



The European Union: a guide to terminology, procedures and sources

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This Note aims to clarify some of the terminology used to describe the laws and procedures of the European Union. It also outlines the role and functions of the EU institutions and provides links to useful sources of information on the EU.

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A. Introduction

The terminology used to describe European law and institutions can be confusing. ‘European Community’ (EC) and ‘European Union’ (EU) are often used interchangeably, or ‘EU’ is used as a catch-all. Similarly, ‘Directive’ is often used as the generic description of EC law, while Regulations and Decisions are ignored. ‘EU law’ is commonly used, even though, strictly speaking, it should be ‘EC law’. ‘Europe’ or ‘Brussels’ are frequently employed to describe EC law in expressions like “Brussels bans food supplements”.

Although these definitions and terms may not be strictly accurate, they can sometimes be used as a kind of shorthand when writing about the EC/EU. Misunderstanding may arise, however, because not everyone uses the same shorthand and because sometimes the shorthand is misleading or incorrect.

B. European ‘Community’ and ‘Communities’

The European Community (EC) is the successor to the European Economic Community (EEC). The EC replaced the EEC formally in 1993, although the term ‘EC’ had been commonly used for several years before then.

‘European Communities’ is used to describe the three Communities that were set up in the 1950s under three separate treaties:

- European Coal and Steel Community (ECSC), established by the *Treaty of Paris* in 1951. This Treaty ceased to exist on 23 July 2002.
- EEC, established by the *Treaty of Rome* or the *Treaty Establishing the European Community* (TEC) in 1957 “for an unlimited period” (Article 312)
- European Atomic Energy Community, established by the Euratom or EAEC Treaty, in 1957 “for an unlimited period” (Article 208)

Since the *Merger Treaty* in 1965 the three Communities have shared the same institutions, although they are legally distinct. They have always had the same membership.

C. EEC, EC and EU

The European Economic Community, EEC or Common Market, was established in 1957 by the *Treaty of Rome* and came into being in 1958. The European Community, which replaced the EEC in 1993, forms one part of the European Union or EU. The EU is the over-arching structure, comprising the Community and two inter-governmental ‘Pillars’ (see below).

D. First, Second and Third ‘Pillars’

The *Treaty on European Union* (TEU or Maastricht Treaty), which came into force in 1993, changed the structure of the EC and created the European Union (EU), which is composed of three so-called ‘Pillars’:

- EC, Community or 1st Pillar (makes laws, uses the institutions, Treaty procedures etc)
- Common Foreign and Security Policy (CFSP) or 2nd Pillar (intergovernmental, acts by common accord of Member State governments largely outside institutional structure)
- Justice and Home Affairs (JHA) or 3rd Pillar (intergovernmental, acts by common accord of Member State governments largely outside institutional structure).
This is now called *Police and Judicial Co-operation in Criminal Matters*.

E. EC law or EU law?

Article 281 of the *Treaty of Rome* as amended (and similar articles in the ECSC and Euratom Treaties) gave the EEC ‘legal personality’. That is to say, only the (then) EEC, and now the EC, has rights and obligations under international law allowing it to adopt laws and treaties. Article 282 of the EC Treaty confers upon the EC “the most extensive legal capacity accorded to legal persons” under the national laws of the Member States. The EU does not have this status. Strictly speaking, therefore, we should refer to ‘EC law’ and not to ‘EU law’ in most instances.

Until November 1993, when the TEU came into force, the EU’s Official Journal (OJ) references were to ‘EEC’ law. Since 1993 the OJ has used ‘EC’. The OJ distinguishes between EC laws and CFSP or Police/Judicial Cooperation Decisions, which are Second and Third Pillar (EU) instruments. For example, a Council Regulation is written as ‘Council Regulation (EC) 850/2005’ in the Official Journal; a Commission Directive is written as ‘Commission Directive 2005/37/EC’; while a CFSP Decision is written as ‘Decision 2001/496/CFSP’.

However, many commentators, politicians, academics and lawyers now refer to ‘EU law’, rather than ‘EC law’, even when to do so is technically incorrect. If we use ‘EU’ rather than ‘EC’, we should bear this in mind.

F. Treaty of Rome or Treaty of Nice: what to call the Treaty

The 1957 *Treaty of Rome* is, more accurately, *The Treaty Establishing the European Economic Community* (TEC), which came into force in 1958 for the then six Member States. It has been modified on several occasions following the adoption of amending treaties, accession treaties and other intergovernmental instruments. To refer to the present Treaty just as the *Treaty of Rome* could be confusing, although some authors do so.

