

The Council of the EU (Council of Ministers)

Council of the EU Website

- Comprised of national cabinet ministers, one from each member state.
- Composition varies, depending on the subject under discussion.
- Represents the interests of the national governments.
- Functions as the upper house of the EU’s legislature.
- Approves, amends or rejects legislation proposed by the Commission, as well as the EU budget.

Meeting room of the Council of the EU (Justus Lipsius Building, Brussels). Image by J Logan via Wikimedia Commons. CC BY-SA 3.0 license (free to use with attribution).
The European Parliament

Only EU institution whose members are directly elected. 751 MEPs serve 5-year terms.

Represents the interests of the citizens of the member states.

Also provides democratic oversight of the Commission.

Along with the Council of the EU, it

- Approves, amends or rejects legislation proposed by the Commission.
- Approves the EU’s budget.

Debating Chamber (Hemicycle) of the European Parliament. Louise Weiss Building Strasbourg. Image by Diliff via Wikimedia Commons. CC BY-SA 3.0 license (free to use with attribution).
The Court of Justice of the EU (CJEU)

The CJEU is the judicial arm of the EU whose core function is to ensure the uniform application and interpretation of EU law.

Most Common Types of Cases:

- **Infringement Proceedings** – monitor the compliance of member states with their obligations under the EU’s treaties.

- **Actions for Annulment (or Failure to Act)** – review the legality of actions taken (or not taken) by an EU institution.

- **Preliminary Rulings** – requests made by national courts and tribunals for the interpretation of a specific EU law.

Photo by Charles Bjork (2018)
The Court of Justice of the EU (CJEU)

Two Component Courts

The Court of Justice
- Informally known as the European Court of Justice (ECJ).
- Composition: 28 judges (one from each member state) +11 advocates general.
- Jurisdiction:
  - Preliminary Rulings on matters of EU law.
  - Infringement Proceedings brought against member states.
  - Actions for Annulment (or Failure to Act) brought by member states or EU institutions.
  - Appeals of judgments issued by the General Court (only on points of law).

The General Court
- Formerly known as the Court of First Instance.
- Composition: 46 judges (at least one from each member state).
- Jurisdiction:
  - Actions brought by member states against the Commission or against the Council w/respect to state aid, trade protection & other matters.
  - Actions for Annulment (or Failure to Act) brought by individuals or business entities.
  - Contract, tort, and IP claims brought against the EU or one of its institutions.
  - Employment claims made by EU civil servants.

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Sources of EU Law

Primary Law (Treaties); Secondary Law (Legislative Acts & Other Legal Acts); Case Law
Hierarchy of EU Law

Treaties
(_primary law_)

Regulations & Directives
(secondary law – legislative acts)

(Administrative) Decisions
(non-legislative legal acts)

Judicial Decisions
(case law)

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Primary Law

The EU’s Founding (Foundational) Treaties

Treaty on the European Union (TEU)
- Formerly known as the Maastricht Treaty (1992).
- Defines the EU’s purposes and governing principles.
- Defines the roles of the seven EU’s institutions.
- Sets the rules for entry into (and withdrawal from) the EU.

Treaty on the Functioning of the European Union (TFEU)
- Formerly known as the Treaty of Rome (1957).
- Delineates the subject matters over which the EU has exclusive or shared competence (authority to legislate).
- Defines different types of legislative acts and the procedural rules for enacting legislation.

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Primary Law

Other Internal EU Treaties
(In addition to the Founding Treaties)

Selected Internal Treaties

- Treaty Establishing the European Atomic Energy Community (1957; most recent amendment in 2012)
- Schengen Convention (1985) (internal border controls)
- Treaty of Amsterdam (1997) (changes to institutions & voting procedures; consolidation & re-numbering of the Founding Treaties)
- Charter of Fundamental Rights (2000) (fully entered into force with the Lisbon Treaty)
- Treaty of Lisbon (2009) (constitutional reforms via amendments to prior treaties)
- Accession Treaties – Treaties governing the admission of new member states (or groups of member states) into the EU (or its predecessor entities).
Primary Law

National Opt-Outs From Treaty Obligations
Selective Retention of Sovereignty by Individual Member States

- **Czech Republic** – Charter of Fundamental Rights.

- **Denmark** – immigration & asylum policies; police & judicial cooperation; single currency (no obligation to join at some unspecified future date).

- **Ireland** – immigration & asylum policies (may selectively opt in); police & judicial cooperation (may selectively opt in); Schengen Convention (abolition of internal border controls over people).

- **Poland** – Charter of Fundamental Rights.

