

CELEX Sector 3/4

Secondary Legislation

These two sectors together are by far the largest part of the CELEX database and are also the most frequently used. **Sector 3** contains the binding legislation, the regulations, directives and decisions, plus other documents such as recommendations and resolutions, which altogether amount to more than 88,000 documents in full text (as of December 2003). **Sector 4** is much smaller with only a few thousand documents, but these include important agreements between the Member States, such as the Brussels Agreement on the Enforcement of Judgments in civil matters. The two sectors are treated as a single database for searching purposes.

Each document has a formal structure, which is common to all of them and can be useful in searching. The structure of a typical document is shown in **Figure 4**. Each document starts with a long title, which describes its purpose. The titles are quite informative and searching on titles alone can be an economical and efficient method of searching. The title is followed immediately by a set of bibliographic fields, namely:

1. The unique number of the document (**DOCNUM**), e.g. 31988L0485.
2. The type of document (**TYPDOC**), e.g. 3; secondary legislation; 1988; L.
3. The origin of the document (**AUTHOR**), e.g. European Commission.
4. The category of the document (**FORM**), e.g. Directive.
5. The Treaty enabling the document (**TREATY**), e.g. European Economic Community.
6. The publication reference (**PUBREF**), e.g. Official Journal L239, 30/08/1988 P. 0036 – 0039.

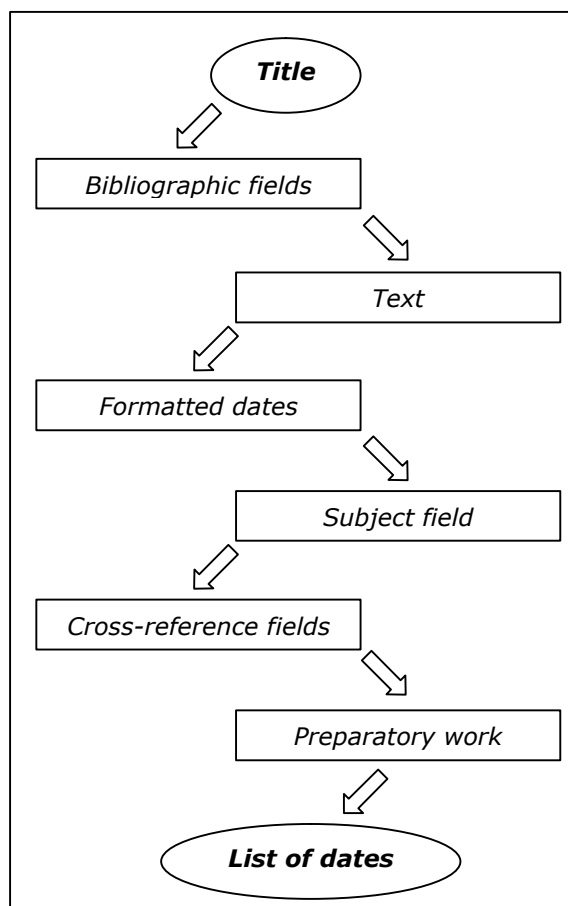


Figure 4. The Structure of a CELEX Sector 3/4 document

These six fields are fixed for the lifetime of an individual document and are common to all documents in CELEX.

One of the most useful fields is the document number (**DOCNUM**), since this is a unique identifier for each document in the whole of the CELEX database. It is of particular value in the legislation in **Sector 3/4**, since it is used in the cross-referencing fields which link documents that amend or are amended by other documents. Since some 30% of new legislative documents amend earlier documents, this field provides an essential legislative audit trail that is easy to follow. This number is constructed from the information given in the title to each distinct document as follows:

Sector Number + Year + Document Type + Reference Number

For example: **DOCNUM: 31982L0532** means Council Directive 82/532 of 1982

3	signifies Sector 3 (Legislation)
1982	signifies the year 1982
L	signifies that this is a Directive
0532	signifies the Directive number, i.e. 532 padded out to 4 digits

In any document number, the first digit signifies the **Sector number**:

1	a Treaty
2	an external Agreement
3	a piece of legislation
4	an Agreement between Member States
5	a Proposal for new legislation
6	a case heard at the Court of Justice
7	references to national implementing measures
9	a question in the European Parliament
0	a consolidated document
C	an OJ C Series document (documents containing no direct legal interest)
E	acts adopted by EFTA institutions

Note that as of yet there is no **Sector 8**, which is reserved for cases concerning EU law heard in the national courts, but not referred to the European Court of Justice.

