This session is dedicated to searching for European case-law using publicly available sources (EUR-lex, the portal of the Court of Justice of the European Union etcetera).

**Learning Goals**

In going through this task you will:

- learn where to look for the text of EU case law;
- familiarise yourself with some of the more important portals for European case-law (Eur-lex and Curia, the website of the Court of Justice of the European Union).
- learn how to properly cite European Union case law.

**Part 1 — Looking for Judgements**

Our task today is to find out different ways of finding judgements related to European Union law. Our central focus will be on judgements of the Court of Justice of the European Union.

You might first like to follow the same route we followed during the last session – using EUR-lex which can be found by going through one of the following links:

- Through the Europan law libguide: [libguides.rug.nl/europeanlaw](http://libguides.rug.nl/europeanlaw)
- Directly to the EUR-lex site by typing in [eur-lex.europa.eu](http://eur-lex.europa.eu)
- Through the Legal Skills libguide: [libguides.rug.nl/legalskills](http://libguides.rug.nl/legalskills)
A. Searching for case law about a Directive

Knowing which Directive (or other legislative instrument) regulates a particular area can give us a head-start when looking for case law. We may then try to locate (using EUR-lex) cases that are linked to the particular legislative instrument.

Using the Legal Skills libguide at libguides.rug.nl/legalskills, read through the section “Search for case law about a Directive” in week 2.

Task 1

Using Directive 2002/58/EC, find any two judgments of the Court of Justice of the European Union on this Directive or interpreting the provisions of this Directive.
(We will cite these judgments later during this class, so please keep a record of all the judgments you find in tasks 1, 2, and 3.)

B. Finding case law based on a specific judgement

There are times when we would like to know whether a particular judgement has been cited (i.e. mentioned) in other later cases. By tracing later cases one can follow any developments in the interpretation of particular provisions and/or whether subsequent courts have followed the reasoning in the first case.

Using week 2 of the Legal Skills libguide read through the section “Finding case-law which is based on a specific judgement”.

Task 2

Find three cases which refer to Case C-101/01 Criminal Proceedings against Bodil Lindqvist [2003] ECR I-12971.
C. Searching by case number

We could look up a case by its case number. We can use this search route whenever we know of a specific case and when we have the number of the case. Using Week 2 of the LIBGuide Legal Skills read through the section “Searching by case number”.

Task 3

In task 1 you could have come across one particular case called Case C-301/06 *Ireland v Parliament and Council*.

Look for this case using

- EUR-Lex and
- Using the website of the Court of Justice of the European Union and the General Court (curia.europa.eu).

What are the differences in search options? And in the results? Which do you prefer? Why?

Part 2 — Referencing EU Judgments correctly

To properly cite European case law (legislation and other European materials) use the Oxford Standard for Citation of Legal Authorities (OSCOLA) found at www.law.ox.ac.uk/published/OSCOLA_4th_edn_Hart_2012.pdf (or follow link in the European Law LIBGuide at libguides.rug.nl/europeanlaw). Page 30 of the Oxford Standard for Citation of Legal Authorities is of particular relevance for this session. Also take a look at the online FAQ of OSCOLA [here](libguides.rug.nl/europeanlaw), which takes into account some changes in the publication of EU cases since 2012. Note the information in the FAQ trumps the information in the printed version.
Task 4

Write a short paragraph with proper footnote references following OSCOLA to all the judgments you've found in tasks 1, 2, and 3. (Note: the paragraph doesn't have to make much sense, focus on getting the footnotes right.)

Task 5

Write a short sentence with a proper footnote references following OSCOLA to paragraph X of Case C-2YZ/10. X, Y, and Z stand for the final three digits in your student number.

For instance, if your student number is s3868735, X is 7, Y is 3, and Z is 5. Thus, you would cite paragraph 7 up case C-235/10: The directive on collective redundancies was replaced after more than twenty years.

1 Case C-235/10 Claes and Others [2011] ECR 1-1113, para 7.

Part 3 — Case commentaries

Case commentaries are brief articles, usually around 10 pages long, explaining and offering commentary on a recent court decision. Case comments serve two functions: Alerting readers to a recent decision; and offering a scholarly assessment of the decision soon after the decision is out. From a student perspective, case commentaries help put a case in its legal (and at times historical) context. Case commentaries thus are very useful for students.
European case commentaries

There are a number of journals that publish commentaries on European case law. There are various ways of finding relevant commentaries on a European Court decision:

- via the bibliographic information of a case on EUR-Lex – in ‘Document information’ search under heading “Doctrine” “Notes relating to the decision”;
- In Curia under Case-law and Annotation of judgments;
- Via the general ways in which academic articles can be found, which we will discuss later during this course.

Task 6


Try to find the full text of the commentary through SmartCat, the catalogue of the university: rug.on.worldcat.org/discovery

- What is so special about this judgement? Give a short summary in no more than 50 words.

(NB: We will look at how to cite journal articles in week 6.)

Prepare for next week

Finish this worksheet at home and come to Gerard Ritsema van Eck’s office hours with any questions and problems. Model answers will be made available for a selection of the questions on Friday at noon.