

**STYLE MANUAL
FOR USE BY
CONTRIBUTORS TO THE
STATEMENT OF EUROPEAN
ADMINISTRATIVE LAW**

**AMERICAN BAR ASSOCIATION
2004-2006**

**REFER STYLE QUESTIONS TO:
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POLICY:

**OUR OBJECTIVE IS TO BE A CLEAR
SOURCE OF USEFUL INFORMATION TO AN
AUDIENCE THAT MAY BE UNFAMILIAR WITH
OUR SUBJECT MATTER.
THUS, OUR CLARITY OF EXPRESSION IS VITAL.**

**EXCERPT FROM
GUIDANCE ON PREPARATION OF REPORTS**

(AS ISSUED JUNE 2004 TO SECTORAL REPORT WRITERS)

The central objective of the Project is the development and publication of a “Statement of European Union Administrative Law,” an exposition of the general principles and practices that govern the conduct of the EU’s principal administrative functions. The Statement will set out those principles and practices as systematically as is practicable, organizing them around five discrete functions traditionally associated with US administrative law: (a) adjudication, (b) rulemaking, (c) judicial review, (d) transparency and data privacy protection, and (e) oversight.

It is anticipated that, in the fashion of the various Restatements of the Law produced by the American Law Institute and certain model or uniform laws elaborated in the US, the Statement of EU Administrative Law will not be limited to abstract propositions of law or practice. Through comments, reporters’ notes and illustrations associated with each of its sections, the Statement will also provide concrete examples, while at the same time demonstrating the existence of distinctions and variations among the principles and practices that are the subject of the Statement.

Presentation of the Background Reports

Each Background Report will be published as a separate volume in a six-volume collection (the Statement of EU Administrative Law and the five Reports). However, we think it important that each volume be purchasable separately.

(i) A Model

As a point of departure, we will be distributing to all US Co-Reporters a copy of “A Guide to Federal Agency Adjudication” (ed. M. Asimow), which the Section of Administrative Law and Regulatory practice produced as part of its comprehensive study of US administrative law. For now, we think it may be taken as a model but it is not necessary to number each paragraph. But we will be interested in having the early reactions of the authors of the Background Reports as to its suitability as model. Note that that volume uses a modified treatise style, with numbered sections and sub-sections.

(ii) Format

Title of Report

Executive Summary

I. Introduction

II [a substantive part]

A. [a substantive subpart]

1.

(a)

(b)

2.

(a)

(b)

B [a substantive subpart]

1.

(a)

(b)

2.

(a)

(b)

,

C [a substantive subpart]

etc.

III. [a substantive part, similarly subdivided, as necessary]

IV. [ditto]

V. [ditto]

etc.

VI. Conclusion

Bibliography

Index

(iii) *Structure and Tables of Contents*

Each Background Report should, of course, be carefully organized. Each set of Co-Reporters should therefore discuss how best to segment and structure the field assigned to them so that the Report is as intelligible and useful as possible for the reader. The authors of the Background Reports (whom, during the life of the Project, we will continue to call “US Co-Reporters”) will supply a detailed draft Table of Contents for their respective Reports. Upon receiving all five draft tables of contents, we will likely suggest modifications to the organization of one or more of the Reports in the interest of greater comparability.

Authors of the Background Reports should assume that readers are generally familiar with the basic procedures of American administrative law, but not with those of EU administrative law. Therefore too much prior familiarity with the conventions of EU administrative law should not be assumed.

GENERAL GUIDELINES

The length of the reports will be substantially affected by the length of the topical material to be covered from the sectoral reports and from the research and analysis included in your topical area. Let us begin with the assumption that the working drafts will be 200-300 double spaced pages, but of course, each is subject to negotiation as the scope and content become more clear.

Footnotes should be at the base of each page, rather than as endnotes.

Please include a bibliography of sources, especially those given special attention during the research and those cited in the principal footnotes.

Please offer a rough index by section numbers, of topics covered; the index need not be exhaustive at this stage.

