The Archive of European Integration: Resources for European Law

Abstract: Phil Wilkin runs the Archive of European Integration (AEI), University Library System, University of Pittsburgh, an online repository and archive for research materials on the topic of European integration. The AEI uploads both privately-produced papers and official European Union (EU) documents, which are freely available to all. Because the EU is a treaty- and law-driven organisation, a small percentage of the privately-produced papers and many of the official EU documents on the AEI are relevant to EU law, primarily in the areas of the implementation of EU law in policy and administrative areas and the work of the court system.

Keywords: European Union; online sources

Introduction

The Archive of European Integration (AEI)[1], which resides within the University Library System (ULS), University of Pittsburgh, is an online repository and archive for research materials on the topic of European integration and unification. In addition to providing access to these materials, the AEI provides permanent archival access, as they sometimes disappear from websites. The AEI contains two categories of materials. The first is privately-produced materials (research institutes and think tanks), copies of which are uploaded onto the AEI from other websites. The AEI currently contains over 3,350 such papers. The second is official European Community/European Union documents, which are digitised either by staff at the AEI or by outside vendors. The AEI currently contains over 5,440 such documents. To this writer's knowledge, the AEI is the only entity outside the Community itself which is digitising large numbers of Community documents and making them publicly available. All materials on the AEI are freely available to anyone.

This article will describe the origins of the AEI, materials on the AEI which relate to law and legal affairs, and plans for future digitisation and uploading of materials onto the AEI. The organisation now known as the European Union (EU) has previously been known as the European Economic Community (EEC) and the European Community (EC), and has commonly been referred to as the Community. For sake of convenience, the term Community will be used here.

Origins of AEI

The AEI was originally founded to complement the pioneering website European Research Paper Archives (ERPA)[2], founded in 1998 by personnel at various research institutes in Europe and America. The stated goal of ERPA is to "…provide a common access point for the *online* working paper series of the participating institutions in order to help researchers in the field of European Integration studies searching the growing number of working papers now available in the internet."[3] ERPA does not upload existing documents, but provides an internet interface with a search engine which allows users to search documents on the websites of participating institutions. ERPA provides access only to papers which undergo either internal refereeing or blind reviewing processes. Currently, the ERPA provides access to over 1,260 papers from 11 participating institutions.

Because of ERPA's focus on only refereed or reviewed materials, it was providing access to only a small percentage of the research materials on European integration on the internet. The AEI was founded in 2003 to supplement the ERPA by collecting privately-produced papers to which ERPA was not providing access. The AEI was designed to provide one-stop access to research papers which began to appear on various internet sites during the 1990s, and which were difficult for users to locate. For materials to be accepted into the AEI, the item must be of a scholarly nature, and be of potential use to researchers and scholars, whether they be

Figure 1: Archive of European Integration – Front page

academics or students. For these privately-produced materials, the AEI uploads copies onto the AEI and enters bibliographic data allowing both subject and search access. Currently, 61 journals and series from 26 institutions are being uploaded, as well as other items not in series. In addition, the AEI has uploaded numerous conference papers, including an entire run of papers presented at all biennial European Union Studies Association conferences from 1991–2007. In 2004 AEI staff built AEIplus,[4] a website interface which allows simultaneous searching of both the ERPA and AEI sites.

Structure and nature of AEI

The AEI operates on GNU Eprints archive-creating software which is compliant with the Open Archives Protocol for Metadata Harvesting.[5] The AEI provides separate subject trees for both the privately-produced papers and Community documentation.[6] The AEI search engine allows users to either search the entire database or search the privately-produced or Community sections separately. Anyone can register for an account, from which they can deposit papers onto the AEI to be made public by an AEI editor.

Inclusion of EU documentation

In 2004, AEI staff struck an agreement with library staff at the Delegation of the European Commission to the USA, Washington, DC whereby the Delegation library would furnish official Community documents which AEI staff would digitise and upload onto the AEI. The justification for adding this type of documentation to the AEI was that most documents produced by the Community until the mid-1990s - when the Community began placing increasingly larger numbers of its publications on its main website "Europa"[7] - were not easily available to large numbers of people. There are several hundred European Documentation Centres,[8] or depository libraries, containing EU documentation around the world, but access to them requires travel, and most of these collections are either not full historic collections or are not fully catalogued. From 2004 staff at the Community Delegation library provided the AEI with duplicate copies of documents for digitisation. In 2007 the Delegation donated its entire library collection to the ULS at Pittsburgh. This is a virtually complete Community documentation collection, the largest in the Western hemisphere. Since acquiring this collection, AEI staff has used it as the source for materials to digitise.

