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EEC Law: A Practical Guide

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EEC Law: A Practical Guide

*Christine Alice Corcos**

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I. INTRODUCTION

This pathfinder is intended to help researchers address problems in European Economic Community ("EEC" or "EC") law. It is not an exhaustive source of EEC materials; rather its purpose is to introduce the user to the major sources of EEC law and policy. Further, this source is designed to help the researcher discover additional sources that can aid in the analysis, and successful resolution, of legal problems involving the EEC.

II. GENERAL INFORMATION ABOUT THE EEC

A. *Founding and History*

The European Economic Community, which consists of twelve European countries, was founded in 1957 by the Treaty of Rome.¹ Their dependencies and some former colonies have more limited ties with the EEC through the Lomé Convention of 1979.² The EEC's predecessor was the Common Market, which was comprised of three organizations: the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, founded in 1951 and 1957.³ On July 1, 1967 the three organizations merged to form the EEC.⁴ On December 31, 1992 the twelve nations will merge completely at the supra-national level to form a united Western Europe.

The dream of a united Europe emerged after the Second World War as a response to what seemed to be the inevitability of hostility among the European nations. Robert Schuman, French Foreign Minister, declared on May 9, 1950 that as a first step, the French and German coal and steel industries be merged under one "High Authority."⁵ Because of the ancient rivalry and enmity between the French and Germans over these industries, Schuman's proposal was viewed as quite revolutionary. The European Coal and Steel Community⁶ ("ECSC") became a reality in Paris on April 18, 1951.

Although the six members tried to establish a European Defense Community and a European Political Community the effort was not suc-

¹ Treaty Establishing the European Economic Community, Mar. 25, 1957, 298 U.N.T.S. 1 [hereinafter EEC Treaty]. The EEC consists of twelve European countries: the United Kingdom, France, Spain, Portugal, Italy, West Germany, Denmark, Belgium, the Netherlands, Greece, Luxembourg, and Ireland. A. WINTER, R. SLOAN, G. LEHNER, & V. RUIZ, *EUROPE WITHOUT FRONTIERS: A LAWYER'S GUIDE* 3 (BNA Corporate Practice Series, 1989) [hereinafter *EUROPE WITHOUT FRONTIERS*]. The work is also available on disk from the Bureau of National Affairs.

² Second ACP-EEC Convention of Lomé, 19 I.L.M. 327 (1980);

"The main feature of the [European] Community policy towards developing countries is the [Lomé Convention] which establishes commercial, industrial, and financial relations between African, fifty seven Caribbean and Pacific countries on the one hand and the Community and nine Member States on the other."

MATHIJSSEN, *A GUIDE TO EUROPEAN COMMUNITY LAW* 209 (3d ed. 1980).

³ Treaty Establishing the European Atomic Energy Community, Apr. 17, 1957, 298 U.N.T.S. 225 [hereinafter Atomic Energy Treaty].

⁴ P.J.G. KAPTEYN & P. VERLOREN VAN THEMATAAT, *INTRODUCTION TO THE LAW OF THE EUROPEAN COMMUNITIES: AFTER THE COMING INTO FORCE OF THE SINGLE EUROPEAN ACT* 33-34 (2d ed. 1989) [hereinafter *INTRODUCTION TO THE LAW*].

⁵ *INTRODUCTION TO THE LAW*, *supra* note 4, at 1; *The Substantive Law of the European Communities* 3 (2d ed. 1987).

⁶ Treaty Establishing the European Coal and Steel Community, Apr. 18, 1951, 261 U.N.T.S. 229 [hereinafter Coal and Steel Treaty]. The six original members were Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands. *EUROPE WITHOUT FRONTIERS*, *supra* note 1, at 3.

cessful. However, they did adopt the Spaak Report⁷ which called for the drafting and ratification of further treaties of cooperation and friendship. As a result, new treaties establishing the European Economic Community⁸ and the European Atomic Energy Community ("EURATOM") were adopted.⁹ These treaties developed in large part due to the work of Jean Monnet, the first President of the High Authority of the ECSC.

According to the Treaties, any European state may request membership in the EEC.¹⁰

In an effort to promote closer cooperation among the member nations, the EEC has established the European Parliament ("EP"),¹¹ to which members are directly elected by the citizens of the member nations, the European Monetary System,¹² and other organizations and agencies.

To become acquainted with the EEC material a researcher should look at a good general introduction by an acknowledged authority on the EEC, such as Reynolds' bibliography, "Introduction to the European Economic Community: Its History and Its Institutions," 8 *Leg. Ref. Serv. Q.* 7 (1988).

B. General Works On the EEC

Finding EEC publications and information can be a bewildering process. A comprehensive and up to date index to all EEC publications does not exist, and a hunt for relevant information will take the researcher through printed, online and CD-ROM services. Scanning "current awareness" tools is sometimes the only efficient method of finding relevant information quickly.

1. Printed Indexing and Abstracting Services

EC Index

Although the *EC Index* was shortlived (1984-1986), it lists all of the publications of major European Community institutions either self-pub-

⁷ Waelbroeck, *European Community: Competition, Integration and Economic Efficiency in the EEC From the Point of View of the Private Firm*, 82 MICH. L. REV. 1439 (1984). The Spaak Report is formally known as the Report of the Heads of Delegations to the Ministers of Foreign Affairs presented to the intergovernmental Committee established by the Messina Conference, Apr. 21, 1956. R. BROAD & R.J. JARRETT, *COMMUNITY EUROPE TODAY* 15-27 (1972). This source provides a concise readable history of the beginnings of the EC.

⁸ C. PARRY AND J.P. GRANT, *ENCYCLOPEDIA OF INTERNATIONAL LAW* 116 (1986).

⁹ Atomic Energy Treaty, *supra* note 3, art. 225.

¹⁰ EEC Treaty, *supra* note 1, art. 8. Since 1958 six other nations have joined the community: Denmark, Ireland, the United Kingdom, Greece, Spain and Portugal. *Id.*

¹¹ *Id.* art. 137.

¹² *Id.*

lished or published by the Office for Official Publications ("OOP"). These include joint publications, and publications of the Commission of the European Communities, the Secretariat-General of the Commission, the Directorates-General of the Commission, Eurostat (the Commission's statistical agency), the various branches of the Commission (the Council, the European Parliament, and the Court of Justice ("ECJ")), the Economic and Social Committee ("ECOSOC"), the Court of Auditors, and the European Investment Bank. Thus, one can find Working Documents of the EP and the Council, case decisions (indexed in the *Information and Notices, Official Journal*), ECOSOC opinions, studies, and reports, decisions, directives and regulations, and opinions of the Court of Justice Advocates General in the *EC Index*.

EUROVOC

EUROVOC: Annex to the Index of the Official Journal of the European Communities, which began publishing in 1984, is a thesaurus for terms used in European Community publications as well as a locator for EEC materials.

Another printed index to EEC publications is G. Pau (comp.), *Index of COM Documents*, an annual published by Euroinformation. This index began publication in 1982.

2. Online Indexing and Abstracting Services

EUROPE DATA

EUROPE DATA (Maastricht, the Netherlands) is a joint venture between Elsevier Publishing Company and the Limburg Industrial Development Bank. Europe Data is marketing the European Legal Literature Information Service ("ELLIS") in cooperation with the European Law Centre. ELLIS indexes monographs on EEC law in hundreds of journals worldwide.

SCAD

SCAD is the EC's database of citations to official EC documents. Although it does not give the complete text of these documents, it offers a more comprehensive method of verifying their existence than combing through pages of printed indices. Entries are in all official languages, but French is still the dominant one, so that some documents are retrievable only or most easily through a search in French.¹³ A subset of SCAD, called SCAD-92, will offer citations to materials pertaining to the completion of integration in 1992.¹⁴ Contact the EC directly for information

¹³ Hensley, *European Community Databases: Online to Europe*, DATABASE, Dec. 1989, at 45, 47.

¹⁴ *Id.*

on access to SCAD.

C. *Bibliography of EEC Publications*

The Commission of the European Communities publishes various surveys and directories useful for the researcher. Of the various publications, *Europe: Magazine of the European Community*, is the most accessible and entertaining for the U.S. reader. It is heavily illustrated and contains a wide variety of articles on various EEC topics. Each issue contains a listing of current and available EEC publications with an order form.

In addition to the publications listed below, several bibliographical articles are available to introduce the researcher to EEC law. Unless otherwise indicated all of these publications are available either from the Commission's main office or from the Publications Section, European Community, 2100 M Street N.W., 7th Floor, Washington, D.C. 20037. Germain, "European Community Law: A Selective Bibliography," 8 *Int'l J.L. Lib.* 239 (1980).

Hopkins, "Trends in European Communities Bibliography," 16 *Law Librarian* 23 (April 1985).

"Survey of Literature," 18 *Common Market L. Rev.* 193 (1982).

1. Monographs

The following titles are a sampling of the range of materials available from the EC.

European Community Budget. Free of charge (annual).

Europe Without Frontiers—Completing the Internal Market. Free of charge (annual). A basic work for EEC researchers.

European Community Institutions and Publications (1983).

About Europe (1989).