STYLE

CITATION SOURCES AND FORM

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The Bluebook (17th Ed.) should be consulted for all U.S. law citations. The EU citation information contained in this guide was adapted from *A Citation Manual for European Community Materials*, 18 Fordham Int'l L. J. 694 (1994).

I. GENERAL BLUEBOOK RULES

The Journal of European Law has greatly simplified bluebooking rules. The structure of citations closely match the Bluebook, except where otherwise indicated, but formatting rules reflect those used in the Columbia Law Review. See Bluebook rules 20.5.2 (Court of Justice of the European Communities cases) and 20.8.2 (European Community Materials). Consult the Bluebook for all U.S. citations, but follow the formatting rules below.

A. The need for small caps to cite books, law reviews, etc., will be eliminated. The only formatting you will have to worry about is whether or not the citation should appear in italics. Signals, like “see generally” and “e.g.,” “i.e.,” and “c.f.,” will *not* be italicized; neither will “supra” or “id.” By contrast, “in” will be italicized when it refers to an article that is part of a collection or symposium.

Examples:

See generally, George A. Bermann, Harmonization and Regulatory Federalism, *in* Harmonization of Legislation in Federal Systems 37, 41 (Ingolf Pernice ed., 1996) [hereinafter Bermann, Harmonization].

See Bermann, Harmonization, *supra* note 3, at 42.

B. Case names are italicized when they appear in the text, whether they appear in short form or as the full case name. In footnotes, case names are not italicized unless they are in short form.

Examples:

Text: *Van Gend & Loos* established that individuals may appeal to the ECJ.
Van Duyn v. Home Office clarified the boundaries of Article 48(3).

Footnote: *Van Gend & Loos v. Nederlandse Administratie der Belastingen*, Case 26/62, 1963 E.C.R. 1, 11.

C. You will often find references to foreign language materials that are abbreviated. Some of those abbreviations can be found in the Bluebook. The first citation to the foreign language source should spell out the name of the source in full. Subsequent citations may be abbreviated. (This does not include the E.C.R., O.J., U.N.T.S., etc. Rather, country-specific citations should be spelled out.) See Scott Williamson's Research Guide following this section.

Example:

First cite: See Bürgerliches Gesetzbuch (German Civil Code) [BGB] §872.

Subsequent cites: See BGB §872.

II. TREATIES

Citations to treaties usually reference the O.J., C.M.L.R., and U.N.T.S., except you will usually find that citations to the EU treaties do not. Cite all treaties to the appropriate service, but the Treaty Establishing the European Community (the EC Treaty) and 1992 Treaty on European Union (TEU or Maastricht Treaty) -- and whatever treaty emerges from the 1996 Intergovernmental Conference (called, now, Maastricht II) -- do not need to be so cited. Pre-1988 sources regarding the legal bases of the European Community are found in the Treaties Establishing the European Communities, published by the Office for Official Publications of the E.C. References to the EC Treaty include citations to numerous amendments made to the original 1957 Treaty Establishing the European Economic Community (the EEC Treaty) by the 1987 Single European Act (SEA) and TEU. The first time you cite a treaty, use the full treaty citation; the short form should be used thereafter.

A. Treaties.

Full Cite: 1951 Geneva Convention Relating to the Status of Refugees, art. 1, July 28, 1951, 189 U.N.T.S. 137, as amended by the 1967 New York Protocol, Jan. 31, 1967, 606 U.N.T.S. 267, 6 I.L.M. 78 [Geneva Convention].

Short Cite: Geneva Convention, art. 33.

Subsequent Cite: *Id.* at art. 33.

B. EC Treaties.

Full Cite: Treaty Establishing the European Community [TEC], art. 7a, as amended by the Treaty on European Union [TEU]. (This citation is used if the EC Treaty provision incorporates amendments made by the TEU; if not, just cite the TEC.)

Treaty Establishing the European Economic Community [TEEC], art. 8a, as amended by the 1987 Single European Act [SEA].

(If the treaty article does not incorporate subsequent amendments, just cite the TEEC. Cite this treaty only if the provision does not appear in the TEC. Generally, citations to the TEEC are for historical purposes.)

