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This guide summarises sources of EU case law. Many sources are available online and also in hardcopy in the Library. The judicial framework and procedure determines the case documentation.

| THE COURTS

There are two courts of justice of the European Union: the Court of Justice of the European Communities (the ECJ) and the Court of First Instance (the CFI) in Luxembourg¹. There is also a Civil Service Tribunal. The jurisdiction and procedure of each court is set out on the *Curia* (court) website.

http://curia.europa.eu/en/instit/presentationfr/index_cje.htm

Cases pertaining to EU law are also heard in national courts. They are reported in the sources covering those national courts and sometimes also in the *Common Market Law Reports*. Those cases fall outside the scope of this guide.

| SUMMARY OF ECJ AND CFI PROCEDURE

The opening procedure of an ECJ case depends on whether it is a direct action or a referral from a national court. After the initial stages the procedure is the same, consisting of a written procedure followed by an oral procedure, and concluding with a Judgment or Order.

Written procedure: involves the lodging of the file and the preparation of the case, and none of the documents in the case-file are open to the public at this stage.

Oral procedure: consists of the hearing and the delivery of the Advocate General's Opinion.

Judgment: arrived at by majority decision, and signed by all the judges. In some cases, for example where the Court has already ruled on an identical question, the ECJ will deliver a reasoned Order, rather than a Judgment.

The CFI has its own rules of procedure, which also include a written and an oral phase. CFI judgments may be appealed in the ECJ.

¹ These courts must not be confused with the European Court of Human Rights (in Strasbourg)

USEFUL TEXTBOOKS ON ECJ AND CFI PROCEDURE

Anderson D & Demetriou M	<i>References to the European Court</i> (2nd ed., 2002)	Euro Comm 510 A546a2
Arnulf, A	<i>The European Union and its Court of Justice</i> (2nd ed., 2006)	Euro Comm 510 A768b2
Lasok, K & Millett, T	<i>Judicial control in the EU : procedures and principles</i> (2004)	Euro Comm 510 L345.1b
Lenaerts, K and Arts, D	<i>Procedural law of the European Union</i> (2nd ed., 2006)	Euro Comm 510 L563b2
Plender, R	<i>European courts procedure</i> (2001-)	Euro Comm 510 P725d

CASE DOCUMENTATION: WHAT TO LOOK FOR

- A statement in a national case report that a question has been referred from a national court to the ECJ;
- A Notice in the *Official Journal (OJ) C series* that a case has been referred to the ECJ or initiated by direct action;
- Report for the Hearing (before 1994 only);
- Advocate General's Opinion;
- Judgment or Order;
- If a case is withdrawn, there will be a notice of withdrawal from the Register in the *Official Journal (OJ) C series* and on the Court's **Curia** website

Not every document will be generated by every case. The most important documents retrospectively are the Advocate General's Opinion² and Judgment (or Order), which are eventually published in the authoritative

² ECJ cases. Usually, there is no Advocate General's Opinion in CFI cases.

series Reports of Cases Before the Court of Justice and Court of First Instance of the European Union.

CASE LAW SOURCES: WHERE TO FIND THEM IN THE LIBRARY

Official published text

Reports of cases before the Court of Justice and Court of First Instance of the European Union [ECR] (1954-) Euro Comm 100 R313

Commercial series

All England Law Reports European Cases [All ER (EC)] (1995-) Euro Comm 100 A10

Common Market Law Reports [CMLR] (1962-) Euro Comm 100 C734

Brief summaries of ECJ and CFI cases are published in the *Official Journal of the European Union C series*, available in the Library in hard copy, via a networked CD-ROM and online.

