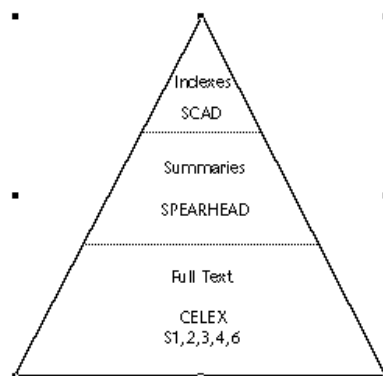


EU Law Databases - Are You Missing Something?

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Good afternoon ladies and gentlemen, thank you for attending this presentation on EU Law Databases. My objective this afternoon is to explore the various databases that can be used for EU Legal research with a view to finding the most thorough method possible. I do not intend to visit all possible sources of such information, so please do not view this presentation as a definitive and complete resume of all sources open to you. Rather it is intended to be an analysis of the most useful and commonly used (and often under used), sources of EU Legal information.



EU legal databases can be viewed as having a pyramid structure. At the top of the pyramid are the Bibliographic or Index type databases. An example of this type is SCAD, the official bibliography of the European Official Journal. Such a database is useful if you have access to the information in paper form, and merely require an indexing system to help you locate the correct document.

In the middle of the pyramid are the summary type databases. A good example of this is the Spearhead Database produced by the Department of Trade and Industry, part of the UK Government. This type of database is useful if you wish to read a digest of an EU law, as opposed to reading the usually much longer full text.

Finally at the bottom of the pyramid are the full text databases such as Celex. These databases provide the full text of documents for research and analysis. Celex is the original source for full text legal information.

I would like to take a few minutes to discuss CELEX, in more detail. Please bear with me for a few moments if you are already familiar with CELEX. Personally, I like to revisit old ground occasionally, as often I learn something new. I hope that I can provide some new ideas for you this afternoon.

Celex is the inter-institutional computerised documentation system for Community law. It was originally intended for in-house use only by the Community institutions, and Community civil servants, but has been available to the public since 1981. CELEX is a codified database with a great deal of added value, the full text of most documents is included. It reflects the development of the EU and is a good way of keeping up to date with its changing nature. This is not a static database, it is in fact by nature dynamic. Every week an average of one hundred new laws are added to the database, of these hundred new laws no less than thirty change earlier laws in some way.

Celex is in fact not one but several databases linked together, each database in Celex is called a sector.

Sector 1 and 2 Contain the full text of EU Treaties.

Sector 3 and 4 Contain the full text of EU Legislation taken from the L Series of the Official Journal.

Sector 5 Contains information on EU Proposals taken from the C Series of the Official Journal.

Sector 6 Contains the full text of EU Case Law

Sector 7 Contains references to Implementing Legislation

Sector 8 is not used

Sector 9 Contains information on Parliamentary Questions taken from the C Series of the Official Journal.

As you can see from this long list, that EU databases have the ability to satisfy the needs of even the most demanding of researchers. From this list Ladies and Gentleman I hope that you agree that pretty much every facet of EU law is available, but in fact this is only half the story.

Many people use Celex as a means of locating a document specifically required for a purpose, but why? If you simply want to find EU legislative documents using free text search techniques, why not use the excellent L&C Series CD-ROM provided by EUROP? Part of the answer is that the L&C Series CD-ROM is a very new product and has only recently arrived on the scene, but mostly, in my opinion it is because many people do not realise how powerful the indexing on Celex is, and how much it can help them save time when researching, and also help prevent errors by omission.

Let us imagine that we have been asked by a Czech Tobacco Corporation to look into the EU policy on the labelling of cigars. As a starting point we are told that the relevant legislation is directive 89/622. I would like to now launch a search on Celex. As we require a fast system this afternoon, and the net can be rather slow at this time of day, I am using the JUSTIS Celex CD-ROM version of Celex.

To find the document, I select the Legislation Sector of Celex and key in "Directive 89/622" in the title area. I am using the "find" utility to discover all references to "cigars", there are none. Fortunately Celex also provides a full report in index form which tells us amongst other things which treaty forms the legal basis for the Directive, and more importantly if the Directive has been amended.