To call the present Treaty the *Treaty of Nice* would be incorrect. The *Treaty of Nice* is the most recent set of Treaty amendments to be ratified, but it is not the whole Treaty. The amending treaties contain just the amendments to the EC Treaty that have been concluded by Member States at an Intergovernmental Conference (IGC). Amending Treaties are in due course incorporated into the consolidated, up-dated version of the *Treaty of Rome*.

The ‘EU Treaty’ is useful shorthand for the *Treaty of Rome* as it has been amended by accession treaties, the Single European Act, and the Maastricht, Amsterdam and Nice Treaties, without having to cite those amending treaties. The ‘EC Treaty’ can also be used, although strictly speaking, this refers only to the First Pillar, EC articles.

The texts of the founding Treaties and subsequent accession and amending Treaties can be accessed at <http://europa.eu.int/eur-lex/lex/en/treaties/index.htm>.

G. The European Constitution

The full title of the treaty concluded by the Intergovernmental Conference (IGC) in June 2004 and signed by Heads of State and government in October 2004 is the *Treaty Establishing a Constitution for Europe*.¹ However, for the sake of simplicity and to avoid any ambiguity by calling it “the Treaty”, it can be called the “European Constitution” or “the proposed European Constitution”.

If ratified by all 25 Member States, it will replace and repeal the current EC/EU Treaties. However, since two Member States have already rejected it in referendums and others have postponed their ratification procedures, it cannot be implemented.² On the other hand, some Member States are pressing ahead with ratification, so it is not ‘dead’. It is a treaty awaiting ratification and it has no legal authority in the Member States.

H. Referencing Treaty articles

If you are referring to Treaty articles in the EC bit of the Treaty, the convention is to cite the article, followed by TEC, for *Treaty Establishing the European Community* (e.g. Article 146 TEC on “The European Social Fund”).

If the article is from the intergovernmental titles, the convention is to add TEU, for *Treaty on European Union* (e.g. Article 11 TEU, “Provisions on a Common Foreign and Security Policy”).

¹ Cm 6429; OJC 310, 16 December 2004

² See Research Paper 05/45, *The Future of the European Constitution*, 13 June 2005 at <http://hcl1.hclibrary.parliament.uk/rp2005/rp05-045.pdf>

The *Treaty of Amsterdam* changed the entire Treaty article numbering and contains conversion tables on pages 67 – 75 of the Command Paper version.³ You will still find references to the earlier numbering, particularly in older commentaries and European Court reports.

I. “Member State”: use of capital letters

There appear to be three approaches:

- Member State
- member state
- member State

The EC Treaties themselves and the laws made under them use ‘Member State(s)’. However, ‘Member State’ is not included in the capital letters section of the *Style Sheet for authors preparing texts for the European Journal of International Law*, while the International Labour Office actually rejects it! The International Labour Organization (ILO) Legal Adviser’s *Manual for drafting ILO instruments*, published in January 2005, states:

In instruments, the general rule is that capital letters are used for words and expressions such as “State”, “Member” but “member State”.⁴

When we write about the EU States, we are referring to legal entities and parties to international treaties. Therefore, it is best to refer to the actual members as “Member States”, with capital letters, and to ‘candidate’, ‘accession’ or ‘applicant’ states or countries, with small letters. This might not accord with other international law norms, but it *is* what the EU institutions use in their documentation and legal instruments.

J. European Council, Council of Ministers, Council of Europe

Only the European Council and the Council of Ministers are EU bodies; the other one is a different organisation altogether, albeit with an overlapping membership. Media reports often refer simply to “the Council” or the “EU Council”, without making clear which Council they mean.

1. The European Council

This is the meeting of Heads of State or Government. The European Council now meets around four times a year, once at the end of each Presidency (June and December) and

³ Cm 4434 August 1999

⁴ <http://www.ilo.org/public/english/bureau/leg/man.pdf>

usually in March and October. The European Council is chaired by the EU or Council Presidency, which rotates on a six-monthly basis in alphabetical order and then in reverse alphabetical order. It does not adopt legislation, but sets the broad policy agenda for the EU, initiates action based on this and steers the EU towards achieving goals from the previous presidency.⁵

2. The Council of Ministers

This is the main decision-making body in the EU. It has both executive and legislative powers. It is composed of representatives of at least ministerial level from Member State governments. This could include ministers from devolved legislatures, but acting on behalf of the Member State as a whole. The Council meets in a number of subject-based configurations (e.g. as the Transport Council or the Social Affairs Council), but the main Council is the General Affairs and External Relations Council (GAERC). The Member State holding the EU Presidency is responsible for organising Council business and for chairing Council meetings. The Presidency is supported by a permanent general secretariat divided into directorates-general dealing with the various policy areas, by the Committee of Permanent Representatives (COREPER, comprising officials from the Member States) and a number of Working Groups.