The European Development Fund: Education—Training 1958-1980 (1983).

Addresses, European Documentation Centres—EDC; Depository Libraries—DEP's-European Reference Centres—ERC: Addresses (1990).

Ten Years of Community Environmental Policy (1984).

The United Kingdom and the European Community: The Impact of Community Policies (1984).

Glossarium: Alternative Energy Sources (1984).

The Pacific ACP States and the European Community (1983).

ERDF In Figures 1983: 1975-1983 (1984).

Current publications are also listed in *Documentation Bulletin Series A, Series B, and Cumulative List, Series C*. *Series A* lists recent EEC legislation and documents and articles on EEC law in journals, all with appropriate annotations. *Series B* brings together citations on specific subjects. *Series C* lists materials on topics broader in scope than *Series A* and updates *Series A* listings. However, for a complete and retrospective list of EEC publications, see *Publications of the European Communities—Catalogue* which lists all available publications and is updated by the *Bulletin of the European Communities*.

The free publication, *European Community as a Publisher*, also lists current EEC titles and is available free of charge. Other publications listing EEC titles include the *List of Additions to the Library*, which is an accessions list of materials received at the Commission of the European Communities library during the period covered. See also *List of the Publications of the European Communities in English* (1972) updating the *Catalogue of the Publications of the European Communities 1952-1971* (1972), which was originally published in French.

2. Periodicals

The following is a sampling of the range of periodicals available.

European Economy.

Results of the Business Survey Carried Out Among Managements in the Community.

Periodic Catalogue of COM Documents. Invaluable for locating internal EC documents.

The Courier: Africa—Caribbean—Pacific—European Community.

Documentation Bulletin A.

List of Additions to the Library.

Eurobaromètre/Eurobarometer: Public Opinion in the European Community. Free of charge.

Women of Europe.

European University News.

European Info.

Bulletin of the European Communities. Free of charge.

D. Addresses of European Community Institutions

Obtaining EEC publications has become easier since European integration became a focused goal for 1992. EC offices in major world capitals provide free copies of many publications to interested persons and businesses, although not every office distributes publications of all

the Directorates-General. The addresses of the major EC offices and the publications which they distribute are listed below.

1. Main Offices

Commission of the European Communities
rue de la Loi, 200
B-1049 Brussels, Belgium
Telephone: (32.2)235.1111

Publications available from: Secretariat General,
Directorates General I-XII, XIV-XX, Spokesmens' Group.

Commission of the European Communities
bâtiment Jean Monnet
rue Alcide de Gasperi
L-2920 Luxembourg
Telephone: (352)43011

Publications available from: Directorates-General XIII,
Eurostat.

Council of the European Communities
rue de la Loi, 170
B-1048 Brussels, Belgium
Telephone: (32.2)235.6111

Publications available from: Council of the EC.

Court of Justice of the European Communities
plateau du Kirchberg
BP 1406
L-2920 Luxembourg
Telephone: (352)43101

Publications available from: Internal Services Branch.

European Parliament
Centre européen
plateau du Kirchberg
L-2920 Luxembourg
Telephone: (352)43001

Publications available from: Secretariat General,
Directorates-General I-V.

European Parliament
rue Belliard, 93
B-1040 Brussels, Belgium
Telephone: (32.2)234.2111

Publications available from: Directorate-General III (Press and Information).

Economic and Social Committee
rue Ravenstein, 2
B-1000 Brussels, Belgium
Telephone: (32.2)512.3920

Publications available from: Press, Information and Publications Division.

European Investment Bank
bd. Konrad Adenauer, 100
L-2950 Luxembourg
Telephone: (352)43791

2. United States Offices

Commission of the European Communities
2100 M Street N.W.
Suite 707
Washington, D.C. 20037
Telephone: (202)862-9500

Publications available through: European Community Information Service, 2100 M Street N.W., Suite 707, Washington, D.C. 20037 Telephone: (202)862-5000.

Commission of the European Communities
1 Dag Hammerskjold Plaza
245 East 47th Street
New York, NY 10017
Telephone: (212)371-3804

Publications available from: European Community Information Service (same address).

Note that in all EEC countries, and in various other non-member countries, the EEC designates sales agents. A current list is available from the main office of the Commission of the European Communities.

III. SOURCES OF EEC LAW

Any research into EEC law must begin with an understanding of the sources of power in the European Economic Community and the relationship of its various organs. Because it is an ambitious attempt to link existing nations each with its own governmental structure and traditions, its task is a delicate and difficult one. For general information on the role and structure of international and supranational organizations, see among others) P.F. Diehl, *The Politics of International Organizations*

(1989), and W.J. Feld and R.S. Jordan, *International Organizations: A Comparative Approach* (2d ed. 1988).

A. *Treaties, Conventions, and Agreements*

The Treaty of Rome and associated founding treaties provide for four basic structures which govern the EEC: the European Parliament (also called the Assembly), the Council, the Commission, and the Court of Justice.

The source for the structure of the EEC is the Treaty of Rome which enumerates the European Economic Community's principles and general procedural outline. For nearly forty years the EEC has been generating an immense output of publications which only recently have come under any sort of bibliographic control. The founding treaties and accompanying documents are available in *Treaties Establishing the European Communities: Treaties Amending These Treaties: Single European Act: Resolutions, Declarations* (1987). Earlier compilations appeared in 1978 and 1973. All are published by the Office of Official Publications. Amendments and changes appear in the *Official Journal of the European Communities*.

Other sources for EEC treaties include the *Encyclopedia of European Community Law*, a Sweet and Maxwell looseleaf, which began publishing in 1973. It consists of volumes devoted to UK sources of law, European Community treaties, and EEC legislation. The CCH *Common Market Reporter* also republishes EEC treaties. Also, the T.M. Asser Institute's *Guide to EEC-Legislation* is an index to EEC treaties and other legislation appearing in the *Official Journal*. In addition, *Sources of International Uniform Law* (K. Zweigert ed. 1971), a multivolume set, reprints many conventions and agreements, including those of the EEC. However, in this source the materials are grouped by subject rather than by signatories. *Competition Law in Western Europe and the USA* (D.J. Gijlstra ed.), a Kluwer publication, is a looseleaf service reprinting EEC legislation in force in the area of business and trade. It also provides specialized commentary.

Treaties and other agreements between or among EEC Member States appear in the *Official Journal*, L series when the Commission presents them to the Council of Ministers. These treaties are difficult to find in the *Official Journal* indexes since they are indexed under the enabling Treaty article (article 220) but the *Encyclopedia of European Community Law* and the *Common Market Reporter* both reprint and/or index them.

The *European Conventions and Agreements/Conventions et Accords Européens* (published by the Council of Europe from 1971 to date) is a

valuable set of EEC treaties dating from 1949. Treaties appear only in the original language or languages.

Member State agreements which do not have the status of treaties appear in the *Directory of Community Legislation in Force* by document number according to the subject of the agreement. For example, an agricultural agreement between the EC and Canada under article 28 of GATT appears under the designation Agriculture: 03.80 267 A 065(01) on page 357 of the 1988 *Directory*. These agreements are identified as complementary acts and can have the impact of treaties although the EEC officially refers to them as supplementary rather than basic legislation.

The *Collection of the Agreements Concluded by the European Communities* is a multivolume set which includes the texts of agreements between the EEC member countries and third parties. Although these are also available in the *Official Journal* the *Collected Agreements* is much more accessible. The set also reprints important secondary legislation. The *Official Journal*, L series updates the *Collected Acts* with recent EEC-third party treaties. Use the *Directory of Community Legislation in Force and Other Acts of the Community Institutions* (previously called the *Register of Current Community Legal Instruments*) to identify treaties still in force. The *Directory*, published in all official EEC languages, is a computer generated product which also includes other binding and non-binding legislation in force as of December 1st of the current year.

Recently ratified EEC treaties appear regularly in *International Legal Materials*, a quarterly publication of the American Society of International Law (2223 Massachusetts Avenue, N.W., Washington, D.C. 20009-2864). *I.L.M.* includes an "I.L.M. Background/Content Summary" and sometimes introductory explanatory prefaces for materials.

The EEC's major organ is the *Official Journal of the European Communities*. This publication is available in each of the Community's official languages (English, French, Danish, German, Spanish, Portuguese, Italian, Dutch and Greek). Most, but not all, official documents of the EEC appear in the *Official Journal*; for those which do not see the *Commission Documents*.