- **United Kingdom** – Charter of Fundamental Rights; immigration & asylum policies (may selectively opt in); police & judicial cooperation (may selectively opt in); Schengen Convention; single currency.

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Primary Law

International Agreements
(External Treaties)

Two Types of International Agreements

- Treaties concluded by the EU (or one of its predecessor entities) on behalf of its member states with third parties. Limited to subjects over which the EU has exclusive competence (only the EU may act).

- ”Mixed Type” Agreements – Treaties concluded jointly by the EU and its individual member states with third parties. Limited to subjects over which the EU has shared competence with its member states.

General Observations

- International agreements may be bilateral (one other party) or multilateral (multiple parties).

- Treaty partners may be sovereign states or other international organizations.
Primary Law

Locating EU Treaties

**EUR-Lex Database** – free gateway to EU law, including treaty texts
Primary Law

Locating EU Treaties on EUR-Lex

Treaties Currently in Force – for current (consolidated) texts of the TEU and the TFEU (among others).

Chronological Overview – for links to original, prior, and current texts of most EU treaties.

It is also possible to search treaty texts (link at the bottom of the Treaties menu).
Primary Law

Locating EU International Agreements

International Agreements on EUR-Lex

Both search & browse options are available, as well as quick links to recently published agreements.
Primary Law

Locating EU International Agreements

EU Treaty Office Database

- **Coverage:** All external treaties concluded by the EU and its predecessor entities, including those currently in force, no longer in force, and those that have not yet entered into force (marked with an *).

- Each entry includes a treaty record (summary) and a link to the full text.

- Despite its dated interface, the database is regularly updated.

- Offers **better search and browse options** than EUR-Lex, including:
  - Bilateral and Multilateral
  - Treaty Partners (by Country or by International Organization).
# Locating EU International Agreements

## EU Treaty Office Database – Sample Treaty Record (Summary)

### General Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official Title</td>
<td>Agreement between the European Community and Australia amending the Agreement on trade in wine</td>
</tr>
<tr>
<td>Type of Agreement</td>
<td>Bilateral</td>
</tr>
<tr>
<td>Date of Signature</td>
<td>10/12/2003</td>
</tr>
<tr>
<td>Date of Entry Into Force</td>
<td>01/07/2003</td>
</tr>
<tr>
<td>Duration</td>
<td>Indefinite</td>
</tr>
<tr>
<td>Objective of Agreement</td>
<td>To amend the 1994 agreement on trade in wine in order to extend until 30 June 2004 the provisional authorisation granted in respect of Australian wines treated with cation exchange resins.</td>
</tr>
<tr>
<td>Remarks</td>
<td>The provisional authorisation granted in respect of Australian wines treated with cation exchange resins lasted until 30/06/2003.</td>
</tr>
<tr>
<td>OJ Reference</td>
<td>L336, 23/12/2003, p. 100</td>
</tr>
<tr>
<td>Contracting Parties</td>
<td>European Community, Australia</td>
</tr>
<tr>
<td>Authentic Texts</td>
<td>Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish</td>
</tr>
<tr>
<td>Subject Matters</td>
<td>Agriculture, Australia, EC trade agreement, wine</td>
</tr>
<tr>
<td>Management</td>
<td>Joint committee</td>
</tr>
</tbody>
</table>

### EU Participation

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conclusion Decision</td>
<td>Commission Decision of 1 July 2003 concerning the conclusion of an agreement amending the Agreement between the European Community and Australia on trade in wine; OJ L 336 of 23/12/2003, p.99</td>
</tr>
<tr>
<td>Competence</td>
<td>Exclusive</td>
</tr>
<tr>
<td>Legal Basis</td>
<td>Treaty EC: Article 133</td>
</tr>
</tbody>
</table>

[View Full Text of Treaty](#)
Secondary Law

EU Legislation (Legislative Acts)

**Regulations**
- Binding legislative acts of general application.
- Regulations have direct legal effect in all member states immediately upon their entry into force. No need for national implementing legislation.
- Regulations supersede any conflicting national laws.

**Directives**
- Binding legislative acts that establish a goal or objective.
- Members states are obligated to enact legislation to implement a directive by the date specified in the text.
- The process of enacting national laws to implement directives is known as transposition.
Secondary Law – Scope of Legislative Authority

EU Has Exclusive Competence
Only the EU may legislate. No scope for national legislation.

Article 3 of the TFEU

- **Customs Union** (No tariffs or non-tariff barriers to trade within the EU; common external tariffs imposed by all member states.)

- **Commercial Policy** (EU negotiates all external trade agreements & represents the member states at the WTO and in trade disputes adjudicated by the WTO.)