3. The Council of Europe

This is a post-World War II intergovernmental consultative organisation. It comprises 46 Member States and its main achievement is the 1950 *European Convention on Human Rights*, which came into force in September 1953. The Council of Europe uses the same European flag as the EU (twelve gold stars on a blue background) and the same anthem (from Beethoven's 'Ode to Joy'). Ratification of, or the intention to ratify, the European Convention, is a pre-requisite for EU membership.

The *Europa* website has a useful page about relations between the two organisations at http://europa.eu.int/comm/external_relations/coe/.

K. European Courts

There are two European Courts. Media reports sometimes confuse the two, alleging that the EC/EU has ruled on something when it is in fact the Court of Human Rights that has ruled, and *vice versa*.

- The European Court of Justice (ECJ) is the EC/EU court, which rules on alleged breaches of EC law, the Treaties, and of some Third Pillar conventions. ECJ

⁵ For information on UK Presidencies, see Standard Note SN/IA/3047, 24 May 2005, at http://pims.parliament.uk:81/PIMS/Static%20Files/Extended%20File%20Scan%20Files/LIBRARY_OTHE R_PAPERS/STANDARD_NOTE/sn-03647.pdf

judgments (by convention not spelt with an ‘e’ as in ‘judgements’) can be found on the CURIA website at <http://curia.eu.int/en/index.htm>.

- The European Court of Human Rights (ECHR) is the Council of Europe court, which rules on alleged breaches of the *European Convention on Human Rights*. ECHR judgments can be found on the HUDOC website at <http://www.echr.coe.int/Eng/Judgments.htm>.

L. Legal instruments

The legal instruments adopted by the EC/EU are as follows:

Community pillar	CFSP	Police/judicial cooperation
Regulations Directives Decisions Conventions	Principles and general guidelines Common strategies Joint actions Common positions Decisions	Common positions Framework decisions Decisions Conventions
Common: Recommendations, Opinions		

The OJ uses capital letters to describe EC instruments. In other publications, there appears to be no consistency on the use of capital letters to describe the different categories of EC laws. The use of capitals probably distinguishes more clearly between Directives, meaning EC legal instruments, and directives in the more general sense of instructions.

M. Council and Commission legislation

Both the Council of Ministers and the Commission are empowered under the EC Treaty to make laws. Thus, you will find both Council and Commission Regulations, Directives and Decisions etc. The Council is the main decision-making body. The Council, or the Council with the EP (co-decision, see below), adopts legislation on a proposal from the Commission, which has the sole right of initiative in drafting legislation. The Commission has delegated powers from the Council under Article 202 TEC. These usually take the form of implementing measures (often of a routine or mundane nature) based on legislation already adopted by the Council.

In theory the two types of legislation should carry equal weight, since the two institutions are not hierarchically different and are both empowered by the Treaty to make laws. However, it has been argued in cases before the ECJ that Council laws have greater weight than those of

the Commission, and that in the event of a conflict between a Council Regulation and an implementing Commission Regulation, the former should prevail over the latter.⁶

N. The *Acquis Communautaire*

The *Acquis Communautaire* is the whole body of EC law, including ECJ decisions. For the purposes of accession negotiations the *Acquis* is broken down into 31 chapters.⁷

O. Official Journal

The *Official Journal of the European Communities*, which became the *Official Journal of the European Union* in February 2003, is often referred to as the ‘OJ’ and is published in three series. The ‘L’ series contains the texts of legislation (Directives, Regulations and Decisions). The ‘C’ series contains Communications, which include draft legislative proposals, Opinions, Recommendations, information on cases at the ECJ, euro exchange rates and the minutes of EP sittings. The third ‘S’, or supplement, series contains invitations for tender for public works contracts.

The OJ is published in all 20 official languages of the EU. It can be searched on-line at <http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en>.

P. Legislative procedures

EC Treaty articles set out the legislative procedure to be followed for decision-making in the areas in which it is empowered to act. There are three main decision-making procedures:⁸

- Codecision procedure (Article 251)
- Assent procedure
- Consultation procedure

⁶ *Law and Institutions of the European Union*, D.Lasok and K.P.E.Bridge, 1994.