In this case yes it has! A further directive 92/41 has a bearing on this document. I am using an advanced form of hypertext linking developed for the JUSTIS software called Dynamic Document Linking or DDL for short. DDL permits links to be created with almost endless variety, I will use it here to go straight to the later directive. I use the "find" utility again to look for information on cigars, and discover the relevant health warnings listed in ANNEX II

Under EU law, Directives need further national legislation. Therefore the text that is actually referenced in each EU state by tobacco companies will be both the Directive and the text of the implementing national legislation. If we want to see an example of such national legislation, we can make use of DDL to link from the directive document directly to another database of UK legislation on CD-ROM also published by Context.. In the generic version of Celex please look in Sector 7 for the references to the implementing laws in each EU state.

So far so good. We have successfully located all the legislation relating to the labelling of cigars. We now have full information on the present requirements. However Ladies and Gentlemen I am sure that you are aware that little stays the same for long. EU law is constantly changing, really we need to look further than the actual legislation itself to produce a full report. We can do this by using the Celex indexing system to seek out other important documents .

There are on each legislative document in Celex many fields which define the document in some way. For instance there are two fields MODIFIED and MODIFIES which can be used as "tracker" fields to show the history or future of a document (if any). As time is short this afternoon however, I will now make a general search of Celex designed to locate every document which has any bearing on Directive 92/41. To do this I need to use the Celex number for the document 392L0041 which I lifted from the subject document.

First I log into all sectors of Celex simultaneously, then I run a free text search for 392L0041 and tobacco. The JUSTIS software is listing the results in Celex Sector order. We can see the Treaties which enabled the Directives, the Directives themselves, the proposals which resulted in the Directives, and finally the case law resulting from alleged non-compliance with the directives.

Our report to the tobacco company grows larger by the minute Ladies and Gentleman, we are beginning to wish no doubt, that we had negotiated a larger fee. Quite rightly when we consider how long this process would take if we were to address the paper versions of these documents. However our journey this afternoon is not yet complete.

It would also be useful to assess the relationship between the EU and the Czech Republic. We can do this by running a search in the treaty sector looking for “Czech” in the title. You can also find other agreements which define the relationship between the EU and the Czech republic in the legislation sector, where the documents are described as “decisions”.

Another line of enquiry would be to track down merger decisions involving other EU tobacco companies. These can be found again in the legislation sector. All merger decisions carry the document code m, i.e. 394m0001. You can count the number of merger decisions each year by running the search DOCNUM[397m*] where DOCNUM is the field, 3 is the sector, 97 is the year, m is the document code, and * is a truncation operator which ensures that all the documents available are located.

So far we have found the relevant legislation, identified the specific health warnings required, and even found case law resulting from this legislation, but here lies the key, case law. In the EU like other legal systems case law interprets legislation. However another less painful way of defining legislation is to consult an expert, or even better several experts!

This is what I now plan to do. At the start of this presentation I said that I planned to use three databases, one official in the sense that it is published by EUROP, and two further ones published in CD-ROM form running under the JUSTIS software.

You may have noticed a further option on the JUSTIS Celex CD-ROM called Spearhead. This database has been prepared by subject experts working for the Department of Trade and Industry, a part of the UK Government. This database seeks to provide a plain English summary of EU Single Market Measures, tobacco information will be included here. I can approach this search by simply seeking reference to 39210041, but a more rewarding strategy would be to simply look for all documents with tobacco in the title. Here we can see an experts summary of both tobacco directives, plus other documents including an analysis of related proposals and what the DTI call “projected legislation” or news items if you like.

Spearhead provides a good analysis of legislation and proposals, but what of the future? We need to visit the EU Parliament to look at that, and we can do this in the form of JUSTIS OJ C CD-ROM. This product holds the full text of the Official Journal C Series from January 1990, which includes the full text of EU Parliamentary Questions.

If I search for the word “question” in the title and for “92/41” in free text mode, I will find all the questions in the house where 92/41 is mentioned. As you can see, the answers are very concise and informative, and indicate how the EU Government views this particular law.

So Ladies and Gentlemen to conclude, there are many database options open to us for the purpose of researching EU legal information. My objective today was to explore with you the options open to us. Finding the right document is often the start of a journey rather than an end in itself, however the databases I have used today enabled us to link from legislation to case law to expert analysis to Parliamentary Answers in our quest for all the relevant dimensions of a piece of EU legislation.

I hope that you have all enjoyed my presentation this afternoon, and I hope that I have provided some search tips for Celex. Before I finish though I would like to share with you something I found purely by chance one day when searching JUSTIS OJ C CD-ROM. I was looking for documents relating to Parks and Public Gardens and was astounded to find the following Parliamentary Questions relating to of all things “garden gnomes”.

The replies from the Commission are rather shorter than normal!

Thank you.