Treaty on European Union [TEU], art. A.
(Generally, Articles A through F and J through S appear only in the TEU. Article G comprises many changes made to the TEEC, and should be cited as part of the TEC. This treaty is also called the Maastricht Treaty.)

Single European Act [SEA], art. 1.
(The SEA significantly amended the TEEC. Cite the SEA if the provision does not appear in the TEEC.)

Other treaties: Treaty Establishing the European Coal and Steel Community [ECSC Treaty], art. 5.

Treaty Establishing the European Atomic Energy Community [Euratom Treaty], art. 7. (This treaty is also called Euratom.)

Both of these treaties were amended in the EC Treaty.

Short Cite: TEC art. 7a.
TEEC art. 8a.
TEU art. A.

Subsequent Cite: Id. at art. 7a.

III. COURT OF JUSTICE CASES

These cases are most often cited to the European Court of Justice Reporter (E.C.R.), and sometimes to the Common Market Law Reports (C.M.L.R.). Cite case summaries in the Weekly Proceedings of the Court of Justice only if the case is not in the above sources. As in U.S. court citations, the volume number of the C.M.L.R. reporters should appear before the name of the reporter. E.C.R. citations are preceded by a date. If an E.C.R. page number contains a “I” or “II,” it should appear as such: “I-415” or “II-415.” The EC Commission should appear as “Commission.” Country names should appear by their common names (e.g. “Greece,” not “Hellenic Republic”), and Germany should be “Federal Republic of Germany” for judgments issued before October 3, 1990, and “Germany” for later cases. Case numbers proceeding with a “C-” (e.g., “Case C-47/88”) are Court of Justice cases. Those preceded with a “T-” (e.g., “Case T-69/89”) are Court of First Instance cases.

Like U.S. case citations, do not use supra for subsequent citations.

A. In general.

Full Cites: National Panasonic (UK) Ltd. v. Commission, Case 136/79, 1980 E.C.R. 2033.

or

National Panasonic (UK) Ltd. v. Commission, Case 136/79, 1980 E.C.R. 2033, [1980] 3 C.M.L.R. 169.

Short Cite: *Panasonic*, 1980 E.C.R. at 2059.

or

Panasonic, 1980 E.C.R. at 2059, [1980] 3 C.M.L.R. at 188.

Subsequent Cite: *Id.* at 2060

or

Id. at 2060, [1980] 3 C.M.L.R. at 189.

B. E.C.R./Common Mkt. Rep. (Transfer Binder).

Full Cite: ACF Chemiefarma NV v. Commission, Case 41/69, 1970 E.C. R. 661, 691
[1967-1970 Transfer Binder] Common Mkt. Rep. (CCH) 8083, at 8195.
("CCH" refers to the Commerce Clearing House publisher.)

Short Cite: *Chemiefarma*, 1970 E.C.R. at 692, [1967-1970 Transfer Binder] Common Mkt. Rep. (CCH) at 8196.

Subsequent Cite: *Id.* at 695, [1967-1970 Transfer Binder] Common Mkt. Rep. (CCH) at 8198.

C. E.C.R. and Common Mkt. Rep. (European Community Cases Binder ("C.E.C."))

Full Cite: *Kalfelis v. Bankhaus Schroder, Munchmeyer, Hengst & Co.*, Case 189/87, 1988 E.C.R. 5579, 5580, [1990] 2 C.E.C. (CCH) 22, 23.

Short Cite: *Kalfelis*, 1988 E.C.R. at 5584, [1990] 2 C.E.C. (CCH) at 35

Subsequent Cite: *Id.* at 5585, [1990] 2 C.E.C. (CCH) at 35-36.

D. Cases not yet reported.

Full Cite: Rauh v. Hauptzollamt Nurnberg-Furth, Case C-314/89 (E.C.J. Mar. 21, 1991) (not yet reported).

Rauh v. Hauptzollamt Nurnberg-Furth, Case C-314/89, slip op. at 10, 29 (E.C.J. Mar. 21, 1991) (not yet reported).