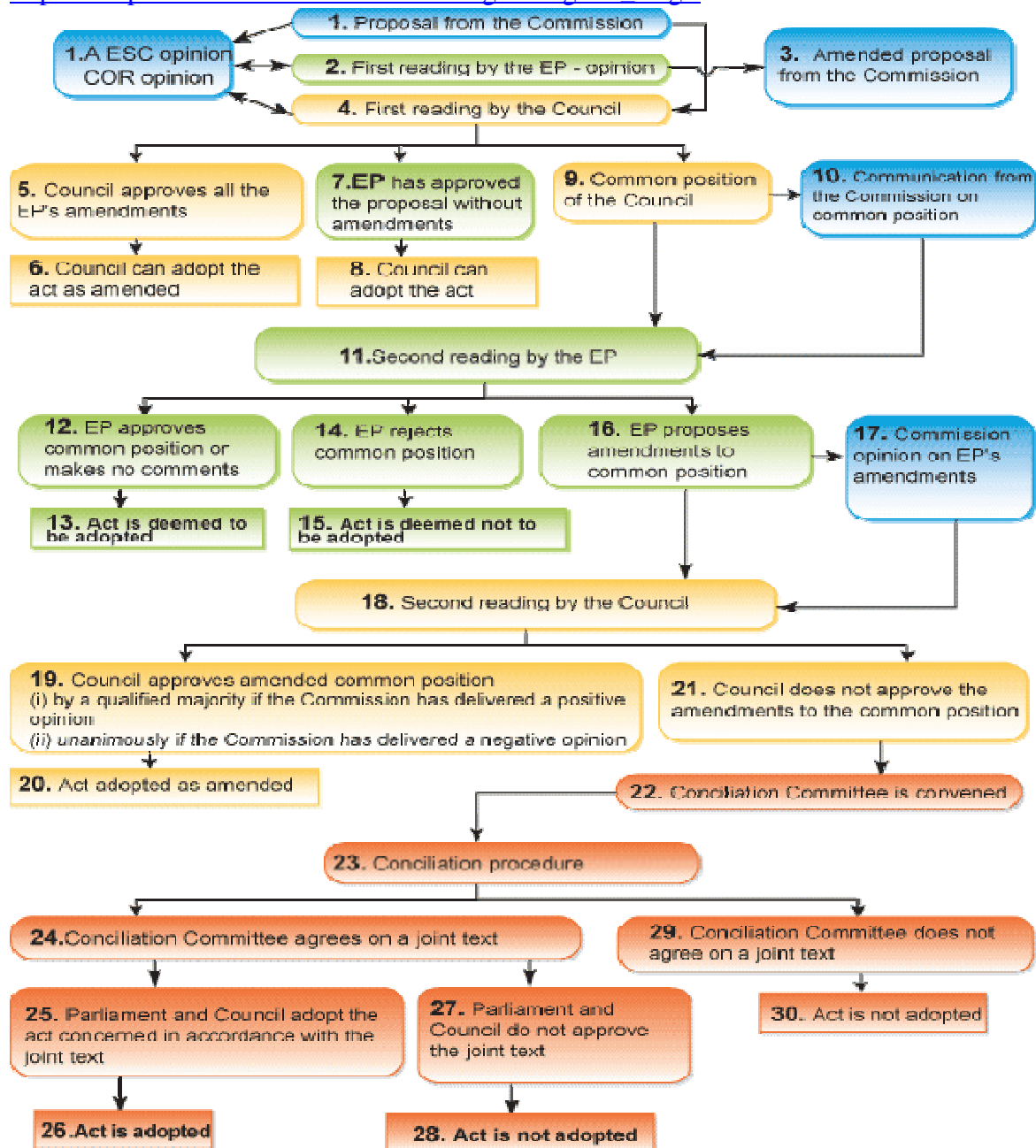
⁷ A list of the chapters can be found on the Europa EU enlargement website at http://europa.eu.int/comm/enlargement/negotiations/pdf/stateofplay_17december2004.pdf

⁸ For more information on the legislative procedures and the amount of EC legislation, see Standard Note SN/IA/2888, *EU Legislation*, 14 April 2005, at http://pims.parliament.uk:81/PIMS/Static%20Files/Extended%20File%20Scan%20Files/LIBRARY_OTHE R_PAPERS/STANDARD_NOTE/sn-02888.pdf

1. Co-decision

Under the co-decision procedure legislation passes through both the Council of Ministers and the EP at the same time, with a conciliation procedure after second reading, if there is still no agreement. This procedure has become the norm for EC legislation, except for that relating to agriculture, fisheries, taxation, trade policies and Monetary Union. It does not apply in Second or Third Pillar decision-making.