P.J.G. Kapteyn & F. Verloren van Themaat, *Introduction to the Law of the European Communities, After the Coming Into Force of the Single European Act* (2d ed. 1989) is an excellent one volume introduction to the origins, law, and procedure of the EEC. *Draft Treaty Establishing the European Union* (1984) and R. Bieber, J.-P. Jacque and J.H.H. Weiler, *An Ever Closer Union* (1985) are two works which put the unification of the EEC countries into perspective. Other useful works are T.C. Hartley, *The Foundations of European Community Law* (1988) and D. Wyatt and A. Dashwood, *The Substantive Law of the EEC* (2d ed. 1987). Both of these texts introduce the attorney unfamiliar with EEC

law to its philosophy and practice. D. Lasok and J.W. Bridge, *Law and Institutions of the European Communities* (4th ed. 1987), is a readable and well-indexed introduction to EEC law and policy. Finally, a researcher might want to refer to H. Smit and P.E. Herzog, *The Law of the European Economic Community: A Commentary on the EEC Treaty* (1976). This frequently updated looseleaf, is an erudite and complete discussion of the meaning and impact of the Treaty of Rome. It contains discussions of each of the articles and up to date and well considered bibliographies on various topics.¹⁵

B. Official Sources of Ordinary Legislation

Legislation derived through the authority of the founding EEC treaties is referred to as ordinary (secondary) legislation. It includes regulations which have the force of law, directives and decisions, which are binding on the party or parties involved (see the sections on the Council of Ministers and the Court of Justice) and recommendations, which are just that.

Publication in the *Official Journal*, L series (part I) puts Council of Ministers and Commission regulations into effect. The *Official Journal* indexes these regulations by subject or by form and date of enactment. Sub-agencies or the four branches of the EEC also publish information on legislation in their various areas of interest. The European Parliament publication *Europe Today: State of European Integration*, which is regularly updated, emphasizes EP activities, including EP reports and opinions, and summarizes important legislation. Another useful publication is *General Report on the Activities of the European Communities*. This source is particularly useful because it is general and it is published on an annual basis. Also see the publications listed under the sections devoted to the four branches of the EEC.

Other helpful general publications are the annual reports such as the *Report on Competition Policy* and the *Report on the Social Situation*.

In addition, the publications already listed for EEC treaties and agreements, *Europe: Bulletin Quotidien*, published by Agence France-Presse, *Halsbury's Statutes*, which devotes volumes 51 and 51A of the fourth edition to EEC law, and various commercial updating services, most commonly published as newsletters are useful.

Printed newsletters are an obvious source of current information. Most good newsletters appear in a timely manner, not more than two weeks after the events described therein, and frequently, not less than

¹⁵ For a thorough and scholarly explanation of the workings of EC bibliography see Kearley, *An American Researcher's Guide to European Communities Law and Legal Literature*, 75 L. LIBR. J. 52 (1982). This article includes an exhaustive amount of material in a relatively short number of pages.

twenty-four times a year. For non-practitioners, and barring special circumstances, a newsletter appearing monthly will probably give adequate coverage. Beware of newsletters which do not give citations to statutes, bills or court cases or which do not provide adequate information to the reader to find further information.

Good newsletters originate from many different sources. Commercial publishers produce some, government agencies, non-profit institutions and private groups produce others. Prices range widely; some newsletters, particularly from database vendors who want to tout new product features, may be free. Note that "free" does not necessarily connote "poor quality"; the Butterworths' publication *Justis News* is of high quality, very informative, and free although it does not appear frequently. Other newsletters are listed in the last section of this pathfinder regarding Emerging Issues: The Single European Act.

Justis News

This source is available from Robin Williamson, Managing Director, Context Limited, Assets House, Elverton Street, London SW1P 2QG England. *Justis News* is produced as a service to subscribers of *Justis On-line*. See the section on databases for more information. It includes recent court cases with a short analysis indicating the importance of the case, coverage of recent EEC proposals in all areas, and notations concerning new statutes.

C. Doing EEC Legislative History

While legislative history for the EEC is still in its infancy, compared to legislative history for U.S. statutes, the EEC does provide some documentation to aid the researcher in determining the origin and intended purpose of EEC legislation.

Council of Ministers ("COM") documents in both preliminary and final draft form are available on special request from the European Community Information Service. Until 1980 final COM proposals appeared in the European Parliament's Working Documents series. Now they appear as a single transmittal sheet in the Working Documents series. EP committee reports/deliberations are available in the EP's Working Documents series. The Working Documents series also includes oral and written questions which the EP proposes. However, these questions are not necessarily in conjunction with a proposal under consideration. These oral and written questions are often related to some situation which the EP feels needs attention from the Council and thus may tip off the researcher to future legislation. The *Debates* of the Council are available to document floor debate and the official record. For further information

see the sections devoted to the EP, the Council, and the Commission.¹⁶

Section C of the *Official Journal* indexes opinions, final drafts, and EP working documents. Other indexes include *Europe*, *Bulletin Quotidien*, and the *CCH Common Market Reporter*.

See also M. Hopkins, *Policy Formation in the European Communities: A Bibliographic Guide to Community Documentation 1958-1978* (1981) and J. Neilson, *Reports of the European Communities 1952-1977: An Index to Authors and Chairmen* (1981).

D. Databases

1. CELEX

The major database devoted to the EEC is the CELEX database, which is comprehensive, but fairly complex and difficult to use. CELEX provides the full text of establishing and amending EEC treaties, acts of the EC, secondary and supplemental legislation, and ECJ case law. It provides references to COM documents and other European Parliament materials and national legislation implementing EEC law. New material promised for CELEX includes national court decisions interpreting EEC law and citations to secondary materials on EEC law. CELEX is available from; Eurobases, Commission of the European Communities, Rue de la Loi 200 B-1049 Brussels, Belgium. CELEX has also recently become available (through PROFILE) on DATATIMES, a U.S. database vendor. At this time, search capabilities are limited to one term or concept at a time, and concepts cannot be combined. Thus, although CELEX on DATATIMES is more "user-friendly" than the CELEX database available directly from the EC, searches are less specific and therefore may be less useful and more expensive. DATATIMES' address is Parkway Plaza, Suite 450, 14000 Quail Springs Parkway, Oklahoma City, OK 73134.

2. JUSTIS

Context, a British company, has produced an online service, called JUSTIS, which searches CELEX. JUSTIS searches references only and provides a gateway to CELEX for the full text. Context also produces a CD-ROM version of Section L of the *Official Journal*. The CD-ROM version provides full text and its menu-driven system is easy to use. Available from: Context Limited, Assets House, Elverton Street, London SW1P 2QG or Global Transactions Inc., P.O. Box 298, 1451 Drum Hill Road, Martinsville, NJ 08836. A demo disk is available for \$10.

¹⁶ Kearley, *supra* note 15, at 87-89.

3. EC 1992

Deloitte, Haskins and Sells, the accounting firm, produces the EC 1992 database, which consists of in-depth reports on the progress of European Community integration. Presently, EC 1992 is available through Infotrade and on Profile, two European host services and on the U.S.-based DATATIMES. Available from: Deloitte, Haskins and Sells, Wheatsheaf House, 24 Bernard Street, Southampton SO9 1QL. See also T. Hanson, "The EC 1992 Database from Deloitte, Haskins and Sells," 1 *European Access* 16 (Feb. 1989).

4. INFO 92

The European Commission produces Info 92 on its Eurobases host. This source also provides access to CELEX and SCAD, the online bibliography of EEC publications. Available from: Commission of the European Communities, Eurobases, 200, rue de la Loi, B-1049 Brussels, Belgium.

5. LEXIS

Mead Data Central of Dayton, Ohio produces LEXIS, which is available in Europe through Butterworths. LEXIS provides the full text of the *Official Journal*, L series (in French only), in the INTNAT library, the *European Court Reports*, *Common Market Law Reports*, and several other libraries of EC materials can be found. Available from: LEXIS, Mead Data Central, 9333 Springboro Pike, Miamisburg, OH 45342.

6. POLIS

Meridian Systems Management manages the Parliamentary Online Information System ("POLIS") for the British House of Commons. It emphasizes Parliamentary materials since 1978. Material appearing in POLIS appears approximately five working days after it is published in *Hansard's*. Available from: Meridian Systems Management, 18 Elmfield Road, Bromley, Kent BR1 1LR.

7. SPEARHEAD

The British government's Department of Trade and Industry ("DTI") produces Spearhead. Spearhead provides summaries of European Parliamentary reports and legislation. It is available on host database services PROFILE, DATATIMES, and JUSTIS. Contact either Context Limited, the producers of JUSTIS, Profile Information, Sunbury House, 79 Staines Road West, Sunbury on Thames, Middlesex TW16 7AH, or DATATIMES.

8. PROFILE

Profile is a host service rather than a database. It is available from the Financial Times of London.

9. SPICERS CENTRE FOR EUROPE

Spicers Centre for Europe began as an inhouse database for the Irish firm of Spicer and Oppenheim. Its value is in its coverage of non-legal information, such as economic and technical information. It is not meant for public use; however, in house professionals can search the database for outside users on request. Contact: Spicers Centre for Europe, 10-12 East Parade, Leeds LS1 2AJ, or Spicer & Oppenheim, Oliver Freaney & Co., 43/45 Northumberland Road, Ballsbridge, Dublin 4, Northern Ireland.

Michael Lloyd, *Legal Databases in Europe: User Attitudes and Supplier Strategies* (1986). This source is a comprehensive look at the subject, based on a 1985 report submitted to the Commission of the European Communities.¹⁷

E. General Bibliography on the European Economic Communities

In addition to titles already listed above, the following are names of useful publications on general EEC law as well as the law applicable in specific areas. The list is necessarily selective, and includes older materials for their historical as well as substantive value. Exclusion of a title does not connote disapproval; rather, this compilation is a brief overview of the relevant sources examined by this author.