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The EU produces two major categories of documentation. The first is referred to as publications, which are primarily monographs and serials with ISBN and ISSN numbers which could be classified as individual items in libraries. These are produced by the Community's Office of Official Publications (OOP).[9] Much of this category has copyright protection, although in most cases reproduction is allowed, except for commercial purposes, as long as the source is acknowledged. Consequently, copyright protection has not presented a serious barrier to AEI staff. The second category is referred to as documents, often internal publications and/or "working documents," some of which are not widely distributed to EDCs or depository libraries. These are produced by various institutions and departments within the Community. AEI staff digitises and uploads materials mostly from the second category, focusing on COM and SEC docs, annual and periodic reports, European Parliament reports, and especially hard to find items. Very few of these have copyright protection.

In selecting Community documents to upload, AEI staff follow two major guidelines. First, they digitise, with some exceptions, only materials which are not already available electronically on the Europa website. When AEI staff digitises an annual report or series, part of which is on Europa, they provide a link on the AEI to the item on Europa.

The second guideline is that AEI staff selection is selective and qualitative, focusing on materials which describe administrative and institutional development and policy areas.

Nature and importance of Community law

The Community is "a legal reality in two different senses: it is created by law and it is a community based on law."[10] Treaties are primary Community law, and the Community is a very treaty-driven organization. That is, Community institutions perform activities or exert authority given to them in a Community treaty. For example, Article 249 of the EC Treaty gives the Commission, the Council of Ministers, and the European Parliament power to use the following legal actions - regulations, directives, decisions, recommendations, and opinions - in creating and enforcing European law.

One convenient way to classify Community legal actions is to distinguish between hard and soft law. Hard law includes actions taken by Community institutions – regulations, directives, decisions - which are legally binding on the parties to whom they are addressed. Soft law, on the other hand, includes Community measures such as guidelines, declarations and opinions which, although not legally
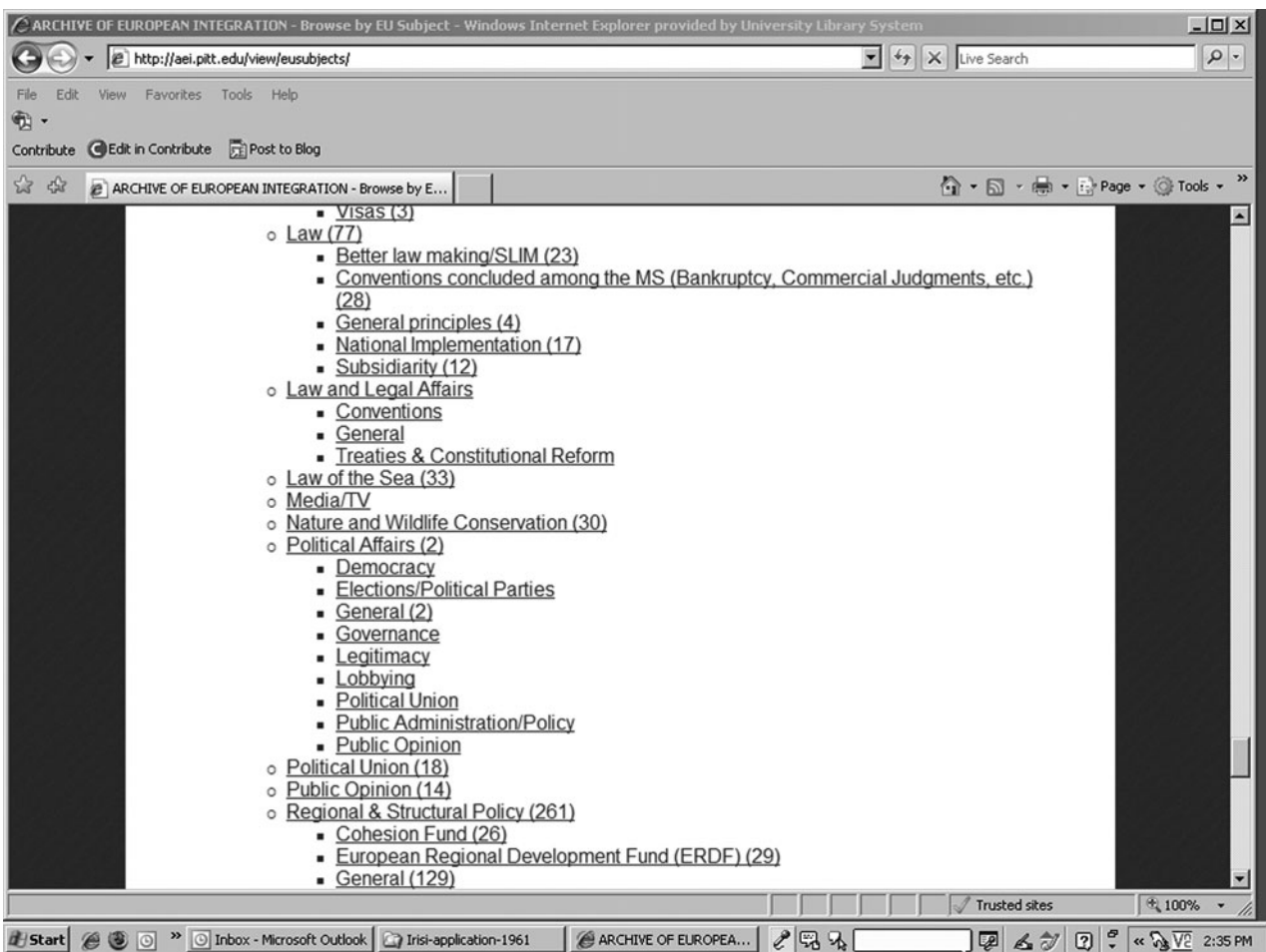