- **Competition Policy** (antitrust)

- **Monetary Policy** *

- **Conservation of Marine Biological Resources** (under the common fisheries policy)

* Only for those member states that have adopted the euro as their common currency.
# Secondary Law – Scope of EU Legislative Authority

## EU Has Shared Competence

The EU is authorized, but not obligated, to legislate on the following subjects. EU legislation supersedes any conflicting national legislation.

### Article 4 of the TFEU

- Agriculture & Fisheries
- Consumer Protection
- Energy Policy
- Environmental Policy
- Internal Market (four freedoms: goods, services, capital, people)
- Public Health (communicable diseases & epidemics)
- Security & Justice (border controls; immigration & asylum; police & judicial cooperation)
- Social Cohesion (regional aid)
- Transportation Policy

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Secondary Law – Scope of EU Legislative Authority

EU Has Shared Competence

With respect to the following subjects, the EU’s authority to legislate is more circumscribed and there is greater scope for national legislation.

Article 4 of the TFEU

- Research, Technology & Outer Space
- Humanitarian & Development Aid

Article 5 of the TFEU

- Coordination of Economic & Employment Policies (broad guidelines)
- Special Provisions for the Coordination of Economic Policy (only for member states that have adopted the euro)
Secondary Law – Scope of EU Legislative Authority

EU Has Supporting Competence
EU legislation may only supplement, not supersede, national legislation.

Article 6 of the TFEU

- Civil Protection (emergency preparation and relief)
- Cultural Affairs
- Education & Vocational Training
- Healthcare Policy
- Industrial Policy
- Tourism
Secondary Law

EU Legislative Process

**Ordinary Legislative Procedure**
- Gives the European Parliament an equal voice with the Council of Ministers in approving legislation drafted by the Commission.
- Both the Parliament and the Council may adopt or amend draft legislation at each stage (reading).
- Differences resolved by committee. Legislation fails if no agreement reached after third reading.
- Used for most EU legislation. For more information, click [here](#).

**Qualified Majority Voting**
- Used in the Council of Ministers for legislative acts subject to the ordinary legislative procedure.
- Two conditions must be met:
  1. At least 55% of member states (16 of 28) must vote in favor; and
  2. Those voting in favor must constitute at least 65% of the EU’s population.
- Blocking minority = at least 4 member states representing at least 35% of the EU’s population.

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Secondary Law

Other Legal Acts

- **Decisions** – A binding legal determination of limited application, affecting only the member state or private party to whom it is addressed.
  - Issued by a non-judicial EU institution or jointly by two or more institutions.
  - The most consequential involve initial determinations by the Commission on questions involving competition law and state aid or on a member state’s failure to comply with EU law.
  - Examples: Ireland-Apple (illegal tax subsidy); Microsoft (abuse of dominant market position).

- **Recommendations** – An official statement issued by an EU institution expressing its views on an issue and recommending a specific course of action. Recommendations issued by the Commission often signal an intent to legislate in the future.

- **Opinions** – Another vehicle for an EU institution to express its views on a particular issue. Often used to comment on a proposal made by another institution.
Secondary Law

The Role of Case Law in the EU

It’s complicated!

- Judicial decisions play a much greater role in the development of EU law than they do in civil law countries.

- Judges from member states with common law systems (UK and Ireland) and mixed systems of common and civil law (Cyprus and Malta) have made a significant impact on the Court’s operations.

- However, the role of case law in the EU’s legal system is still a matter of considerable debate among scholars.

- Bear in mind that much of the burden of applying and interpreting EU law falls on the national courts of the member states. They often seek preliminary rulings from the CJEU.

#AALL19
The Publication of EU Laws

The Official Journal; Official Case Reporter; Citation Formats
The EU’s publication of record is the *Official Journal of the European Union* (O.J.).

Prior to February 1, 2003, it was the *Official Journal of the European Communities*.

The O.J. is published every business day in all 24 of the EU’s official languages. (In English from January 1, 1973 – present.)

The O.J. is still published in print. As of July 1, 2013, the electronic version is now the authoritative (legally binding) version.

The O.J. is freely available online via [EUR-Lex](https://eur-lex.europa.eu) from its inception in 1952 – present.
The L Series of the O.J. publishes legal acts, including regulations, directives, decisions, recommendations, and opinions.

Only legal acts that have been published in the O.J. are legally binding.

The L Series also publishes EU treaties, consolidated versions thereof (incorporating all subsequent amendments), as well as international agreements (external treaties).