1. General Works

S. A. Budd & A. Jones, *The European Community: A Guide to the Maze* (3d ed. 1989).

A. Campbell, *Common Market Law* (1969). This is a multivolume set covering community law, agriculture, trade, industrial property, transportation, the Court of Justice, EEC-third party agreements, and reciprocal enforcement of judgments.

Commission of the European Communities, *The European Community, International Organizations and Multilateral Agreements* (1977).

Supplemented by:

Commission of the European Communities, *The European Community, International Organizations and Multilateral Agreements* (1980).

¹⁷ A very recent article giving crucial information about a number of new EC databases is Hensley, *supra* note 13, at 45.

Les Communautés Européennes en Fonctionnement/The European Communities in Action (D. Lasok & P. Soldatos eds. 1981).

Council of Europe. European Committee on Legal Co-Operation, *European Committee on Legal Cooperation, 1963-1974* (1975).

Documents on the History of European Integration.

Includes materials on plans for European union (1939-1945) and six microfiche.

Encyclopedia of European Community Law (1973). Looseleaf, published by Sweet and Maxwell containing all acts in the L series of the *Official Journal of the European Communities*, except agricultural acts. This is a major source for all EEC law.

Eurojargon: A Dictionary of EC Acronyms, Abbreviations and Sobriquets (1988).

European Communities, Office for Official Publications, *Treaties Establishing the European Communities*. This is a valuable compilation of EEC treaties.

A.J.C. Kerr, *The Common Market and How It Works* (2d ed. 1983).

B. Morris, *The European Community: A Guide for Business and Government* (1981).

The Pocket Guide to the European Community (1988).

2. Bibliographies, Directories and Research Aids

R.J.B. Anderson, *French-English Glossary of French Legal Terms in European Treaties* (1972) is somewhat dated, but it relates the basic EEC documents to traditional French law and helps the common law-trained attorney to understand the impact of pan-European legal concepts on the French legal system.

The European Community: Bibliographic Excursions (J. Lodge ed. 1983).

European Directory of Non-Official Statistical Sources.

Fitzgerald, "Publications and Activities of the Official Publications of the Office of the European Communities," 5 *Int'l J. L. Libr.* 64 (1977) is written by a former head of the Publications Division of the Office of Official Publications of the EEC.

Germain, "European Community Law—A Selective Bibliography of Publications in English, French, and German with Annotations," 8 *Int'l J. L. Lib.* 239 (1980).

J. Jeffries, *A Guide to the Official Publications of the European Community* (2d ed. 1981) is an annotated checklist and bibliography of major Community documents.

Kearley, "An American Researcher's Guide to European Communities Law and Legal Literature," 75 *L. Libr. J.* 52 (1982) is a comprehensive and well-organized guide by a recognized authority in the area of EEC legal research. The author also suggests areas suitable for the student looking for a research topic.

R. Owen & M. Dynes, *The Times Guide to 1992* (1990).

J. Paxton, *A Dictionary of the European Community* (2d ed. 1982).

Roseman, "European Community/Canada Relations: A Selected Bibliography, 1976-1981," 4 *J. Eur. Integration* 327 (1981).

Straus, "Information on Case Law and Legal Literature on European Patent Law," 14 *Int'l Rev. Ind. Prop. & Copyright L.* 756 (1983).

C. Szladits, *A Bibliography on Foreign and Comparative Law* (1989).

Law reviews devoted primarily or totally to EC law include:

Common Market Law Review. Published by Martinus Nijhoff, The Hague, The Netherlands since 1963.

European Law Review. Published by Sweet & Maxwell since 1975.

Journal of Common Market Studies. Published by Basil Blackwell, Oxford, England since 1962.

In addition, many of the law reviews in the United States specializing in international law are devoting issues to the EEC.

3. Periodical Indices

The following indices contain citations to books and journal articles on the EEC: *Current Law Index*, *Index to Legal Periodicals*, *Index to Foreign Legal Periodicals*, *Index to Periodical Articles Related to Law*, *Public Affairs Information Service* (PAIS). Online periodical indices include *Legal Research Index* (LEXIS and WESTLAW, DIALOG), *LEGALTRAC* (CD-ROM equivalent of *Current Law Index*) and PAIS (DIALOG). The online version of the HMSO catalog (British Official Publications) also has citations to official UK publications on EEC law.

4. Specialized works

a. Agriculture

J.A. Usher, *Legal Aspects of Agriculture in the European Community* (1988).

b. Application of EEC law in Member Nations

Modern Legal Systems Cyclopedia (K. Redden ed. 1984) is a looseleaf devoted to legal and political systems of all nations and includes two

volumes on the legal systems of the EEC countries by country. Other useful titles include:

H.A.H. Audretsch, *Supervision in European Community Law: Observance by the Member States of Their Treaty Obligations* (1986).

G. Badiali, *Il Diritto degli Stati negli Ordinamenti delle Comunità Europee* (1971).

E.E. Bergsten, *Community Law in the French Courts* (1973).

S. Bulwer, *The Federal Republic of Germany and the European Community* (1987).

L.A. Collins, *European Community Law in the United Kingdom* (3d ed. 1984).

G. Constantinides-Megret, *Le Droit de la Communauté Economique Européenne et l'Ordre Juridique des Etats Membres* (1967).

Droit Communautaire et Droit National/Community Law and National Law (1965).

The Effect on English Domestic Law of Membership of the European Communities and of Ratification of the European Convention on Human Rights (1983).

W.J. Ganshof van der Meersch, *Le Droit Communautaire et ses Rapports avec les Droits des Etats Membres* (1969).

M. Gaudet, *Conflits du Droit Communautaire Avec les Droits Nationaux* (1967).

H.P. Ipsen & E. Buelow, "Des Verlaeltnis des Rechts der Europaeischen Gemeinschaften zum Nationalen Recht" in *1 Aktuelle Fragen des Europaeischen Gemeinschaftsrechts* (1965).

R. Monaco, *Diritto delle Comunità Europee e Diritto Interno* (1967).

K. Roemer, *Betrachtungen zum Verhaeltnis Gemeinschaftsrecht-Nationale Rechte* (1969).

R. Saint-Esteben, *Droit Communautaire et Droits Nationaux* (1967).

H. Schlenszka, *Die Europaeischen Gemeinschaften und die Verfassung der Mitgliedstaaten* (1967).

E. Suy, *Les Rapports Entre le Droit Communautaire et le Droit Interne des Etats Membres* (1964).

M. Waelbroeck, *Traités Internationaux et Juridictions Internes dans les Pays du Marché Commun* (1969).

M. Zuleeg, *Das Recht der Europaeischen Gemeinschaften im Innerstaatlichen Bereich* (1969).

c. Business and Trade Law

C. Bellamy & G.D. Child, *Common Market Law of Competition* (3d ed. 1987).

J.F. Beseler & A.N. Williams, *Anti-Dumping and Anti-Subsidy Law: The European Communities* (1986).

F. Burrows, *Free Movement in European Community Law* (1987).

Brebner & Co., *Setting Up a Company in the European Community: A Country by Country Guide* (1989).

Commercial Agency and Distribution Agreements: Law and Practice in the Member States of the European Community (1989).

Company Law in Europe (1975).

The European Challenge 1992: The Benefits of a Single Market (1988).

D.G. Goyder, *EEC Competition Law* (1988).

Exploiting the Internal Market: Co-operation and Competition Toward 1992 (P.J. Slot & M.H. van der Woude eds. 1988).

H.P. Ipsen, *Europaeisches Gemeinschaftsrecht* (1972).

Merger Control in the EEC (1988).

P. Oliver, *Free Movement of Goods in the EEC* (2d ed. 1988).

Protectionism and the European Community (E.L.M. Voelker ed. 1987).

B. Wachter et al., *Harmonization of Company and Securities Law* (1989).

d. Foreign Policy

R.H. Ginsburg, *Foreign Policy Actions of the European Community: The Politics of Scale* (1989).

Towards a European Foreign Policy: Legal, Economic and Political Dimensions (1985).

e. Information Policy

Freedom of Data Flows and EEC Law (1987).

f. Labor Law

L. Betten, *The Right to Strike in Community Law* (1985).

European Foundation for the Improvement of Living and Working Conditions, *Legal and Contractual Limitations to Working-Time in the European Community Member States* (1989).

E.C. Landau, *The Rights of Working Women in the European Community* (1985).

g. The Legal System

A. Bleckmann, *Europarecht* (3d ed. 1980).

K.-D. Borchardt, *The ABC of Community Law* (1984). Published by the Office for Official Publications of the EEC which is part of its European Documentation series.

L.J. Brinkhorst & H.G. Schermers, *Judicial Remedies in the European Communities* (2d ed. 1977).

L.N. Brown & F.G. Jacobs, *The Court of Justice of the European Communities* (1983). A handy and succinct account of the workings and policy of the Court.

N. Condorelli Braun, *Commissaires et Juges dans les Communautés Européennes* (1972).

L.-J. Constantinesco, *Das Recht der Europaeischen Gemeinschaften* (1977).