Figure 2: Browse by subject

binding on parties to whom they are addressed, can contribute to the content and interpretation of Community law. Together, hard and/or soft law are relevant to some degree to nearly all Community policy- and decision-making and legislative activities. A large percentage of the documentation produced by the three major institutions – Council of the European Union, European Commission, and European Parliament – relate to either hard or soft law. For example, the European Commission publishes several hundred legislative proposals - called COM documents - every year, most of which state that the proposal is derivative of either an article of the Community treaties, a directive, or a regulation. These COM documents are then forwarded to both the Council of Ministers and the European Parliament for consideration, a process which produces additional documentation (nearly every document produced by the European Parliament is part of the legislative process).

AEI materials relevant to Community law

The fact that most Community materials deal with Community law also means that most Community publications on the AEI deal with Community law. Community materials can relate to Community law in at least two major ways. The first is when the court, legal, and legislative systems and how they function are the objects of study per se. The second is when Community materials are part of the administrative and legislative system and procedures in the implementation and enforcement of Community law.

Now let's have a look at the nature of Community materials on the AEI and how to locate them. On the subject tree for privately-produced documents (footnote 6), there are 150-200 publications on various aspects of Community law. Topics covered here include activities of the courts, application of law in various policy areas, and the study of the lawmaking process. AEI staff is currently making changes to the subject tree for non-EU documents, so the tree is not at all reliable for finding materials – a notice will be posted on the "News" on the AEI when these changes are completed. Instead, go to Advanced Search; for Official EU Document, select 'No'; search terms such as court and law in either the Title or Abstract slot. Searches in the Abstract slow usually obtain 3-4 times as many hits as in the Title slot. Users can consult the subject tree for search terms to use or devise their own terms.

