

⁶It is rare now for a librarian to have the EDC as their sole responsibility. At LSE, the EDC librarian is also responsible for law and the IGO collections. Likely combinations at institutions are the EDC and law or the EDC with the social sciences or official publications.

⁷EU feeds: news feeds from European newspapers provided by the European Journalism Centre <http://www.eufeds.eu/>

⁸Europe Media Monitor's News Brief is provided by the European Commission's Joint Research Centre <http://emm.jrc.it/NewsBrief/clusteredition/en/latest.html>

⁹EurActiv, an independent company providing digests of news across the EU states. <http://www.euractiv.com/en>

¹⁰<http://eur-lex.europa.eu/en/treaties/index.htm>

¹¹<http://aei.pitt.edu/>

Biographies

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European Union: a Guide to Tracing Working Documents

Abstract: This article by Patrick Overy, from the University of Exeter, aims to clarify some of the distinctions between different categories of working document and provides details of some of the databases and collections which are essential for research into the workings of the European Union.

Keywords: European Union; official publications; legislation; legislative process

Introduction

The European Union has pioneered the use of electronic media in providing information, and many official documents are now available online through the EU web server, Europa (<http://europa.eu/>) and its legal service Eur-Lex (<http://eur-lex.europa.eu/>). Despite the efforts of the European institutions in providing information about EU law and policy in print and electronic media, public opinion research shows that it still fails to reach the general public in most of the member states. A lack of familiarity with the legislative process or with decision-making in the EU can make it more difficult for anyone

without specialist knowledge to keep up with current developments.

Working documents - which relate either to developments in legislation or policy - are an essential source of information. However, a basic awareness of how things work in Europe is crucial to see how they fit together. As with all official publications, references are an important indication of where documents can be found, although in the EU they will frequently be allocated multiple references, depending on the context, and this can cause confusion. It is also important to note that administrative processes and translation can cause considerable delays in access, whilst some documents are never made public.

The European institutions

The European Union is administered by three main institutions: the European Commission, the European Parliament and the Council of the European Union. In addition, two consultative bodies – the European Economic and Social Committee and the Committee of the Regions – are involved in the legislative process. Working documents are produced by all these institutions and are widely available. It is important to know how these institutions interact to identify where the documents may have originated and how they fit into the legal or administrative system. A useful online guide, *How the European Union works* is provided on Europa (http://europa.eu/institutions/index_en.htm)

Working documents of the Commission

The Commission of the European Communities, now usually called the European Commission, is the civil service of the European Union. It is the only institution which can propose legislation in European Community law and a large proportion of its documents relate to the legislative process. Proposals in European Union law (relating to foreign and security policy or to judicial and police co-operation) normally originate either in the member states or in the Council of the European Union. The Commission also administers the Community programmes and budget.

The documents which are most straightforward to identify, if not to trace, are those which appear in numbered series. The Commission issues large numbers of working documents every year with the reference COM (year) in numerical sequence. Some documents may have a reference C or SEC (Secretariat-General). These are internal documents of the Commission, many of which are not publicly available, although some may be found on the websites of individual Directorates-General.

1. Commission working documents (COM docs)

The types of documents issued as COM documents include:

Draft legislation

Proposals for legislation (decisions, directives or regulations) are equivalent to bills in the UK. References are normally given as: COM(year) [number] final; only the finalised version of each draft is released publicly after a period of consultation.

Policy documents

In 1983, the Commission decided to adopt the terms Green and White papers from UK parliamentary practice, where they refer to the colour of paper used for these publications. In other language versions these are translated as green and white books, although the term is unfamiliar in other countries.

Green Papers concern specific policy areas and are generally used to launch a consultation process with interested individuals and organisations.

White Papers are documents containing proposals for Community action and are generally used for consultation before specific proposals for legislation are made.

This format has become increasingly popular in the EU as a way of increasing public involvement in the creation of legislation. A full set of Green and White papers from 1983 to 2001 with associated documents is available online in the **Archive of European integration** (<http://aei.pitt.edu/view/euseries/>)

Communications and reports

Communications are statements of EU policy on given subjects. Research or action programmes financed from the EU's budget are legally required to present an official report to the institutions after the end of the financial term of the programme, while progress and mid-term reports are becoming more common.