A. Dashwood, R.J. Hacon & R.C.A. White, *A Guide to the Civil Jurisdiction and Judgments Convention* (1987).

The European Community's Legal System (2d ed. 1984).

D. Freestone & J.S. Davidson, *The Institutional Framework of the European Communities* (1988).

W.J. Ganshof von der Meersch, "L'Ordre Juridique des Communautés Européennes et le Droit International," 148 *Academie de Droit International, Recueil des Cours* 1 (1975).

T.C. Hartley, *The Foundations of European Community Law* (1981). O. Jacot-Guillarmod, *Droit Communautaire et Droit International Public* (1979).

D. Lasok & J.W. Bridge, *Law and Institutions of the European Communities* (4th ed. 1987).

Leading Cases on the Law of the European Communities (3d ed. 1980).

J.-V. Louis, *The Community Legal Order* (1980).

P.S.R.F. Mathijssen, *A Guide to European Community Law* (4th ed. 1985).

R. Plender & J. Usher, *Cases and Materials on the Law of the European Communities* (1980).

The Political and Legal Framework of Trade Relations Between the European Community and Eastern Europe (1989).

H. Rasmussen, *On Law and Policy in the European Court of Justice* (1986).

J. Schwarze, *The Role of the European Court of Justice in the Interpreta-*

tion of Uniform Law Among the Member States of the European Communities (1988).

The Sources of Law: A Comparative Empirical Study: National Systems of Sources of Law (1982).

E.P. Stein, P. Hay & M. Waelbroeck, *European Community Law and Institutions in Perspective* (1976).

J.A. Usher, *European Court Practice* (1983).

D.G. Valentine, *The Court of Justice of the European Communities* (1965). Volume 1 includes statutes, rules of courts, and other documents. Volume 2 includes all judgments given by the European Coal and Steel Community Court and the Court of Justice until 1960.

M.L. Volcansek, *Judicial Politics in Europe* (1986).

D. Wyatt & A. Dashwood, *The Substantive Law of the European Communities* (2d ed. 1987). Common market, customs union, common agricultural policy, and competition law.

h. Professions and Services

A.M. Donner, *The Role of the Lawyer in the European Communities* (1966).

D. Lasok, *The Professions and Services in the European Economic Community* (1986).

L.S. Spedding, *Transnational Legal Practice in the EEC and the United States* (1987).

i. Taxation

Tax Coordination in the European Community (S. Cnossen ed. 1985).

F. Current Awareness Services for EEC Issues

Printed current awareness services for EEC issues include: *Bulletin of Legal Developments* ("BLD"). Biweekly. Available from: British Institute of International and Comparative Law, Charles Clore House, 17 Russell Square, London WD1B 5DR. The EEC section contains news of new laws or cases from Member States.

Butterworths EC Brief. Weekly. Available from: Butterworths Publishing.

C & L Belmont Monitor. Looseleaf, updated monthly. Available from: C & L Belmont, 2 Avenue de Tervuren, B-1040 Brussels, Belgium. This publication also provides a document delivery service. Not as current as the *BLD* or the *EC Brief*.

Europe. Published Monday through Saturday. Available from: Agence Internationale d'Information pour la Presse, 10 Boulevard Saint Lazare, B-1210 Brussels, Belgium. Indexed monthly by *Eurosynt*.

European Access. Available from: Chadwyck-Healey Ltd., Cambridge Place, Cambridge CB2 1NR, England. Contains in-depth articles of lasting value as well as current awareness materials.

European Report. Published twice weekly. Available from: European Information Service, 46 Avenue Albert-Elisabeth, B-1200 Brussels, Belgium. Available in English and French.

Useful newspapers among many newspapers distributed world wide are *The Financial Times of London* and the *International Herald Tribune*. English-language legal journals which cover EEC developments include the *Law Society Gazette*, the *New Law Journal*, the *Solicitor's Journal*, the *Bulletin of Northern Ireland Law*, the *Journal of the Law Society of Scotland*, and the *Scottish Law Gazette*.

The NEXIS service on LEXIS/NEXIS offers several interesting files for persons doing research in EEC. Besides the specific newspaper and magazine files such as the *New York Times* ("NYT"), the *Manchester Guardian Weekly* ("MAGRWK"), the *Daily/Sunday Telegraph* ("TELEGR"), and *U.S. News & World Report* ("USNEWS"), NEXIS also offers wire services: the Associated Press ("AP"), the Reuter Business Report ("BUSRPT"), the Reuter Library Report ("LBYRPT"), the Reuter News Reports ("REUTER"), the Telegraph Agency of the Soviet Union ("TASS"), and United Press International ("UPI"). In addition, NEXIS offers specialized newsletters in various areas such as the International Petrochemical Report ("PETCHM"). The NEWS group file is a good choice for a cross-section of papers, wires, magazines, specialized newsletters and reporting services and television/radio broadcasts that cover EEC developments. The PERSON group file can help a researcher identify materials about specific EEC figures. The GOVT group file contains U.S. and some United Nations publications that cover the EEC. However, a more useful file is the INTL group file which contains the following files:

ABECOR	Associated Banks of Europe: Country Reports
BBCSWB	BBC Summary of World Broadcasts and Monitoring Reports (since Jan. 1979)
CENEWS	Central News Agency reports from April 1984
DOSBUL	U.S. Department of State <i>Bulletin</i>
ECON	The <i>Economist</i> from Jan. 1975

FINTME	The <i>Financial Times</i> from Jan. 1982
KCWD	Kaleidoscope: Current World Data
MCLEAN	<i>Maclean's</i> from Jan. 1985
	The <i>Manchester Guardian Weekly</i> from Jan. 1981
MAGRKW	The <i>Washington Quarterly</i> from Winter 1982
WASHQR	

International brokerage house reports are available in the INTL file of the COMPNY library. Various international brokerage house research reports are also available, such as BA (Bain Securities) and MI (Midland Doherty Limited).

The REPORT library contains country reports of which the TOPICS file, containing combined subject reports, and the EU, FRANCE, BELG, DEN, WGER, GREECE, IRE, ITALY, NETHER, PORT, and SPAIN files are the most useful for EEC information. The International News Library ("INTNEW") library has full-text materials on international events and contains several British publications. The ALERT file in the ALERT library contains full-text wire service stories and is updated four times a day.

IV. THE STRUCTURE OF THE EEC

The European Economic Community functions through four branches of government: the European Commission, the Council of Ministers, the Court of Justice, and the European Parliament. Each is separately discussed below.

A. *The European Commission*

The European Commission operates through twenty-two Directorates-General as well as other agencies such as the Secretariat General, the Spokesman's Service, and the Office of Official Publications. The Directorates-General and their areas of authority are listed below.¹⁸

DGI	External Relations
DGII	Economic and Financial Affairs
DGIII	Internal Market and Industry
DGIV	Competition
DGV	Employment, Social Affairs,
DGVI	Education
	Agriculture

¹⁸ S.A. BUDD & A. JONES, *THE EUROPEAN COMMUNITY: A GUIDE TO THE MAZE* 33-34, 199-205 (3d ed. 1989); R. OWENS & M. DYNES, *THE TIMES GUIDE TO 1992* (1989). These sources are highly recommended as quick and practical guides to the EC.

DGVII	Transport
DGVIII	Development
DGIX	Personnel and Administration
DGX	Information and Culture
	Environment, Consumer
DGXI	Protection, Nuclear Safety
DGXII	Science and Research
	Telecommunications, Information
DGXIII	Industries, Innovation
DGXIV	Fisheries
DGXV	Regional Policy
DGXVI	Energy
DGXVIII	Credits and Investments
DGXIX	Budgets
DGXX	Financial Control
	Customs Union and Indirect
DGXXI	Taxation
	Co-Ordination of Structural
DGXXII	Instruments

The seventeen Members of the European Commission are appointed by the Member States (two each from the larger nations and one each from the smaller ones).¹⁹ Member nations may reappoint their representatives. Each Commissioner is responsible for one or more specialized areas of EEC policy. Commissioners initiate policy by proposing legislation (see *THE EEC LEGISLATIVE PROCESS IN BRIEF*), applying enactments and treaties to specific situations, and overseeing EEC finances (preparation of the budget and disbursement of funds). For present Commissioners and their areas of responsibility see the *Official Journal* L series.

Commission trade and competition policy decisions are also available on LEXIS in the EURCOM library, COMDEC file from 1972. The Commission also publishes reports on various subjects, primarily business and trade, in its Commission of the European Communities, *Studies*, series.

B. *The Council of Ministers*

The Council of Ministers derives its authority from article 145 of the EEC Treaty and acts as the primary decision maker and legislative body for the EEC.²⁰ It consists of one representative from each Member State.

¹⁹ For an explanation of the workings of the Commission see S.A. BUDD & A. JONES, *supra* note 18, at 34-36; INTRODUCTION TO THE LAW, *supra* note 4, 108-13; T.C. HARTLEY, *THE FOUNDATIONS OF EUROPEAN COMMUNITY LAW* 8-13 (2d ed. 1988).