The **Year of publication** is given by four digits.

The **Type of document** is given by a single letter:¹

L	a Directive
R	a Regulation
D	a Decision
X	a Resolution, Various Acts etc.
Y	a Recommendation, Communication etc.
B	a Budget

The **Reference number** for the document usually gives its sequence for its type during the year, but sometimes the number is made up from its date of publication. In **Sector 3/4** it always has four digits. In **Sector 1/2** it has three digits, which refer to the Article number of the Treaty in question.

¹ A full list of these letters and their significance is given in **Appendix 2**.

The other five bibliographic fields are self-explanatory and can be very useful in specific searches. For example, the **FORM** field is useful in limiting a search to a specific type of document:

- **FORM (Directive)** - searches only directives
- **FORM (Regulation)** - searches only Regulations

This is an efficient method of searching provided the user is absolutely certain of the type of document in question. The **PUBREF** field is useful for finding documents in a particular issue of the Official Journal or those published during a particular time. For example:

- **PUBREF (L and 180 and 1990)** will find all documents published in Official Journal L180 of 1990.
- **PUBREF (05/1990)** will find all the documents published in May 1990.

These six bibliographic fields are common to all CELEX documents and are always placed in a block immediately following the long title of any document.

The block of bibliographic fields is followed by the full text of the document. The text itself has a formal language and structure which consists of a preamble setting out the reasons for the particular piece of legislation, followed by the individual Articles, which deal with one aspect of the legislation. The final Article is the signature clause, with the name of the Commissioner responsible and the date of signature.

One problem that may be encountered is the use of "Eurospeak" (an example in English is the use of "concentration" for "merger"), so the user is advised to become familiar with the technical jargon that is employed and this can only come from experience and reading the Official Journal. The text can be searched by using words and phrases, but because of the jargon it is quite sensible to begin with a single word to see whether it is used and in what context. When searching, it is useful to remember that the structure and style of the text is French in culture.

Another set of analytical fields is appended after the end of the text. There are four main groups of these fields, the first of which is a set of important dates associated with the document and set out in the form YYYY/MM/DD (year/month/date). These dates are:

- **DOC** - date of signature of the document, e.g. DOC:1983/12/01
- **PUB** - date of publication of the document, e.g. PUB:1983/12/23
- **INFORCE** - date of entry into force of the document, e.g. INFORCE:1983/12/05
- **ENDVAL** - date of end of validity of the document, e.g. ENDVAL:9999/99/99
- **NOTIFIED** - date of notification of the document, e.g. NOTIFIED:1983/12/05
- **TRANSPOS** - date of transposition of the document, e.g. TRANSPOS:1983/12/31

Note that the date 9999/99/99 in the **ENDVAL** field means that the document is a permanent piece of legislation.

The date of notification (**NOTIFIED**) is the date that the legislation was sent to each Member State.

The date of transposition (**TRANSPOS**) provides a period of grace to comply with the legislation. This is particularly important for manufacturers who have to alter designs and change toolsets.

The field immediately after the list of dates is the subject field (**SUB**) which contains the broad classification of the document under headings largely used in the enabling Treaties. For example:

- **SUB** : Internal market; free movement of workers

There are about 200 words or phrases used in the **SUB** field, which are useful as broad terms when searching.² A combination of the **TITLE** field and the **SUB** field in a search is an efficient way of locating a group of related documents.

The subject field is followed by a group of very important fields, which cover the cross-references between the current document and the other pieces of legislation which affect it or are affected by it. These cross-references may change as new legislation is added to the database that affects the status of the current document.