Since 2001 COM documents have only been published online in the **Preparatory acts** section of the Eur-Lex site (<http://eur-lex.europa.eu/en/prep/index.htm>)

Because the European institutions have now moved increasingly to electronic publishing, the production of many official documents has been rationalised. Many series of annual reports, such as annual reports on employment policy, were also issued as COM documents. Most of these now generally appear as straightforward serial publications from the Office for Official Publications (EUR-OP).

Although COM documents are essential research material, no comprehensive official listing has been regularly produced.

2. Staff working documents (SEC docs)

SEC documents (Secretariat-General) are internal documents of the Commission, which are not always publicly available. They are generally marked "Commission Staff working paper" or "Staff working document" to distinguish them from Commission documents. The allocation of documents to the SEC rather than the COM series appears to the outsider to be largely random: some series of annual reports have appeared as COM documents in some years and as SEC documents in others.

In 2001 the European Council decided that all new legislation proposed by the Commission should be assessed for its economic, social and environmental effects. As these assessments are normally published in the SEC series they were often hard to track down, which contradicts the EU's public commitment to openness and transparency. In an attempt to remedy this situation, the Secretariat General of the Commission launched a comprehensive website (http://ec.europa.eu/governance/impact/practice_en.htm) containing all the background documents since 2002 and listing each proposal alongside its assessment. This has also led to a standardisation of practice in the production of impact assessments.

New guidelines issued in 2004 aimed to reduce the length of COM documents, both to improve readability and to minimise translating costs (see press release IP/04/679, available on the RAPID database at <http://europa.eu/rapid/>). As a result, much of the statistical and other background information is now published separately as Commission staff working documents, or SEC documents, which are normally only available in English, French and German.

3. Other documents of the Commission

'C' documents are often preliminary versions of COM documents, which have not been subsequently issued in final versions, but this category includes other non-standard documents, such as guidelines to legislation.

Each Directorate-General also issues documents, which vary from short pamphlets and periodicals to detailed research reports. Many are only circulated internally or on request and are generally identified by the acronym for the DG (e.g. ECFIN) or, for documents issued before the reorganisation of the Commission in 1999, by DG number I-XXIII.

Documents of the European Parliament

As the only directly elected body in the European Union, the European Parliament (EP) has a crucial role in providing a democratic balance to the legislative and policy-making processes. Most documents from the EP relate to the legislative process, either as reports and studies or as debates. All draft legislation is first presented to the EP, where it is scrutinised by the appropriate Committee. At this point a Member of the European Parliament (MEP) from that Committee is appointed as "rapporteur", or spokesman. These reports are now only published online.

The Parliament is elected for a five-year term and is currently coming to the end of its sixth term - the next European election will take place in 2009. References to documents produced within Parliament normally include a reference to the parliamentary term, followed by a

running number, eg A5-0273/2001. All European Parliament documents are also given an identifying number starting PE.

All documents from 1979 to 1989 were published in print; from 1989–1999 they were published on microfiche. The EP recognised early on the importance of the internet as a means of direct communication with its electorate and launched its own server, Europarl (<http://www.europarl.europa.eu/>) shortly after Europa. Since 1999 its documents have only been available online via Europarl.

Documents of the European Council and Council of the European Union

The Council of the European Union is the EU's principal decision-making body. It is generally referred to as the Council of Ministers and should not be confused with the Council of Europe, which is not an institution of the European Union. Very few public documents are issued by the Council, except for statements regarding foreign policy. Although the Council holds a crucial role in the creation of legislation, virtually no documents are released except for summaries of the discussions. Where lengthy negotiations are required before a final text is prepared, a "Common position" is published which sets out what the legislation will include. This is sometimes accompanied by a statement of the Council's position where it disagrees with amendments proposed by the European Parliament.

Proposals for action or legislation under Titles IV and V of the EU Treaty (often referred to as the "second and third pillars") are the prerogative of the member states and are not published as Commission documents. These include foreign and security policy as well as police co-operation and migration.