Note: Court of First Instance should be abbreviated “C.F.I.” just as the European Court of Justice cases are abbreviated E.C.J.

Short Cite: *Rauh*, slip op. at 10, 29.

Subsequent Cite: *Id.* at 30.

E. Joined Cases.

Full Cite: Luisi & Carbone v. Ministero del Tesoro, Joined Cases 286/82 & 26/83, 1984 E.C.R. 377.

Cooperativevereinigung "Suiker Unie" UA v. Commission, Joined Cases 40-48, 50, 54-56, 111, 113-14/73, 1975 E.C.R. 1663.

Short Cite: *Suiker Unie*, 1975 E.C.R. at 2023.

Subsequent Cite: *Id.* at 2023.

F. Weekly Proceedings of the Court of Justice.

Commission v. Denmark, Case C-47/88 (Eur. Ct. J. Dec. 11, 1990) (not yet reported), summarized in *Wkly. Proc. of the Ct. of Just.* 27/90, at 3.

G. Opinions of Advocates General.

Reported Decision: Opinion of Advocate General Warner, National Panasonic (UK) Ltd. v. Commission, Case 136/79, 1980 E.C.R. 2033, 2067.

Unreported Decision: Opinion of Advocate General Warner, Ford-Mazda v. Smith, Case C-999/90 (Eur. Ct. J. Feb. 28, 1992) (Court decision not yet reported).

IV. LEGISLATION AND COMMUNICATIONS

Cite to the Official Journal of the European Communities (O.J. C volume, for communications; O.J. L volume, for legislation; Spec. Ed. for other volumes.). Cite to the O.J. for various European Conventions. Name the EC institution which issued the document. An explanatory parenthetical or the title of the legislation may follow the citation. Short citations may refer either to the document with its number or the name of the document, and the page number. Short citations should include a supra reference to the full cite.

A. Legislation

Full Cites: Commission Regulation 999/01, 1991 O.J. (L 800) 1, 10.

Council Regulation 1251/70, 1970 O.J. Spec. Ed. 402
(expanding the rights of entry and residence in another
Member State).

Short Cite: Commission Regulation 999/01, supra note 1, at 10.

Subsequent Cite: Id. at 10.

B. “Corrected Version” and “Amended by”.

Any references to subsequent versions should cite the first version, with "amended by," "as amended in," or "corrected version in," etc. preceding the more recent cite.

Council Regulation No. 4064/89, 1989 O.J. (L 395) 1,
corrected version in 1990 O.J. (L 257) 13 (Merger
Regulation).

C. Resolutions, Communications & Decisions.

Full Cite: Council Resolution of 21 January 1974, 1974
O.J. (C 13) 1 (concerning Social Action
Program).

Commission Communication, 1991 O.J. (C 273)
2, 3 (to Member States on application of
Articles 93 and 93 of EEC Treaty and of Article
5 of Commission Directive 80/723 to Public
Undertakings in Manufacturing Sector).

Commission Decision 88/454/EEC, 1988 O.J.
(L 220) 30 (Renault).

(unreported) Commission Decision 92/75/EEC, slip op. 4 (Eur. Comm. Feb. 28, 1992) (Chrysler-Mitsubishi/Eaton).

Short Cite: Council Resolution of 21 January 1974, *supra* note 5, at 4.
Commission Decision 88/454/EEC, *supra* note 2, at 31.

V. OTHER SOURCES

A. Bulletin of the European Communities.

With Title: Statement to Parliament by Mr. Delors, on the thrust of Commission policy, Bull. E.C. 1- 1985, at 7 [hereinafter Delors Statement].

Subsequent Cite: Delors Statement, *supra* note 10, at 8.

Without Title: Bull. E.C. 12-1992, at 15.

B. Commission “COM” or “SEC” Documents.

Commission of the European Communities, Completing the Internal Market: White Paper from the Commission to the European Council, COM (85) 310 final (June 1985) [hereinafter White Paper].