The following diagram of the co-decision procedure is taken from the *Europa* website at http://europa.eu.int/comm/codecision/images/diagram_en.gif.



2. Assent

This means that the EP must endorse a Commission proposal by an absolute majority of the vote cast or, for accession and the uniform electoral procedure, by an absolute majority of its members. The Council cannot adopt the proposal without the EP's endorsement.

3. Consultation

This means that the EP gives its opinion on a Commission proposal. The Commission can amend its draft accordingly. The proposal is then examined by the Council, which can adopt it as it is, or amend it. If the Council decides to reject the Commission proposal, it must be by unanimity. Consultation is compulsory if the Treaty article cited as a legal basis requires this, in which case the adoption of the act will depend on the EP's opinion. If the EP's opinion is optional, the Council usually consults the EP because of the subject-matter of the proposal.

Q. Searching for EC legislation and documentation

1. Searching in Europe

- There is a procedure-tracking search facility on the *Europarl* 'Legislative Observatory' website at <http://www2.europarl.eu.int/oeil/search.jsp>.
- The *European Centre for Parliamentary Research and Documentation* (ECPRD) operates under the aegis of the European Parliament and the Parliamentary Assembly of the Council of Europe. It is an international network of research and documentation departments in the EU/CoE Member States. Its website is at <http://www.ecprd.org/>. The username and password for House of Commons users are "lchuk".

2. Searching in the Member States

- The *Interparliamentary EU Information Exchange*, IPEX, at <http://www.ecprd.org/ipex/index.asp>, is a new site developed under the auspices of the ECPRD by the Swedish Parliament. It provides links to information about the EU on the websites of Member State national parliaments.

Questions asking how a Member State has implemented a particular Directive are at present difficult to answer, but as IPEX develops, this might become easier to ascertain.

3. Searching in PIMS

If you are searching for European legislation in PIMS:

- Click on *Type-specific search* and select *European Material* from the drop-down menu.
- Enter a search term or document number in the *search for* box [e.g. “Packaging” or “DIR2005/20/EC” or “6891/2004”].
- Remember to always enclose the search terms in double-inverted commas.

The results page will look like this:

View Results

Sort by:

Query Submitted
[search term=""6891/2004""](#)

Page [[1](#)]

Search Results (Showing 4 Results of 4, from a possible 4)

	Type	Author	Date	Rel.
<input type="checkbox"/>	1 EUROPEAN_MATERIAL, Not Specified		16/03/2005	87.16%
	OJL 70			
	European Parliament and Council Directive 2005/20/EC amending DIR94/62/EC on packaging and packaging waste. Adopted 9 March 2005.			
<input type="checkbox"/>	2 EUROPEAN_MATERIAL, Not Specified	European Parliament	17/11/2004	87.16%
	No title.			

All Categories (4)

- Parliamentary Papers (0)
- EDM/SOP (0)
- European Material (4)
- Parliamentary Questions (0)
- Proceedings (0)
- Contributions (0)
- Legislation (0)
- Library and Other Papers (0)
- Press Articles (0)
- Official Publications (0)
- Miscellaneous (0)

		EP legislative resolution on proposal for European Parliament and Council Directive amending DIR94/62/EC on packaging and packaging waste. (Codecision procedure: first reading).			
<input type="checkbox"/>	3	EUROPEAN_MATERIAL, Not Specified	European Parliament	27/10/2004	87.69%
		No title.			
		EP report on the Proposal for a European Parliament and Council Directive amending DIR94/62/EC on packaging and packaging waste.			
<input type="checkbox"/>	4	EUROPEAN_MATERIAL, Not Specified		27/02/2004	90.7%
		No title.			
		Proposal for a European Parliament and Council Directive amending DIR94/62/EC on packaging and packaging waste. Sent to Council 25.02.2004.			
<input type="checkbox"/>	Select All / Deselect All Results on this Page				
<input type="checkbox"/>	Select All / Deselect All 4 Results				

Page [[1](#)]

Print Selection

Run New Query

Save Query

R. Current information on the EU

1. Institutions

European Commission⁹

President:

http://www.europa.eu.int/comm/index_en.htm

Jose Manuel Durao Barroso November 2004 - (Portugal)