²⁰ For general information on the workings of the Council see S.A. BUDD & A. JONES, *supra* note 18, at 39-42; INTRODUCTION TO THE LAW, *supra* note 4, 108-113; T.C. HARTLEY, *supra* note 19, at 13-15.

The President of the Council is chosen by rotation among the representatives and serves for six months. The Council may enact Commission proposals and coordinate economic policy among Member States. The Council publishes a *Guide to the Council of the European Communities*, issued twice a year. It also issues an annual review of its work: *Review of the Council's Work*. COREPER, a committee consisting of member state representatives, discusses, studies, and reports information needed for the formation of legislation.²¹

The Council's official acts include:

Regulations. All member nations must abide by Council regulations, which are published in the *Official Journal* and take effect twenty days after publication unless the text of the regulation decrees otherwise.

Directives. Directives apply to specific member nations. The member nation named may decide on the method of carrying out the directive. Directives become operational upon notice to all parties involved.

Decisions. Decisions are Council rulings applicable only to specific fact patterns and parties. These parties can be member nations, corporations, or persons. Decisions become binding upon notice to all parties involved.

Recommendations. Recommendations are not binding.

Opinions. Opinions are not binding.²²

The *Review of the Council's Work* is published by the General Secretariat of the Council of Ministers and is a well balanced overview of the year's work of the Council. It references the *Official Journal* where appropriate (i.e. for citations to important legislation for the year) and also includes a subject index. The *Review* is published in the official languages of the EEC.

The *Guide to the Council of the European Communities* is a directory in looseleaf form for updating. It contains general information such as current representatives to the Council, procedural and jurisdictional information, and information on nations associated with the EEC, such as former colonies.

C. *The Court of Justice of the European Communities*

1. Structure of the Court.

The Court consists of thirteen judges and six advocates-general,

²¹ T.C. HARTLEY, *supra* note 19, at 15.

²² S.A. BUDD & A. JONES, *supra* note 18, at 35-36; D.C. FREESTONE & J.S. DAVIDSON, *THE INSTITUTIONAL FRAMEWORK OF THE EUROPEAN COMMUNITIES* 26 (1988).

whose appointment is agreed on by all Member States.²³ The members serve staggered six year renewable terms. The Court may hear cases concerning Member States, EC institutions and agencies, and individuals.²⁴ The Court will also issue advisory opinions to national courts wishing an interpretation of EC law.²⁵ The Court's official language is French. Because of the steadily increasing workload of the Court, the EC set up a Court of First Instance²⁶ to hear specific types of cases. Cases are appealable only as provided by statute.

2. Court Reports

A number of publications publish court reports for the EEC. The *Official Journal*, C series, part I gives reports of judgments. Otherwise law reports and opinions of the Advocates-General are available in *Reports of Cases Before the Court*. These reports are published in the official languages of the EEC and because of translation and publication difficulties appear six months to a year after the judgments are rendered. The following is a sample citation from the *Reports of Cases Before the Courts*:

Case 13/72 Netherlands v. Commission 1973 E.C.R. 27 Thus, case number 13 from 1972 is available in the 1973 volume of the *Reports of Cases* on page 27.

As the official reporter for Court decisions, the *Report of Cases*, referred to as *European Court Reports*, is the preferred source for citation. However, because it is so slow in publication, the *Common Market Reporter* and the *Common Market Law Reports*, two commercial English-language publications are necessary to locate court decisions in a timely manner. Note that court reports and preliminary rulings are available on LEXIS in the EURCOM library, CASES file, from 1960. Unreported cases and preliminary rulings are available from 1980. The EURCOM library also reports national decisions interpreting EEC law and reports from the European Court of Human Rights.

Reports of cases decided by the court in its prior incarnation are available in Court of Justice of the European Coal and Steel Community, *Reports of Cases Before the Court*.

Some cases are reported in major newspapers such as *The Times of London* and the *New Law Journal*. *Proceedings of the Court of Justice of*

²³ INTRODUCTION TO THE LAW, *supra* note 4, at 145-59; D.C. FREESTONE & J.S. DAVIDSON, *supra* note 22, at 133-38.

²⁴ EEC Treaty, *supra* note 1, art. 175.

²⁵ *Id.* art. 177.

²⁶ Council Decision No. 88/591/ECSC, EEC, Euratom, 31 O.J. EUR. COMM. (No. L 319) 1 (1988) (Establishing a Court of First Instance of the European Communities); *See also* INTRODUCTION TO THE LAW, *supra* note 4, at 149.

the European Communities gives summaries of the Court's activities in the official languages and includes judgments and opinions.

For national court decisions interpreting EEC law, see *National Decisions Concerning Community Law*, an annual publication published by the OOP, as well as the court reports of Member States. Note that the Court of Justice does not have original jurisdiction to determine how Member States will apply EEC law, but upon application from a national court, it will issue a preliminary ruling.

Court of Justice of the European Communities: List of Judgments (1973) is a chronological list of judgments rendered, giving names of the parties, language in which the case was argued and subject matter of the case. The citations are in French, but if an English translation was available prior to publication, that is indicated. The *List of Judgments* also serves as an index to English-language versions of reports rendered prior to 1973.

For cases interpreting the treaties establishing the EEC, see *Bibliographie zur Europaeischen Rechtsprechung betreffend die Entscheidung zu den Vertragen ueber die Grundung der Europaeischen Gemeinschaften Nachtragslieferung, Bibliography of European Case Law: Decisions Relating to the Treaties Establishing the European Communities*. The English title is *Bibliography of European Judicial Decisions*. Subject headings are in French. See also *Publications Concerning European Integration* for other legal matters. Each volume has four indexes: Numerical index to the Treaties and Regulations; Decisions and Directives; Author index and Chronological Table of Decisions. The *Bibliography* first appeared in 1965 with supplements appearing in 1967, 1968, 1968, 1970, 1973, and 1976. In 1976, the *Bibliography* changed its title to the *Bulletin Bibliographique de Jurisprudence Communautaire*. Also see *Community Law* which is published by the OOP in relation to the *General Report on the Activities of the European Community*.

The *Publications Concerning European Integration* appeared in 1967, covering the period 1952-1966. Supplements appeared from 1967 to 1975.

Selected Instruments Relating to the Organization, Jurisdiction, and Procedure of the Court appeared in its third edition in 1976. It contains jurisdictional and procedural documents and the Court's Rules and is a concise and useful guide. The Court Registry publishes a calendar of hearings every week.

3. Other Court Publications

Other important Court publications include:

Information on the Court of Justice of the European Communities. Quarterly. Began in 1968. Gives a summary of important cases before the

Court (similar to the Supreme Court section of *U.S. Law Week*). In 1971, the Court began publishing everything in all of the official languages.

Synopsis of the Work of the Court of Justice of the European Communities. Began in 1968. It is an annual free publication and is published in the official languages.

Formal Hearings of the Court of Justice of the European Communities/Audiences Solennelles de la Cour de Justice. Free. Provides text of addresses given at the opening sessions of the Court.

4. Digests and Finding Aids

Finding European Community case law can be as bewildering as finding any other type of EEC material. Several official and commercial publishers offer finding tools of varying quality to assist in the task.

The *Digest of Case Law Relating to the European Communities* began in 1982 and continues where H. Everson, H. Sperl & J. Usher, *Compendium of Case Law Relating to the European Communities*, which covers the period 1953-1976, ceased.

EURIDOC publishes *Legis Jurisprudence* covering European Community Case Law including all judgments and acts of the Court of Justice of the European Communities. Order from: EURIDOC (European Information and Documentation Services), Carretas 14, 7 (septimo) C, 28012 Madrid, Spain. Telephone number: 34-1/522 5706. Telefax number: 34-1/522-6017.C

Other indexes to EEC case law include *European Court of Justice Reports: A Digest of All Decisions and Opinions of the European Court of Justice*, which began in 1982 and *Digest of Case-Law Relating to the European Communities*, which began in 1981 and is published by the OOP.

The European Law Centre publishes *European Law Digest*, which summarizes cases decided and includes a list of treaties and treaty provisions referred to, courts rendering the decisions digested, and EEC legislation interpreted.

5. Specialized Reporters

The European Law Centre publishes *European Commercial Cases*, English language versions of full court opinions in the areas of copyrights, patents, and trademarks, conflicts of laws, enforcement of foreign judgments, arbitration, insurance and other business and labor topics. The official citation form is [year] E.C.C. [page].

6. Bibliography

Listed below are some monographs on the workings and policy of

the Court. See also the section on "The Legal System" in the general bibliography earlier in this pathfinder.

L.N. Brown & F.G. Jacobs, *The Court of Justice of the European Communities* (3d ed. 1989).

N. Condorelli Braun, *Commissaires et Juges Dans les Communautés Européennes* (1972).

G. Fitzmaurice, *The Law and Procedure of the International Court of Justice* (1986).

D.C. Freestone & J.S. Davidson, *The Institutional Framework of the European Communities* (1988).

P.J.G. Kapteyn & P. Verloren van Themaat, *Introduction to the Law of the European Community: After the Coming into Force of the Single European Act* (2d ed. 1989).

S. O'Malley & A. Layton, *European Civil Practice* (1989).

Enforcement of Foreign Judgments Worldwide (C. Platto ed. 1989).