The C Series of the O.J. publishes announcements, reports, and judgments issued by the Court of Justice.
Publication of EU Laws

The Official Journal of the European Union

Numbering of Legal Acts Published in the L Series

- Prior to 2015, there was a lack of consistency in the numbering of legal acts published in the L Series of the O.J.

- A new system to simplify and standardize the numbering system was introduced in 2015, which should result in greater uniformity. (See the illustration at right.)

- For more information about the new numbering system, download this explanation from the EU Publications Office.

- Note that the EU’s numbering system is relevant to formulating Bluebook citations to legal acts.
Publication of EU Laws

Citations to EU Legal Acts

Bluebook Rule 21.9

Basic Citation Format:

Institution   Type of Act   Number, Year of Publication   O.J. (Series & Section Number)   Page.

If it is unclear from the context whether the act was issued by the European Union or the European Community, a parenthetical may be added at the end.

The full name of the legislation also may be included, with or without a number.

Examples:

Commission Regulation 1582/97, 1997 O.J. (L 214) 27.

In addition to being published in the C Series of the O.J., EU cases also are published in an official reporter, *Reports of Cases Before the Court of Justice and the General Court*.

Informally known as the *European Court Reports* (E.C.R.). Section I publishes decisions of the Court of Justice. Section II publishes decisions of the General Court.

The title of the official reporter has varied over time, but the Bluebook abbreviation (E.C.R.) has remained the same.

Unofficial reporters offer selective coverage of EU case law: *Common Market Law Reports* (C.M.L.R.); *Common Market Reporter* (Common Mkt. Rep. (CCH)); and *European Community Cases* (ECC (CCH)).
Publication of EU Case Law

Citations to EU Case Law

Bluebook Rule 21.5.2

Basic Citation Format:

Case Number, Party Names, Year of Decision Official Reporter Abbreviation Section-Page.

A parallel citation to an unofficial reporter may be added.

Examples:


Case C-286/01, Comm’n v. France, 2002 E.C.R. I-5463.

Note: If a case has not yet been published in the official reporter, cite the official website of the Court of Justice (in accordance with Rule 18.1); an electronic database (in accordance with Rule 18.3); or an unofficial reporter (in accordance with Rule 21.5.2(b)).
Researching EU Legislation & Other Legal Acts
EUR-Lex; Commercial Databases; Pending Legislation
Registration is optional. Only registered users can set preferences, save searches, save documents to folders, use the Expert Search, and receive e-mail updates.
Reseaching EU Legislation & Other Legal Acts

Learning to Use the EUR-Lex Database

The E-Learning Module offers a series of video tutorials.

More Resources: FAQs Page, Help Pages, Email: EURLEX-HELPDESK@publications.europa.eu

For guidance, click on the icon in the shape of a question mark.
Researching EU Legislation & Other Legal Acts

Retrieving Known Items on EUR-Lex

Finding a Legal Act by Citation to the Official Journal – 2001 O.J. (L 106)
Researching EU Legislation & Other Legal Acts

Retrieving Known Items on EUR-Lex

Using a Celex Number to Retrieve a Legal Act

- Like the UN, the WTO, and other large international organizations, the EU has its own internal system for classifying documents. Click [here](#) for details.

- **Celex Number** = unique numeric identifier assigned to most EU documents.

- Legal acts (regulations, directives, and decisions) are assigned both a document number and a celex number. They are not identical.

- When a legal act is translated into multiple languages, the celex number remains the same for each translation.

![Screenshot of EUR-Lex interface](#)


  *This document has been published in a special edition(s) (CS, ET, LV, LT, HU, MT, SL)*

  - In force
  - **Latest consolidated version:** 29/03/2018
  - **CELEX number:** 32001L0018
Researching EU Legislation & Other Legal Acts

Browse for Summaries of EU Legislation by Subject

If you don’t have a citation to a known law as a starting point, this can be an efficient strategy. Detailed summaries include links to the full texts. Caveat: Coverage is selective, not comprehensive.
EUR-Lex’s Directory of Legal Acts is more comprehensive than its summaries of EU legislation. Not the best option when there is a large volume of legislation for a particular subject.
Resarching EU Legislation & Other Legal Acts

Searching for Legislation on EUR-Lex

For best results, use the Advanced Search. Begin by selecting the Collection from the menu. Select “Legal Acts” as the collection to limit searches to regulations, directives, and decisions.

