



BRIEFING PAPER

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

By Vaughne Miller
Eleanor Gadd

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Summary

EC or EU law? Treaty of Rome or Treaty of Lisbon? First, Second or Third Pillar? *Acquis Communautaire*? Court of Justice or Court of Human Rights?

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

1. Introduction

The terminology used to describe European law and institutions can be confusing. 'European Community' (EC) and 'European Union' (EU) have often been used interchangeably, or 'EU' used as a catch-all. Similarly, 'Directive' is often used as a generic description for all EC/EU law, while Regulations and Decisions are ignored.

'EU law' has been commonly used for years, even when strictly speaking it should have been 'EC law'. 'Europe' or 'Brussels' are frequently employed to describe EU 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.

2. European 'Community', 'Communities' and 'Union'

The European Economic Community, EEC or Common Market, was established in 1957 by the *Treaty of Rome* and came into being in 1958.

'European Communities' described 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)

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

The European Community (EC) was 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.

The EC formed one part of the European Union or EU. The EU was the over-arching structure, comprising the Community and two inter-governmental 'Pillars' (see below). The *Treaty of Lisbon*, which entered into force in December 2009, changed this structure, and we now have only the European Union or EU.

3. The three 'Pillars'

The *Treaty on European Union* (TEU or Maastricht Treaty) changed the structure of the EC and created the European Union (EU), which was 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). Subsequently called *Police and Judicial Co-operation in Criminal Matters*. Now part of the Area of Freedom, Security and Justice.

The Lisbon Treaty merged the Community pillar and the third pillar into one and the EC formally became the EU. Only the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) are outside this structure. These are placed, along with the more general articles on principles, the institutions, Treaty amendment etc, in the amended TEU.

4. EC law or EU law?

Former 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 its successor, the EC, had rights and obligations under international law allowing it to adopt laws and treaties. Former Article 282 of the EC Treaty conferred upon the EC "the most extensive legal capacity accorded to legal persons" under the national laws of the Member States. The EU did not have this status, and so strictly speaking we should have referred to 'EC law' and not to 'EU law' in most instances until December 2009, when the *Treaty of Lisbon* came into force.

Until November 1993, when the TEU came into force, the EU's Official Journal (OJ) references were to 'EEC' law. After 1993 the OJ used 'EC'. The OJ distinguished between EC laws and CFSP or Police/Judicial Cooperation Decisions, which were Second and Third Pillar (EU) instruments. For example, a Council Regulation was written as 'Council Regulation (EC) 850/2005' in the Official Journal; a Commission Directive was written as 'Commission Directive 2005/37/EC'.

All these instruments are now EU instruments. Since the granting of "legal personality" to the EU under the *Treaty of Lisbon*, it is now technically and legally correct to refer to EU law and EU Treaties.

5. Treaty of Rome or Treaty of Lisbon? What to call the Treaty

The 1957 *Treaty of Rome* or, more accurately, *The Treaty Establishing the European Economic Community* (TEC), 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 Lisbon* would also be incorrect. The *Treaty of Lisbon* is the most recent set of Treaty amendments to be ratified, but it is not the whole Treaty. The amending Treaties contain only the amendments that have been agreed by Member States, usually at an Intergovernmental Conference (IGC). Amending Treaties are in due course incorporated into the consolidated, up-dated *Treaty of Rome*.

The 'EU Treaty' is useful shorthand for the *Treaty of Rome* as amended by accession treaties, the Single European Act, and the Maastricht, Amsterdam, Nice and Lisbon Treaties, without having to cite those amending treaties.

The texts of the founding Treaties and subsequent accession and amending Treaties can be accessed at http://europa.eu/abc/treaties/index_en.htm. The latest amending treaty is the [Treaty of Lisbon](#) amending the *Treaty on European Union* and the *Treaty Establishing the European Community*, signed in Lisbon on 13 December 2007. It was published in the Official Journal C Series 306 on 17 December 2007. The Treaty was also published in December 2007 as a [Command Paper](#) and as a [consolidated text](#) in January 2008. It came into force on 1 December 2009.

The latest version of the Treaties is the 2012 Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, [OJC 326 26 October 2012](#). When we need to be more specific, we can refer to:

- the [Consolidated version of the Treaty on European Union](#)
- the [Consolidated version of the Treaty on the Functioning of the European Union](#)
- the [Charter of Fundamental Rights of the European Union](#)
- the [Consolidated version of the Treaty Establishing the European Atomic Energy Community](#)

6. Referencing Treaty articles

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

The [Treaty of Lisbon](#) renamed the *Treaty Establishing the European Community* (TEC) the *Treaty on the Functioning of the European Union* (TFEU). The *Treaty on European Union* remains separate from the TFEU. If you are referring to Treaty articles, the convention is to cite the article, followed by TFEU or TEU (e.g. Article 191 TFEU on the Environment).