M. Gruson, *Legal Opinions in International Transactions: Foreign Lawyers' Response to U.S. Opinion Requests* (2d ed. 1989).

W.J. Ganshof von der Meersch, "L'Ordre Juridique des Communautés Européennes et le Droit International," 148 *Académie de Droit International, Recueil des Cours* 1 (1975 V).

J.A. Usher, *European Court Practice* (1983).

D.G. Valentine, *The Court of Justice of the European Communities* (1965). Volume 1 includes statutes, rules of courts and other documents. Volume 2 includes all judgments given by European Coal and Steel Community Court and of the Court of Justice until 1960.

D. The EEC Legislative Process in Brief

The Commission of the European Communities makes a proposal to the Council of Ministers, which assigns it a COM document number and forwards it to the European Parliament with a request for a recommendation. The EP republishes the COM document as an EP Working Document, studies it, offers the Council its opinion, and requests further clarification or modification or requests the Council to withdraw the proposal. If applicable the ECOSOC is also consulted and issues a report or recommendation. The proposal with EP and ECOSOC recommendations returns to the Commission. The Commission makes any changes deemed necessary and forwards the final proposal to the Council of Ministers which votes on it. The EP recommendation and the Commission proposal are both published in the *Official Journal, Information and Notices*, C series, a daily publication. If the Council vote is favorable, the

new legislation, proposal, directive, decision or other action appears in the *Official Journal, Legislation*, L series (daily). The new legislation takes effect on publication or within 20 days after publication in the *Official Journal, Legislation*.²⁷

E. The European Parliament

1. Structure of the European Parliament

The European Parliament currently consists of 518 members directly elected by the populations of all Member States.²⁸ Representation is by population.²⁹ The EP meets in Strasbourg for one week each month except in August.³⁰ The EP may adopt or reject the annual budget, make recommendations on all proposals formulated by the Commission, and dismiss the Commission.³¹ Members of the EP also have the power to submit questions to the Commission, Council and Council of Foreign Ministers and present questions for discussion during their scheduled sessions.³²

The Assembly which meets regularly at Strasbourg to debate issues concerning the EEC has come to be known as the European Parliament. See the Resolution of March 20, 1958, *Journal Officiel* (June 1958); Resolution of March 20, 1962, *Journal Officiel* (1045/62); Single European Act ("SEA"), art. 3. For a good overview of the history, powers and duties of the EP, see P.J.G. Kapteyn & P. Verloren van Themaat, *Introduction to the Law of the European Communities* (2d ed. 1989). Its function is essentially to advise and influence the Commission and Council of Ministers. A good source for the history, workings, and importance of the European Parliament is Sir Barnett Cocks, *The European Parliament* (1973), which although an older work, is extremely detailed and contains reprints of important treaties and other documents, such as the *Rules of Procedure*.

2. Bibliography of EP official publications

Debates: Reports of Proceedings.

Interim (non-official) version of the debates, transcribed only in the original language. Beginning with the 1968/69 session permanent, offi-

²⁷ D.C. FREESTONE & J.S. DAVIDSON, *supra* note 22, at 91-101. See generally INTRODUCTION TO THE LAW, *supra* note 4, at 239-51 for decision making procedures.

²⁸ D.C. FREESTONE & J.S. DAVIDSON, *supra* note 22, at 72-73; INTRODUCTION TO THE LAW, *supra* note 4, at 131-32.

²⁹ *Id.* EEC Treaty, *supra* note 1, art. 165-67 (as amended by the Act of Accession, art. 17-19); See also, *The Court of Justice of the European Community*, (Periodical 5/1986), at 7 (1986).

³⁰ *The Court of Justice of the European Community*, *supra* note 29, at 32.

³¹ *Id.* at 33.

³² *Id.*

cial versions of the debates with corrections by the speaker and in the official languages of the EEC appear in the *Annex to the Official Journal*.

Prior to 1968 (from 1952 to 1967/68) the *Debate* of the European Coal and Steel Community General Assembly appeared separately in the official languages of the ECSC. Beginning with 1958 the European Parliament also began publishing its debates in the official Community languages.

The interim formal record of EP proceedings is the *Minutes of Proceedings of the Sitzings of the European Parliament*, translated into all the official languages. Like the *Debates* it is an interim version of the proceedings. The official record appears in the *Information and Notices* section of the *Official Journal*.

There are concordances of the debates from 1952 to 1976/77 prepared by the Archives Department of the Directorate-General for Sessional and General Services. These are published in European Parliament document number PE 54.143 (June 1978).³³ This publication is outdated but still useful since it explains the organization of the EEC in historical as well as bureaucratic terms.

There is also a *Summary Report* which precedes publication of the *Debates*. It is entirely unofficial and is provided for the convenience of observers.

Beginning in 1967 *European Parliament Information* began providing summaries of the EP's activities. In 1979 it changed its title to *EP News*. Many of the local offices also publish current awareness services such as the London office's *European Parliament—Report* which began in 1974.

On occasion the EP and the Consultative Assembly of the Council of Europe hold joint meetings. The EEC and the Council of Europe jointly publish *Official Report of Debates*.

Other useful publications include:

Rules of Procedure. The third edition was published in 1984. A French-language title, *Organisation des Services du Secretariat General et des Groupes Politiques* (1984) is also available.

Every year the Secretariat of the European Parliament publishes a list of all resolutions passed during the year. Each list consists of four parts, chronological order of adoption, subject, procedure, and text of the resolution all of which are indexed.

The EP also publishes a variety of documents which may or may not circulate outside the EP. Each document is given a number.

The *Working Documents* receive both an internal and external

³³ J. JEFFRIES, A GUIDE TO THE OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES 205 (2d ed. 1981).

number. The external number, to which non-EP users will find references, is based on the year of the parliament then sitting and an accession or order number (e.g. 1/90 for the first *Working Document* issued in 1990). They are indexed in the *Annex* to the *Official Journal*. Many of the *Working Documents* are actually COM documents with an added title page. Unfortunately, cross references between the *Working Documents* and the COM documents are hard to come by. Some of the COM documents which become *Working Documents* were initially issued for internal use only, such as the *General Report on the Activities of the European Communities*.³⁴

Generally, when the EP receives a COM document it assigns it to the appropriate EP Committee for study:

- Agriculture
- Budgetary Control
- Budgets
- Development and Cooperation
- Economic and Monetary Affairs
- Energy and Research
- Environment, Public Health and Consumer Protection
- External Economic Relations
- Legal Affairs
- Political Affairs
- Regional Policy and Regional Planning
- Rules of Procedure and Petitions
- Social Affairs and Employment
- Transport
- Youth Affairs, Culture, Education, Information and Sport

The committee examines the document and makes an advisory report to the EP.

The *Working Documents* series also includes reports and surveys which the EP itself commissions.

Members of the EP receive the *European Parliament Bulletin*, published in the official languages, which indicates upcoming activities. It also lists recently published *Working Documents* and recent petitions from individuals and organizations. The EP also publishes *Committee Agendas* listing documents to be discussed.

The EP publishes much specialized material, particularly on elections. The London Office of the EP also publishes the *European Elections Briefing*.

The EP also publishes a number of reference works including bibli-

³⁴ Kearley, *supra* note 15, at 87-88; See also Lodge, *The European Parliament*, 56 THE EUROPEAN COMMUNITY: BIBLIOGRAPHICAL EXCURSIONS 61-63 (1983).

ographies. These include a *Library Bulletin* which lists new library acquisitions and appears monthly, the *European Parliament Bibliography*, beginning in 1970, and various specialized historical bibliographies:

Bibliographie Analytique du Plan Schuman et de la CECA (1959).

Catalogue: Marché Commun (1960).

Le Marché Commun: Bibliographie (1959).

Zone de Libre-Exchange (1958).

Euratom (1959).

3. Bibliography of EEC Publications on the European Parliament

Unless otherwise indicated, all materials are available either from the Commission's Main Office or from the Publications Section, European Community, 2100 M Street N.W., 7th Floor, Washington, D.C. 20037.

Europe's Parliament and the Single Act (1989). Free. A classic introduction to the work of the EP.

One Parliament for Ten (1983).

The European Parliament (1983).

The Impact of the European Parliament on Community Policies (1983).

On the Right Road: A Report on the First Legislative Period, 1974-1983 (1983).

Resolutions of the European Parliament in the Field of Environment, Public Health and Consumer Protection (1979-1984) (1984).

Fact Sheets on the European Parliament and the Activities of the European Parliament (1983).

Main Documents of the European Parliament Relating to New Technologies (1982-1984): Preliminary Version (1984).

Activities of the European Parliament Since 1980: Key Statistical Data (1984).

Bulletin of the European Parliament: Activities, Documents, Information.

Twelve times a year the Information Office, London, publishes *Resolutions Adopted by the European Parliament [year]*.