UK Commissioner:

Peter Mandelson

November 2004 -

European Parliament

President

http://www.europarl.eu.int/home/default_en.htm

Josep Borrell Fontelles (Spain)

2004 -

⁹ New Commission approved by European Parliament on 17 November 2004

European Court of Justice President	http://curia.eu.int/en/index.htm Vassilios Skouris 2003 - (Greece)
European Court of Auditors President	http://www.eca.eu.int/ Juan Manuel Fabra Valles 2002 - (Spain)
European Central Bank President	http://www.ecb.int/ Jean-Claude Trichet 2003 - (France)
European Ombudsman	http://www.euro-ombudsman.eu.int/ Nikiforos Diamandouros 2003 - (Greece)
European Anti-Fraud Office (OLAF) Director-general	http://europa.eu.int/olaf Franz-Hermann Bruner 2000 - (Germany)

2. On-line news sources

- *EurActiv* at <http://www.euractiv.com/>
- *EUObserver* at <http://euobserver.com/>
- *European Voice* at <http://www.european-voice.com/>

3. Recent and forthcoming events

2005

January-June 2005 Luxembourg holds Presidency of European Union
<http://www.eu2005.lu/en/presidence/index.html>

16-17 June 2005 European Council in Brussels

July-December 2005 United Kingdom Presidency of European Union
The official website, at www.eu2005.gov.uk, will be available from 27 June 2005

4. Addresses and telephone numbers

House of Commons Library
Enquiries about the EU
General Research 4327

Vote Office
EU documents 4669

EU enlargement	3978	
CFSP	3852	
Revision of EC Treaties		4327
Progress of European legislation		5680
Documentary references		5680

European Commission London Office

8 Storey's Gate
London SW1P 3AT
Tel: 020-7973-1992
Fax: 020-7973-1900

European Parliament London Office

2 Queen Anne's Gate
London SW1H 9AA
Tel: 020-7227-4300
Fax: 020-7227-4302

UK National Parliament Representative to the EU

European Parliament

ATR 01 K 064
2 rue d'Ardenne
B-1047 BRUSSELS
Tel (+32) (0)2 284 3703

IPE-III F03045
Av. R. Schuman
F-67070 STRASBOURG Cedex
Tel (+33) (0)3 88 17 68 46

Shortcode dial from Westminster: #6 24 3703 (in Strasbourg #6 23 6846).

GSM: (+32) (0)486 646948

Fax (Brussels): (+32) (0)2 284 4925

Fax (Strasbourg): (+33) (0)3 88 17 69 03

E-mail: atkinsm@parliament.uk; matkins@europarl.eu.int

S. Reading List

1. General publications

European Union Encyclopedia and Directory 2004

Europa Publications, 2003. ISBN:1857432061

Library Location: Members' Library – IADS Desk, A Room

Dod's European Companion 2004

ISBN: 0905702441

Library Location: Members' Library (ML) - 'A' Room & Reference Room; Derby Gate Library

Eurosource

<http://www.eurosource.eu.com/engine.asp?site=2>

Single information source on people and institutions that make up the enlarged European Union.

Vacher's Parliamentary Companion [Section on European Union]

Quarterly. Latest issue is March 2005
Library Location: ML - 'A' Room & Reference Room; Derby Gate Library

Penguin companion to European Union
Timothy Bainbridge
Penguin Books. 3rd ed 2002
Library Location: ML - 'A' Room & Reference Room 940/BAI

The government & politics of the European Union
Neill Nugent. 5th ed. Macmillan. 2002. ISBN = 0333984617
Library Location: ML 341.242/NUG

2. European Union publications

Who's who in the European Union
http://publications.eu.int/general/whoiswho_en.html

IDEA, the online inter-institutional directory, is a guide to the administrative structure of the European institutions. Updated on a daily basis, *IDEA* is a reliable source of information concerning the names and addresses of high-ranking EU civil servants.

3. House of Commons Library publications

European Communities Legislation
HC Factsheet L 11
<http://www.parliament.uk/documents/upload/111.pdf>

This describes how the UK Parliament seeks to influence, examine and scrutinise the workings of the European Union. Revised edition: September 2003

4. Official Publications

Guide to the European Union 48 p. FCO 2005
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1097588394967>

Prospects for the EU in 2005 52 p. Cm 6450 FCO 2 February 2005
<http://www.fco.gov.uk/Files/kfile/White%20Paper%20Cmnd%206450.pdf>