Separate from the Council of Ministers, which exists in a number of configurations depending on the topic under discussion, is the European Council. This is the quarterly summit of the heads of government of the member states, which draws up general political guidelines for the Union under each six-monthly Presidency.

The conclusions of each Presidency are published in the June and December issues of the *Bulletin of the European Community/Union* (see Official publications section). The conclusions are also available online as follows, generally in PDF format:

Councils from 1975–1994 on the *Archive of European integration* site (<http://aei.pitt.edu/>)

Councils since 1985 on the European Parliament's site (<http://www.europarl.eu/summits/index.htm>)

Conclusions of each Presidency since 1993 are on the Council's website, *Consilium* (<http://www.consilium.europa.eu/>)

The House of Commons European Scrutiny Committee published a useful report on *The Conclusions of the European Council and the Council of Ministers (HC 86)* in 2008. It provides a valuable inside view of how the

meetings are conducted. The report is available online at <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmeuleg/86/86.pdf>

The Official Journal

All official publications of the European institutions and agencies are published by the Office for Official Publications of the European Communities (now Union), often abbreviated to EUR-OP.

Documents which are part of the legislative or administrative process are normally published in the *Official Journal of the European Union* (OJ), which appears on week-days in all official languages of the EU (currently 23). The OJ is published in two sequences:

The L (Legislation series) contains the official texts of all EU secondary legislation, which fall into three main categories: Regulations, Directives and Decisions.

The C (Information and notices) series (C from the French title *Communications et Informations*) originally included all proposals for legislation, in addition to reports and statements from the European institutions and the proceedings of the European Parliament.

OJ C E (Electronic series)

In 1999 it was decided to reduce the size of the printed version by transferring the bulk of the documentation in the C series to an electronic version, which is available online, via Eur-Lex (<http://eur-lex.europa.eu/en/index.htm>). Draft legislation moved to the digital versions of the OJ in 1999; in 2003 it was decided that, since COM documents were already available electronically, there was no need for duplicate publication in this form. From 2002 onwards both the minutes of the sessions of the European Parliament and the written questions and answers have also been transferred to this format, as have the Council's Common positions on legislation.

Other categories of document, including draft texts of treaties, have only appeared in the Official Journal in recent years, although a selection of important documents was published either in the monthly *Bulletin of the European Communities* or as supplements to it.

Online databases

A large number of official documents are now available online through the European Union's web server, Europa (<http://europa.eu/>), which was first launched in 1995. Although it was initially seen as a useful tool for publicising the EU, Europa soon became established as an essential vehicle for communication with European citizens, as it allowed almost instant access to a wide range of documents. Like most online sources, however, it is not yet reliable as a permanent archive.

Europa was originally seen as a server for the European Commission and, because of internal rivalry between the institutions, separate servers were quickly

set up by the European Parliament (Europarl <http://www.europarl.europa.eu/>), by the Council (Consilium <http://www.consilium.europa.eu/>) and by most other institutions. In 2004 it was decided to re-launch Europa as the European Union's server and to ensure that cross-linking signposted different sources of information. Simultaneously, all official websites were brought into line - with URLs indicating their connection with Europa - and making use of the .eu web domain introduced at that time.

As most Commission documents originate in an individual Directorate-General, it is often worth checking out the web pages listed under the appropriate heading in the Activities menu of Europa. This is also a quick way of accessing the home pages of relevant Committees in the European Parliament and the European Council.

Several databases are essential for tracing documents relating to the legislative process. The most important is the EU's legal service, Eur-Lex (<http://eur-lex.europa.eu/>). This database was first launched in 1998 but has now absorbed the content of the original legal service, Celex, much of which dates back to the 1970s. Since 2004 public access has been free, and is available in all official languages, although some material is not provided in all languages. Eur-Lex has the full text of all language versions of the *Official Journal* since 1998 and includes all COM documents since 2001, together with a selection since 1999. In 2008 SEC documents, mainly impact assessments, were added to this collection, although at the moment only a small number have been made available.