If the article is from the intergovernmental title, the convention is to add TEU, for *Treaty on European Union* (e.g. Article 42 TEU, “Provisions on the Common Security and Defence Policy”).

The *Treaty of Lisbon* changed the numbering again. The new numbering is set out in the [Tables of Equivalences](#) in the Official Journal publication of the consolidated TEU and TFEU, 9 May 2008.

7. 'Member State' or 'member state'?

There appear to be three approaches:

- Member State
- member state
- member State

The EU 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 2006 (revised 2011), states: "In instruments, the general rule is that capital letters are used for words and expressions such as "State", "Member" but "member State".

When we write about the EU States, we are referring to legal entities and parties to international treaties. Therefore, it is probably 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.

8. European Council, Council of the EU, Council of Europe

Of these three, only the European Council and the Council 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.

8.1 The European Council

This is the meeting of Heads of State or Government, which meets formally at least twice a year (June and December), informally in spring and autumn, and sometimes more often. The Lisbon Treaty made the European Council an ‘EU Institution’ and introduced the position of President of the European Council. The European Council does not exercise legislative functions, but it makes certain decisions based on the Treaties. It sets the broad policy agenda for the EU, initiates action based on this and steers the EU towards achieving goals from the previous presidency.¹ The next UK Presidency is due in July-December 2017.

8.2 The Council of the European Union

The Council of the EU, formerly the Council of Ministers, is the main decision-making body in the EU. It has both executive and legislative powers and 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. There are now two Council formations (configurations) based on Article 16(6) TEU: the General Affairs Council (GAC) and the Foreign Affairs Council (FAC).

The Council also meets in a number of subject-based configurations (e.g. as the Transport Council or the Social Affairs Council), as adopted by the European Council (Article 16 TEU and Article 236 TFEU).

The Presidency of Council configurations other than GAC and FAC is held by groups of three Member States for a period of 18 months. The groups are made up on a basis of equal rotation among the Member States.² Each member of the group in turn chairs for six months all Council configurations except the FAC. The Member State holding the rotational EU Presidency is responsible for organising Council business and for chairing Council meetings, except the FAC, which is presided over by the High Representative for Foreign Affairs and Security Policy (currently Federica Mogherini).

¹ For information on UK Presidencies, see Standard Note SN/IA/3647, [UK Presidencies of the European Union](#), 24 May 2005

² There is a list of Council configurations in [OJL 325/51, 11 December 2009](#).

8.3 The Council of Europe

This is a post-World War II intergovernmental consultative organisation. It comprises 47 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.

There is a useful page about relations between the two organisations on the [Council of Europe website](#).

9. European Courts

There are two main 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 Court of Justice of the European Union (CJEU) is the EU court which rules on alleged breaches of EU law and the Treaties. CJEU judgments (by convention not spelt with an 'e' as in 'judgements') can be found on the [CURIA website](#).
- The European Court of Human Rights 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](#).

10. Legal instruments

The legal instruments adopted by the EU are as follows:

TFEU	CFSP	CSDP
Regulations	General guidelines	Decisions
Directives	Decisions	
Decisions		
Conventions		
Recommendations, Opinions		

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

11. Council and Commission legislation

Both the Council and the Commission are empowered under the EU Treaties to make laws. So you will find both Council and Commission Regulations, Directives and Decisions etc. The Council is the main decision-making body. The Council, or usually the Council with the EP (using the Ordinary Legislative Procedure, see below), adopts legislation on a proposal from the Commission.

The Commission has the sole right of initiative in drafting legislation, although the Council, EP, Member States or a Citizens' Initiative can ask the Commission to propose legislation. The Commission also has delegated powers from the Council under Article 290(1) TFEU (to add to or amend non-essential elements of a law) and implementing powers under Article 291 (where legally binding EU acts require uniform conditions for the implementation).

In theory Council and Commission 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 CJEU 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.³

12. The *Acquis Communautaire*

The *Acquis Communautaire* is the whole body of EU law, including CJEU decisions.⁴ For the purposes of accession negotiations the *Acquis* is broken down into 35 chapters.⁵

³ *Law and Institutions of the European Union*, D.Lasok and K.P.E.Bridge, 1994.

⁴ For further information on the *Acquis*, see Standard Note 5944, [The EU's *Acquis Communautaire*](#), Last updated: 26 April 2011.

⁵ A list of the chapters can be found on the [Europa EU enlargement website](#) and the Commission's [Conditions for membership website](#).

13. 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' or the 'OJEU' 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 24 official languages of the EU. It can be searched on-line at [EUR-Lex](#).