Advanced search

- Limit to legislation in force
- Limit to basic acts
- Exclude corrigenda

Collection: Legal acts

Text search

Search: Find results containing:
- In title
- In text

OR: Add results containing:
- In title
- In text

NOT: Remove results containing:
- In title
- In text

Search hints:
- Implementing regulation
- Implementing AND regulation
- exact phrase search
- * replace 0 to n characters
- ? replace a single character

Scroll down for additional search fields and pre-search filters. Fields and filters vary, depending on the collection selected.
Reseaching EU Legislation & Other Legal Acts

**Searching for Legislation on EUR-Lex**

**Expert Search** – only available to registered users (must be logged in to your account). Click [here](#) for expert search tips. Click [here](#) for search syntax and operators.
Researching EU Legislation & Other Legal Acts

National Transposition of EU Directives

EUR-Lex also enables you to locate citations to national laws that implement EU directives. Links to full texts are sometimes, but not always, provided. Select National Transposition and follow the prompts. Alternatively, open the EUR-Lex record for the relevant directive and click on “National Transposition.”
Researhing EU Legislation & Other Legal Acts

Pending Legislation

**EUR-Lex’s Preparatory Documents Database**

**The European Parliament’s Legislative Observatory**

Click here for background info & search tips.
Researching EU Legislation & Other Legal Acts

Decisions Issued by the Commission on Matters Involving Competition Law (M&A, cartels, state aid, etc.)

The Commission’s [Competition Law Portal](#) provides access to these decisions. It can be a more efficient option than EUR-Lex, especially for recent decisions.
Researching EU Case Law

EUR-Lex; InfoCuria (CJEU Database)
Researching EU Case Law

Retrieving a Known Case on EUR-Lex

If you know the case number, you can use it to retrieve the judgment. Begin by selecting Case Law from the browse menu. Then enter the relevant information into the form.

Example: Case C-286/01, Commission v. France, 2002 E.C.R. I-5463
Researching EU Case Law

Searching for Case Law on EUR-Lex

For best results, use the Advanced Search. Begin by selecting “Case Law” as the Collection. In addition to searching the full text, multiple document fields and pre-search filters are available.
Researching EU Case Law
CURIA, the CJEU’s Website

The CURIA homepage offers basic search for retrieving cases by number, party names, and date. Quick links to recently issued decisions also are provided.
Researching EU Case Law

**InfoCuria – Searchable Case Law Database**

*InfoCuria* is a separate, searchable database of EU case law maintained by the CJEU. It offers some additional documents fields and classification fields not available on EUR-Lex.
Researching EU Case Law

Search Results on InfoCuria

Links to the full texts of judgments in HTML and/or PDF format, plus links to full texts on EUR-Lex. HeinOnline’s Foreign & Int’l Law Resources database has PDF scans of the official reporter from 1990-2011.

Unfortunately, PDFs of judgments published in the official reporter are not available for all cases.

Click on the PDF icon to download the judgment as published in the official reporter (E.C.R.).
Researching EU Law

EU Legislation & Case Law on Westlaw

Path: International Materials > European Union > Select Content Type

Advanced Search offers decent selection of pre-search filters, but post-search filters are very limited.
Resechnig EU Law

EU Legislation & Case Law on Lexis Advance

Path: International > All Countries > European Union > Select Content Type

1. **ECJ 02.07.2009 C-402/07**
   - Take the view that, after a certain time has elapsed, a delay may be classified as a cancellation. The United Kingdom Government, however, considers that only the Community...
   - The Montreal Convention gives passengers a right to damages if their flight is delayed. Considerations of passenger protection do not therefore require a long delay to be interpreted as a cancellation in the sense of Article 5 of the Regulation. 79.1...
   - The Montreal Convention is indeed applicable in the Community. It provides for compensation based on the principle of reparation. Such compensation, in a particular case, might be more advantageous for a particular passenger than the automatic flat-rate compensation, without proof of actual damage, for flight cancellation provided by Article 7(1) of the Regulation. The arrangement under the...
   - The system under Article 19 of the Montreal Convention. (40) Passengers whose flight has been cancelled receive compensation under Article 7(1) of the Regulation without... having to suffer...
   - The bringing of actions for damages before the courts: (41) If long delay and cancellation cause similar inconvenience to passengers, passenger protection indicates that both should similarly benefit from a convenient system of automatic flat-rate compensation. That is sufficient to dispose of Condor’s argument. 80. What of the central argument that, after a certain time, ...

2. **ECJ 19.11.2009 C-402/07**
   - Regulation No 261/2004 must be interpreted as meaning that passengers whose flights are delayed may be treated, for the purposes of the application of the right to compensation, as passengers whose flights are cancelled and they may thus rely on the right to compensation laid down in Article 7 of the regulation where they suffer, on account of a flight delay, a loss of time equal to or in excess of ...
Questions? Feel Free to Contact Me.

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