The AEI contains a much larger number of materials produced by the Community (over 5,440). As per the fact that a large percentage of Community documentation is relevant to law, the AEI is rich in such resources. Despite this, most of the materials relevant to Community law will not be listed under those terms on the subject tree which are clearly law related – to place every item dealing with Community law under the law

terms would make the subject term lists too large to be useful. Community documents on the AEI do not have abstracts, so search options have relatively less utility than for privately-produced papers. As an alternative, users should consult the subject tree at Browse by EU subject (footnote 6), where one finds over 320 Community documents on the following relevant topics, with numbers of papers in parentheses:

- Employment, Labour Market - Working Conditions/ Labour Law (67).
- Institutional Administration, Developments & Reforms - Court of Justice (33).
- Internal Market - Company Law (75).
- Law (77)
  - ○ Better Lawmaking/SLIM (23) – annual and periodic reports focusing on how to achieve legislative and administrative simplification and efficiency in Community policy- and decision-making, papers cover 1992–1999.
  - ○ Conventions concluded among the MS (Bankruptcy, Commercial Judgments, etc.) (28) – papers on agreements between Member States on various civil and commercial issues, papers cover 1968–1998.
  - ○ General Principles (4).
  - ○ National Implementation (17) – papers on process of transposition, or implementation of Community legislation in Member States, papers cover 1989–1999.
  - ○ Subsidiarity (12) – a governance issue, based on principle that matters should be handled on the lowest level or by the least centralized competent authority within a hierarchy, papers cover 1992–1998.
- Law of the Sea (33) – papers describe Community views of, and participation in, the UN Law of the Sea conferences, papers cover 1970s–1990s,
- Treaties (26) - Treaty reform (15) – covers various aspects for years 1952–1997.

For documents pertaining to themes, users can also go to Browse by EU Annual Reports[11] and find the following:

- Better Lawmaking (8).
- Formal Sittings – Proceedings of the Court (12).
- Implementation of Social Legislation Relating to Road Transport (11).
- Synopsis of the Work of the Court (17).

In addition, one can search terms for which there is no subject term, such as *acquis communautaire* (18), European Convention on Human Rights and Fundamental Freedoms (9), etc.

Future growth of the AEI

The Community's OOP is in the process of digitising a large percentage of all Community documentation produced since the early 1950s. The focus will be on the publications category, but much of the documents category will be digitised if copies are available. The EU will make all these documents available on their websites. AEI staff will continue to digitise select quantities of Community documentation which the OOP does not digitise. Currently AEI staff has about 1,700 Community documents which are being processed for uploading. Also, there are currently about 550 privately-produced documents in line to be uploaded, and AEI staff will pursue additional papers for uploading.

Conclusions

This essay would not be complete without paying tribute to Barbara Sloan, Head of Public Enquiries at the library of the Delegation of the European Commission to the USA, Washington, DC until 2004. Barbara has played a vital role in the relationship between the Delegation library and the AEI. Since 2003, Barbara has helped select, prepare, and upload nearly all of the Community documents currently on the AEI, despite the fact that she retired in June 2004. Also, she designed the AEI subject tree under which all Community documents are listed. Barbara is widely regarded as the foremost expert on Community documentation in the Western hemisphere, and the Community documents section of the AEI would not exist without her.

Footnotes

[1] See http://aei.pitt.edu

[2] See http://eiop.or.at/erpa/

[3] See http://eiop.or.at/erpa/erpainfo.htm/

[4] See http://aeiplus.library.pitt.edu/aeiplus/index.html/

[5] See http://www.openarchives.org/

[6] See http://aei.pitt.edu/view/subjects/ for subject tree for privately-produced materials and http://aei.pitt.edu/view/eusubjects/ for Community subject tree.

[7] See http://europa.eu/

[8] See http://www.library.law.uu.nl/edc-eu/ for centers in Europe and http://eurunion.org/eu/index.php?option = com_content&task =view&id = 2925&Itemid = 9 for those in the US.

[9] See http://publications.europa.eu/index_en.htm

[10] Borchardt, Klaus-Dieter. (2000) The ABC of Community law, 5th ed. European Documentation series. Luxembourg: European Commission, p. 57.

[11] See http://aei.pitt.edu/view/euannualreports/

Biography

Phil Wilkin holds a Ph.D in History, Indiana University, 1981; an MLS, Indiana University, 1985 and has eight years teaching experience at university level. His current position, which he has held since 1986, is Bibliographer of Social Sciences and West European Studies; Editor of Archive of European Integration, <http://aei.pitt.edu>; Curator of European Union Delegation Collection.

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