14. Legislative procedures

EU 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:

- Ordinary Legislative Procedure (formerly the Codecision procedure) Article 294 TFEU
- Consent procedure
- Consultation procedure

14.1 Ordinary Legislative Procedure

The Ordinary Legislative Procedure (OLP) leads to legislative acts being adopted by the European Parliament and the Council. Under the OLP legislation passes through both the Council and the EP at the same time, with a conciliation procedure after second reading if there is still no agreement.

There is detailed information about the Ordinary Legislative Procedure on the [Europa website](#).

14.2 Consent

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.

14.3 Consultation

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.

15. Searching for EU legislation and documentation

15.1 Searching in Europe

- There is a procedure-tracking search facility on the [Europarl 'Legislative Observatory'](#) website.
- 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.

15.2 Searching in the Member States

- The [Interparliamentary EU Information Exchange, IPEX](#), 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.

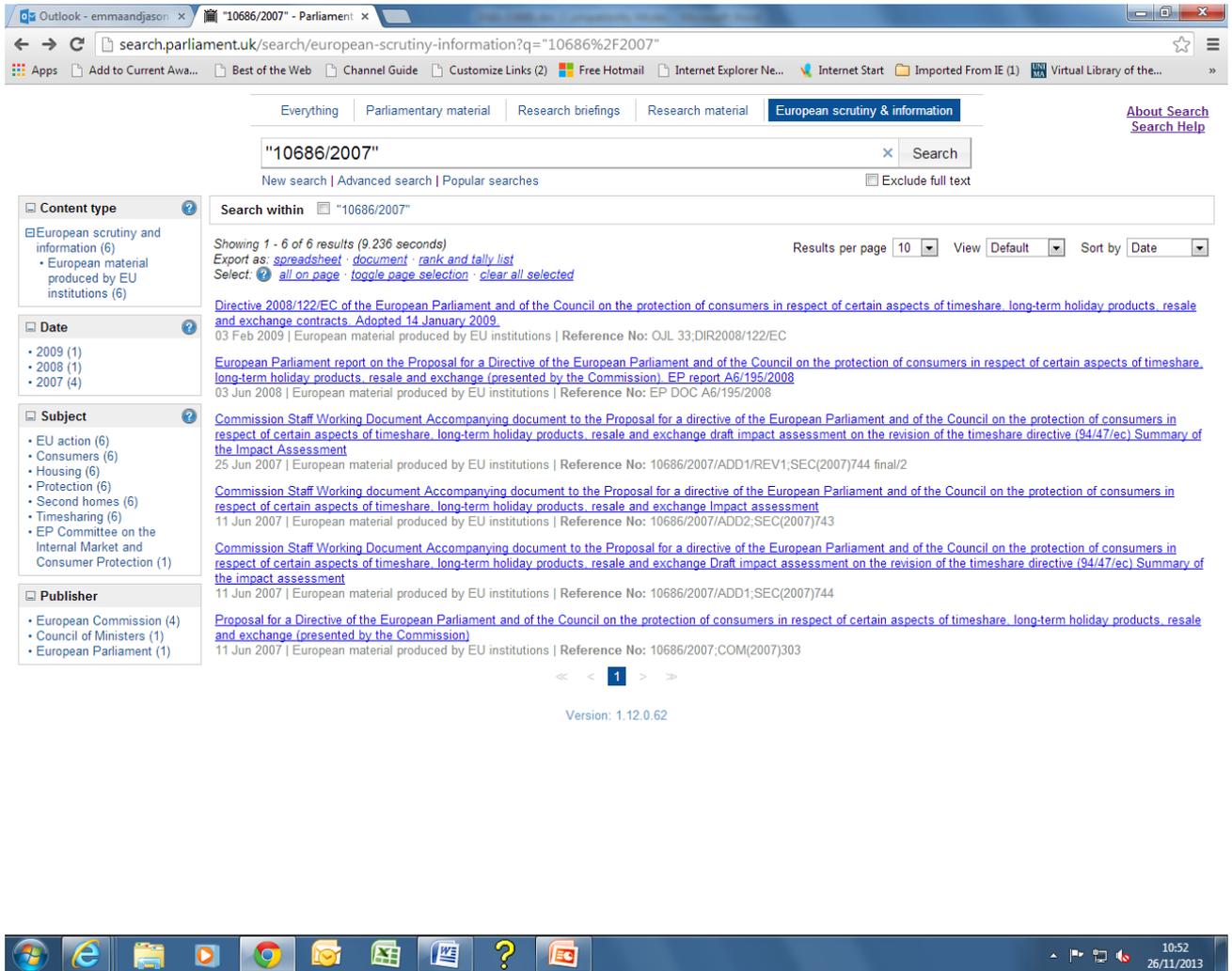
Questions asking how a Member State has implemented a particular Directive have been difficult to answer, but as IPEX develops, this might become easier to ascertain.