Official Journal of the European Union [OJ C series] (hard copy) (1973-) Euro Comm 300 E61

Networked CD Rom on OxLIP (1998-) <http://www.bodley.ox.ac.uk/oxlip/>
Free web resource <http://eur-lex.europa.eu/JOIndex.do?ihmlang=en>

Full text of ECJ and CFI cases is available in hard copy transcripts and electronically via the Court's website, *Curia*. Euro Comm 100 J50
<http://curia.europa.eu/en/index.htm>

Current members of the University can also access case reports from *Justis*, *Lexis* or *Westlaw* via OxLIP: <http://www.bodley.ox.ac.uk/oxlip/>

Case commentary is published in various learned journals, and indexed by case number in

Références des notes de doctrine aux arrêts de la Cour de justice et du Tribunal de première instance des Communautés européennes Euro Comm 160 I38b
<http://curia.europa.eu/en/content/juris/index.htm>

TRACING CASES

It is easiest to find a case if you have an accurate citation to ECR or to one of the commercial series. Cases may also be traced by number, by date, by name or by subject matter

Tracing cases by case number

Each case is assigned a number by the Court. The case number is made up of a serial number and the year in which the case was initiated. Serial numbers start again at the beginning of each year. The prefix letter C or T indicates whether it is an ECJ or a CFI case respectively³: e.g. Case C-414/99 denotes ECJ case number 414 of the year 1999.

Case number is an effective search term to use in the subscription databases, and the free resources *EUR-Lex* or *Curia*.

Use the case number to trace older case documentation in the *OJ*, by checking The Methodological Table in the Annual Index of the *OJ*.

Tracing cases by date

The date element in a case number indicates the year in which the case began: it is of limited use for locating the Judgment, which will have a later date.

The date of a Judgment or Order indicates in which volume of ECR the case is reported (complete with Advocate General's Opinion if it was heard by the ECJ). There is an annual index to ECR.

Tracing cases by names

Use party names to search the subscription databases. When using printed sources, names of parties are most useful if you also know the date of the Judgment, as some of the printed indexes are annual:

- The annual index to *ECR* includes an index of parties, which will give you the case number, as well as the ECR page reference;
- *CMLR* includes an alphabetical index to the cases in each volume;

³ Before the creation of the CFI, there was no prefix to the case numbers.

- *All ER (EC)* includes an alphabetical case list at the beginning of each annual volume;

Current Law Case Citator volumes include *Cw UK 200 C976f* alphabetical case lists that include ECJ and CFI cases.

Sources for full lists of cases arranged alphabetically by name and covering many years include:

Butterworth's EC Case Citator *Euro Comm 160 B988a*
(until 2002 - no longer published)

Digest : annotated British, Commonwealth and European cases, volume 21(1), *Cw UK 150 E58a3*, which has a good alphabetical list of selected European cases reported before 1995

Index A – Z Numerical and Alphabetical *Euro Comm 160 I38a*
Index of Cases before the Court of Justice and the Court of First Instance of the European Communities (published by the Court, and updated annually)
<http://curia.europa.eu/en/content/juris/index.htm>

POPULAR NAMES OF CASES

Well known cases may have widely used popular names. *Butterworth's EC Case Citator* has a list of pre-2002 cases arranged by name in common usage.

Tracing cases by subject matter

Sources for lists of cases by Treaty provision, Regulation, Directive or Decision and also by subject matter:

Butterworth's EC Case Citator is the best source up to 2002; alternatively, use the indexes in *ECR*, *CMLR* and *All ER (EC)*, or online sources.

LITERATURE SEARCHES

Références des notes de doctrine aux arrêts de la Cour de justice et du Tribunal de première instance des Communautés européennes lists cases numerically with lists of citations to articles that discuss each case.

OTHER SOURCES

*Annual Reports on National Implementation
of EU Law*

EC/J per.4

Follow the links from:

http://ec.europa.eu/community_law/infringements/infringements_annual_report_en.htm

Published each year as a COM document. It includes numerous case references for infringement proceedings against member states.

**General Report on the Activities of the
European Union**

Euro Comm 300 E85

<http://europa.eu/generalreport/en/welcome.htm>

Includes a short section on decisions by the ECJ and CFI on specific topics.
Published annually.



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Email: law.library@bodley.ox.ac.uk

Web: <http://www.ouls.ox.ac.uk/law/>

This leaflet is also available online in alternative formats (<http://www.ouls.ox.ac.uk/guides>). Please contact aracu@ouls.ox.ac.uk for requests for Braille and audio.

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