CELEX **Sector 3/4** may be regarded as a consolidated legislative database in which earlier legislation, which is amended by later legislation, is altered accordingly and the new legislation points to the older legislation which it has affected. This is achieved by means of these cross-referencing fields, which all use the CELEX document numbers for their cross-referencing functions. These fields are:

- **LEGCIT** - the legislation cited in the document
- **LEGBASE** - the legislation which gives authority to the document
- **MODIFIES** - the legislation which is amended by the document
- **MODIFIED** - the legislation which has amended the document

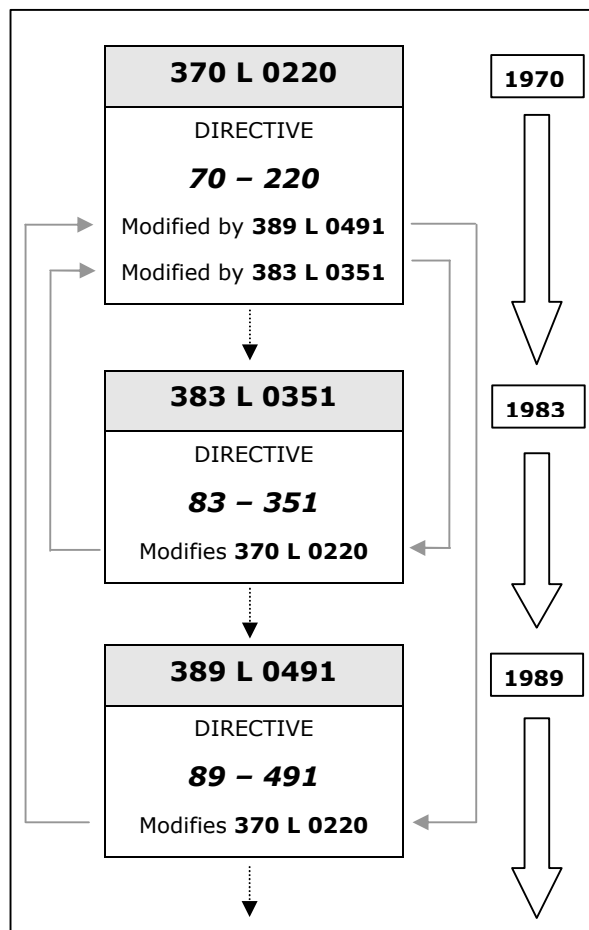


Figure 5. Cross-reference links between Sector 3/4 documents

Each of these fields cites a CELEX document number. Examples are:

- **LEGCIT: 31970L0220** - the document cites Directive 70/220
- **LEGBASE: 11957E235** - the document is authorized under Article 235 of the Treaty of Rome 1957
- **MODIFIES: 31970L0220** - the document amends Directive 70/220
- **MODIFIED: 31989L0424** - the document is amended by Directive 89/424

² A list of these words and phrases is given in **Appendix 3**.

The way in which documents are linked by the **MODIFIES** and **MODIFIED** fields is shown in **Figure 5**.

There is a complete legislative audit trail for all amendments to existing documents. These changes are listed in the **MODIFIES** field in the newly added documents and a corresponding pointer is inserted in the **MODIFIED** field of the older documents. These two fields should *always* be checked in any retrieved document, since this is the only way to be certain of the precise status of the document. These two fields are of the utmost importance and value, since about 100 new documents are added to CELEX each week and roughly one third of them amend earlier documents.

The next field is **PREPWORK**, which provides a complete history of the enactment of the legislation under the procedure which it has followed. It lists the publication references, the original proposal, any amended proposal, the opinions of the Economic and Social Committee, the Committee of the Regions and the Parliament under the Consultation procedure, and the further steps taken under the co-operation and co-decision procedures. Most of the publication references are to the Official Journal L.

The final set of fields at the end of all **Sector 3** documents is a list of dates. The first group of dates repeats the earlier codified dates, but expanded into their normal text form. Two additional named fields in Directives are concerned with the implementing measures enacted in the Member States. These fields are:

- **DESPNR** - signifies the date an implementing measure was dispatched from a Member State to the EU.
- **INFCENP** - signifies the date of entry into force of the implementing measure in a Member State.

DOCNUM 31999L0092 is a typical **Sector 3** directive. Knowledge of this structure is valuable because it not only helps in searching, but also aids understanding.