V. SUBAGENCIES OF THE EEC

A. European Patent Office

The European Patent Office received its mandate from the *Convention on the Grant of European Patents, European Patent Convention, with Related Documents, Munich, 5 October 1973* (HMSO Command Paper 5656 (1974)) and began its work in 1978. For the workings of the Euro-

pean system of patents, see *Catalogue of the Publications of the European Community Institutions 1972-73*. For patent examination procedures see *Draft Guidelines for Examination in the European Patent Office* (1976), kept up to date by supplementation. Applicable conventions include:

Convention on the Grant of European Patents, European Patent Convention, With Related Documents, Munich, 5 October 1973 (HMSO Command Paper 5656 (1974)).

Convention for the European Patent for the Common Market, Community Patent Convention, Including Implementing Regulations and Final Act, Luxembourg, 15 December 1975 (HMSO Command Paper 6553 (1976)).

Encyclopedia of United Kingdom and European Patent Law, a Sweet and Maxwell looseleaf, is a comprehensive and scholarly discussion of the area, including many explanatory footnotes.

B. *Economic and Social Committee ("ECOSOC" OR "ESC")*

The 189 members of ECOSOC represent diverse segments of EEC society including labor, management, and consumers.³⁵ The Council of Ministers appoints them for four year renewable terms on the nomination of Member States. At their monthly meetings, ECOSOC members may offer opinions to the Commission and Council on various subjects.³⁶ Useful publications of the ECOSOC include:

Relations Between the European Community and the United States (1983).

Directory of European Agricultural Organizations (1984).

Bulletin: Economic and Social Committee (1983). Monthly publication.

Economic and Social Committee Annual Report. Annual.

Index: List of Members of the Bureau, Committee, Groups, and Sections. Annual.

All ECOSOC publications are indexed in the *EC Index* (for the period 1984-1986).

C. *European Coal and Steel Consultative Committee*

ECSC members meet quarterly and in specially called sessions to discuss all matters mentioned in the European Coal and Steel Treaty. ECSC members represent all facets of the coal and steel industry, including consumers, and their recommendations are binding on the Council.

³⁵ *Id.* at 39.

³⁶ S.A. BUDD & A. JONES, *supra* note 18, at 39; T.C. HARTLEY, *supra* note 19, at 36-37.

D. European Court of Auditors

The twelve member Court of Auditors³⁷ is appointed by the Council to six year terms.³⁸ The Court audits EC accounts, prepares the EC annual financial statement, and aids EC institutions in their auditory functions.³⁹ Its report appears in the *Official Journal*.

E. European Investment Bank

The EIB makes long terms loans or guarantees to promote regional development, multi-nation development, and projects in developing countries that have treaties or other links with the EC.⁴⁰ The EIB receives its funds from Member States or borrows it on the open market. The administration consists of a Board of Governors, Board of Directors, and Management Committee.⁴¹

F. Convention of Lomé Institutions

The African, Caribbean, and Pacific nations with ties to EEC Member States belong to this Convention, established by the Lomé Convention of 1979. The ACP-EEC Council of Ministers (a joint council) works with the Committee of Ambassadors and the ACP-EEC Consultative Assembly to work out trade assistance for ACP nations in areas such as export earnings and mineral products. The Council of Ministers of the European Communities issues an *Annual Report of the ACP-EEC Council of Ministers*.

VI. EMERGING ISSUES: THE SINGLE EUROPEAN ACT

The coming into force of the Single European Act has brought the reality of 1992 even closer. Its directives on uniform currency, single citizenship, and the lowering of trade barriers have an obvious impact on the member nations, and repercussions outside the EEC.⁴² Although few

³⁷ S.A. BUDD & A. JONES, *supra* note 18, at 45; INTRODUCTION TO THE LAW, *supra* note 4, at 173-74.

³⁸ INTRODUCTION TO THE LAW, *supra* note 4, at 174.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² INTRODUCTION TO THE LAW, *supra* note 4, at 843-845; Taylor, *The New Dynamics of EC Integration in the 1980s*, 3 THE EUR. COMMUNITY AND THE CHALLENGE OF THE FUTURE 8-14 (J. Lodge ed. 1989). Numerous articles have already been written discussing the impact of the SEA. See, among others Evans, *European Citizenship*, 45 MOD. L. REV. 497 (1982) and Clark, *Legal Principles of Non-Socialist Economic Integration As Exemplified by the European Economic Community*, 8 SYRACUSE J. INT'L L. & COMM. 1 (1980). An issue of particular interest to lawyers is the role of attorneys in the EC and the access of U.S. lawyers to the EC courts. A cottage industry of literature on this topic has already sprung up. Articles include Schloh, *Freedom of Movement of Lawyers Within the European Economic Community*, 9 ST. LOUIS U. PUB. L. REV. 83 (1990); Wal-

monographic works on the Act have appeared as of yet, several journals have published articles on the impact of the SEA on various areas.

P.J.G. Kapteyn and R. Verloren van Themaat's *Introduction to the Law of the European Communities: After the Coming into Force of the Single European Act* (1989) is an exploration of the impact of the Act basic to any research in the area. The Act itself is available in *Treaties Establishing the European Communities: Treaties Amending These Treaties: Single European Act: Resolutions, Declarations* (1987), from the Commission of the European Communities.

The Practising Law Institute has already offered several courses in the area of EEC law and its impact on the United States.

Practising Law Institute, *EEC Strict Liability in 1992: The New Product Liability Rules* (1989).

Practising Law Institute, *New Financial Instruments and Techniques 1989* (1989).

The United States Congress and various administrative offices have already started to publish reports of studies conducted on the likely impact of the Act on the United States. Among the reports likely to be referred to often are:

U.S. Department of Commerce. International Trade Administration, *EC 1992: A Commerce Department Analysis of European Community Directives* (1989).

U.S. Congress. House Committee on Foreign Affairs. Subcommittee on International Economic Policy and Trade, *European Community's 1992 Economic Integration Plan: Report by the Subcommittee*. . . (1989). Although citations to this document indicate that it was released May 31, 1989, it was actually not released until July.

In addition, three journals devoted to the impact of 1992 have recently begun publication. These publications have not been reviewed by this author at this time.

Europe 1992. Began February 1, 1989. Published by Lafayette Publications (Washington, D.C.).

Single European Market Reporter. Began February 1, 1989. Published by Baker and McKenzie (London, Eng.).

1992: The External Impact of European Unification. Began publication

lace, *Freedom to Practice in the EEC*, 139 NEW L.J. 1004 (1989); Ehlermann, *The Role of Lawyers in the European Communities*, 11 INT'L BUS. LAW. 172 (1983); McNeill, *Lawyers in Europe*, 9 INT'L J.L. LIBR. 203 (1981). There is also new periodical, *Lawyers in Europe* (Professional and Business Information, Citybridge House, 235-245 Goswell Road, London EC1V 7SD England) published six times a year.

on April 7, 1989. Published by BURAFF Publications (Washington, D.C.).

The following titles are a sampling of the many articles now analyzing the Act:

Bermann, "The Single European Act: A New Constitution for the Community," 27 *Colum. J. Transnat'l L.* 529 (1989).

Kramer, "The Single European Act and Environment Protection: Reflections on Several New Provisions in Community Law," 24 *Common Mkt. L. Rev.* 659 (1987).

Lang, "The Irish Court Case Which Delayed the Single European Act: *Crotty v. Taoiseach and Others*," 24 *Common Mkt. L. Rev.* 709 (1987).

The above articles are only two of several that can be found in volume 24 of the *Common Market Law Review* issue, which is devoted to the impact of the Single European Act.

Lodge, "The Single European Act: A Threat to the National Parliament of Europe?" 68 *Parliamentarian* 21 (Jan. 1987).

Lonbay, "The Single European Act," 11 *B.C. Int'l & Comp. L. Rev.* 31 (1988).

Ross & Eyckmans, "Europe '92: What Impact on Health-Care Marketing?" 23 *Medical Marketing & Media* 98 (Nov. 1988).

Surrey, "Beyond 1992: The Single Market and EC Energy Issues," 18 *Energy Pol'y* 42 (Jan./Feb. 1990).

van Kraay, "The Single European Act 1986," 20 *Law Teacher* 210 (Summer 1986).

Velo, "The Single European Act and the Economic Monetary Union," 7 *J. Regional Pol'y* 405 (1987).

The European Union Treaty foreshadowed the Single European Act by several years. Although it never came into force, *The European Union Treaty: Commentary on the Draft Adopted by the European Parliament on 14 February 1984* by F. Capotorti and others (1986) is a fascinating study of the Treaty's potential impact and will repay study by researchers interested in the impact of the Single European Act.

VII. CONCLUSION

The immediate research problem will dictate the approach that a researcher will take regarding EEC law. The law student will want to begin with the various scholarly treatises currently and soon to become available in the area. For the student the printed indexes will undoubtedly be the most cost-effective and efficient method of locating information.

The practitioner with a trial deadline or a very specific legal question may want to begin with a database search, but should be careful to identify terms and concepts before going online. Most of the online services are extremely costly as well as cumbersome, and the researcher will need a substantial amount of training before he or she goes online. Although this pathfinder is intended for the practitioner and the beginning EEC researcher rather than the specialist, it is hoped that the resources listed will lead anyone interested in the EEC to valuable information and to the successful resolution of his or her questions or problems.