Because of the complexity of the legislative process, the European Parliament set up its own database to monitor the progress of legislation on Europarl. **OEIL** (The legislative observatory of the European Parliament) (<http://www.europarl.europa.eu/oeil/>) gives detailed chronologies of proposals, whether they are completed or still in progress, and includes links to the online versions of any EP or Commission documents involved.

A similar database, **Pre-Lex** (Monitoring the decision-making process) (<http://ec.europa.eu/prelex/apcnet.cfm>) was set up by the Secretariat General of the European Commission. Although it has less commentary, it gives a far more comprehensive set of references, including details of opinions from the Committee of Regions and the European Economic and Social Committee (EESC). Earlier documents are not available in full text online, but bibliographic references are given to official publications, including the *Official Journal*, *Bulletin of the European Union* and the *General Report on the Activities of the European Union*.

Access to documents and institutional registers

In 1993 the Council published *Decision 93/731/EC of 20 December 1993 on public access to Council documents* as a

first attempt to permit access, but the legislation and code of conduct accompanying it were widely criticised. Several reports and constant pressure from parliaments and campaigners at national and European level led to *Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents*. This lays down the rules for access: Article 11 states that:

“In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exceptions. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks.”

The legislation also gave the institutions notice that public registers should be established by 2002. A public consultation on this Regulation was initiated with a Green Paper in 2007. All contributions and documents are available online (http://ec.europa.eu/transparency/revision/index_en.htm)

Each of the institutions now has a public register, although they vary in usefulness. All are accessible from Europa (http://europa.eu/documents/registers/index_en.htm)

The European Parliament register has the most flexible search facilities and provides links to related documents as well as full text in most cases.

The European Commission register is probably the most heavily used, but is the least user-friendly. While it allows searches using free text and document number, the register only provides direct access to electronic texts in the COM collection, which are better catered for in Eur-Lex.

The Council of the European Union documents register is perhaps the easiest source of C, COM or SEC documents which are in the public domain. The full text of all SEC documents released for public scrutiny is available in PDF format. The register also includes agendas of meetings, draft conclusions of Council meetings and a wide range of other documents, but a large proportion of these are not available in full text, because of rules on secrecy. Searching can be problematic, as all documents are given a new reference when added to the register.

Citizens can apply for access to documents which are not publicly available, although this can take a long time and still be unsuccessful. Several civil rights organisations, notably Statewatch (<http://www.statewatch.org/>) have regularly challenged the unnecessary restrictions placed on access to many documents. The Statewatch archive, much of which is freely available, is a valuable source of commentary and documentation in all areas related to civil liberties around the world.

Online collections

COM documents since 1999 are available in full text on Eur-Lex, together with the versions published in the C series of the *Official Journal* from 1998 to 2002. Bibliographic details are available for all documents published in the *Official Journal* since 1958, although earlier documents are not available in English. To search, choose **Simple search** and select the file category **Preparatory acts**. COM documents normally appear on Eur-Lex within two or three days of their adoption by the Commission.

It has been suggested that the Office for Official Publications will itself embark on a major project to digitise official documents retrospectively, although this has not been confirmed publicly.

Further sources of information

Because the European Union is constantly evolving, it is essential for researchers to become familiar with the Europa website and its many subsets. The EU has for many years expressed its concern at the lack of public awareness and involvement in its activities and has established a wide range of information networks designed to remedy the situation. For details of these networks look at The EU in your country on Europa (http://europa.eu/euinyourcountry/index_en.htm) where clickable maps give access to the information sources available in the EU and around the world. The European Information Association (<http://www.eia.org.uk/>) also exists as an international focus for expertise in European research.

Biography

Patrick Overy is Academic Support Consultant for Law and Business at the University of Exeter and has managed the European Documentation Centre at Exeter since 1991. He is involved in European information networks at national and international levels, especially through the European Information Association, which published *European information: a guide to official sources in 2005*. The new edition is now available as an online book only via the EIA <http://www.eia.org.uk/publications.php>

He also compiles a weekly digest of new EU documents which is available online at <http://www.europe.org.uk/info/> and distributed as an e-mail by the European Commission Office in London.