15.3 Searching in Parliamentary Search

If you are searching for European legislation in [Parliamentary Search](#):

- Select *European scrutiny & information* tab at the top of the screen.
- Enter a search term or document number in the search box [e.g. "timeshare" or "DIR2008/122/EC" or "10686/2007"].
- Remember double quotes will search terms in that exact order.

The results page will look like this:



15.4 Searching for UK implementing legislation

[Eur-lex](#), on the Europa website, allows you to search for national implementing measures with links to the EU measures they are implementing.

- Go to Europa, EU Law and Publications, Eur-lex
- In Advanced Search choose National implementing measures
- There is a drop-down menu for the “author of the document”, i.e. the Member State implementing the EU measure.

16. Current information on the EU

16.1 Institutions

European Commission

President	Jean-Claude Juncker 2014 (Luxembourg)
UK Commissioner (Commissioner for financial Stability, Financial Services and Capital Markets Union)	Lord Hill of Oareford 2014

European Parliament

President	Martin Schulz 2012 (Germany)
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European Court of Justice

President	Koen Lenaerts 2015 (Belgium)
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European Court of Auditors

President	Vítor Caldeira 2008 (Portugal)
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European Central Bank

President	Mario Draghi 2011 (Italy)
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European Ombudsman

President	Emily O'Reilly 2013 (Republic of Ireland)
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European Anti-Fraud Office

(OLAF)

Director-General	Giovanni Kessler 2011 (Italy)
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16.2 On-line news sources

- [*EurActiv*](#)
- [*EUObserver*](#)
- [*POLITICO*](#)

16.3 Council of the European Union – Presidency of the European Union

[What is the presidency of the Council of the EU?](#)

January- June 2016	Netherlands holds Presidency of European Union
July-December 2016	Slovakia holds Presidency of European Union
January-June 2017	Malta holds Presidency of European Union

16.4 Addresses and telephone numbers

House of Commons Library and Vote Office

Library enquiries about the European Union:

General Research	4327
EU enlargement	3621
Common Foreign & Security Policy	3852
EU Treaties	4327
Progress of European legislation	3984
Documentary references	3984
Vote Office - EU documents	4669:

euvoteoffice@parliament.uk

[European Commission London Office](#)

Europe House

32 Smith Square

London SW1P 3EU

Head of Representation: Jackie Minor

Tel: 020 7973 1992

E-mail: COMM-REP-LONDON@ec.europa.eu

European Parliament London Office

Europe House

32 Smith Square

London SW1P 3EU

Tel: 020 7227 4300

Email: eplondon@europarl.europa.eu

UK National Parliament Office, Brussels

UK National Parliament Office

European Parliament

WIE 06 U 11/16

30-50 Rue Wiertz

B-1047 BRUSSELS

Alison Groves (House of Commons representative)

Email: alison.groves@natparl.ep.europa.eu or grovesa@parliament.uk

Tel: (Brussels) 00 32 (0)2 284 3703

(Strasbourg) 00 33 (0)3 88 17 68 46

Mobile: 00 32 (0)486 646 948

17. Further sources of information

17.1 General publications and sources

Dods People

<http://intranet.parliament.uk/research-online/online-resources/reference/dods/>

This online service is provided by a Commons Library subscription. The database includes biographical profiles for European Parliament Members (MEPs) and key European Union officials.

Vacher's Parliamentary Companion [Section on European Union]

Quarterly. (March, June, September & December)

Library Location: ML - Reference Room; Derby Gate Library

European Union: how does it work?

Daniel Kenealy. 2015. ISBN: 9780199685370

Library Location: ML 341.242-KEN

Understanding the European Union: a concise introduction

John McCormick. 2014. ISBN 9781137362322

Library Location: ML 341.242-MCC

Europe Dilemma: Britain and the drama of EU integration

Roger Liddle. 2014. ISBN: 9781780762234

Library Location: ML 341.242-LID

Britain and the European Union

Andrew Geddes. 2013. ISBN: 9780230291959

Library Location: ML 341.242-GED

Penguin companion to the European Union

Anthony Teasdale et al. 4th edition. 2012. ISBN: 9780141021188

Library Location: Reference 940-TEA

17.2 European Union publications

[EU Who is Who – Official Directory of the European Union](#)

Electronic directory of managers and services in the EU institutions, bodies and agencies.

[How the European Union works: Your guide to the EU institutions](#)

17.3 House of Commons Library

[House of Commons Library research briefings on Europe](#)

[The UK's EU referendum 2016 explained](#)

17.4 Gov.UK website

[Gov.UK topic page for Europe:](#)

Foreign and Commonwealth [short guide and glossary to key elements of EU law and their history](#).

[Treaties and agreements in European Union Series](#) 2013 to present.

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