

**LEGAL DOCUMENTS
AT EU LEVEL**

RESEARCH OF LEGAL DOCUMENTS

Dr. Markus Frischhut, LL.M.



LEGAL CITATION AND RESEARCH

Markus Frischhut



Please note:

- This video is **supplementing** this presentation.
- The video is available on the following **website** (jeanmonnet.mci.edu) in two **languages** (DE and EN).
- A handout ('legal citation') summarizes the key examples of how to quote these legal documents.
- A second handout ('*Übersetzungen*') translates the most important terms from EN into DE.
- Please also note that most screenshots in this presentation are linked to the relevant website.



LEGAL DOCUMENTS AT EU LEVEL

RESEARCH OF LEGAL DOCUMENTS

Dr. Markus Frischhut, LL.M.



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Recherche und Zitation von rechtlichen Dokumenten auf EU Ebene

> Tutorials von Dr. Markus Frischhut, LL.M.

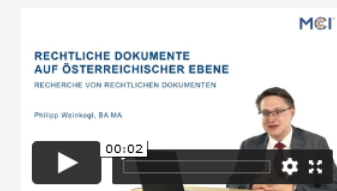
Video > Recherche von rechtlichen Dokumenten

- ▣ Presentation - Tutorial Legal Citation
- ▣ Handout Legal Citation
- ▣ Handout Legal Citation - Übersetzungen



Recherche und Zitation von rechtlichen Dokumenten auf nationaler Ebene

> Tutorial von Philipp Weinkogl, BA, MA



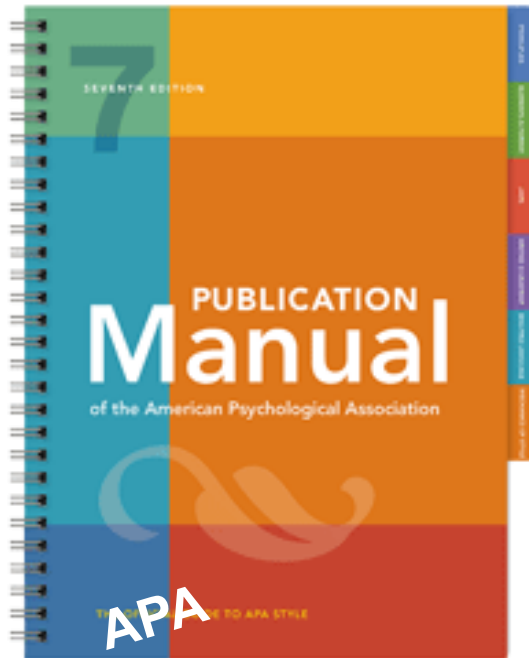
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Students ...

- ... should be able to **cite** legal documents, ...
- ... know, where to **find** those documents and ...
- ... are aware of some important **background information** concerning those documents.

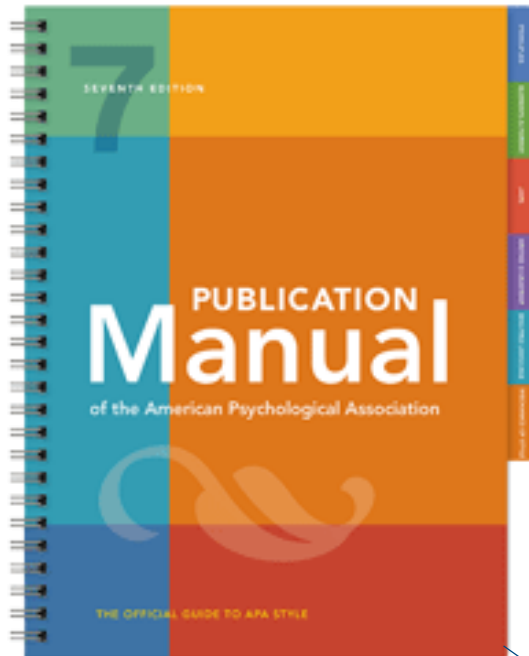


Picture credit: https://en.wikipedia.org/wiki/Chad's_Gap



1. Scholarly Writing and Publishing Principles
2. Paper Elements and Format
3. Journal Article Reporting Standards
4. Writing Style and Grammar
5. Bias-Free Language Guidelines
6. Mechanics of Style
7. Tables and Figures
8. Works Credited in the Text
9. Reference List
10. Reference Examples
11. Legal References
12. Publication Process

American Psychological Association. (2020). *Publication manual of the American Psychological Association* (7th ed.). <https://doi.org/10.1037/0000165-000>



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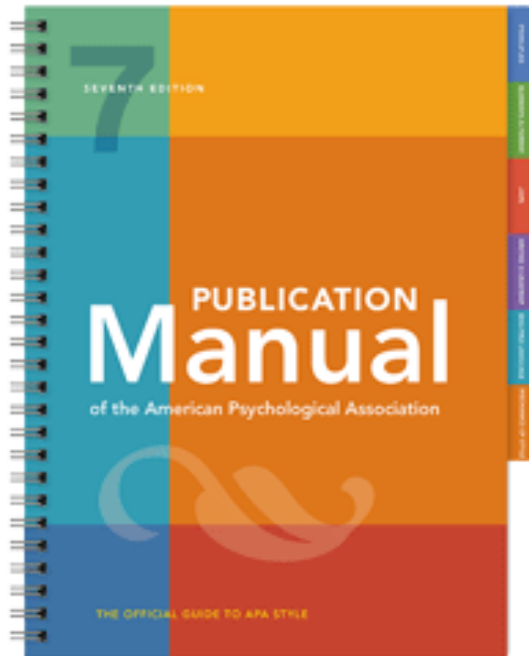
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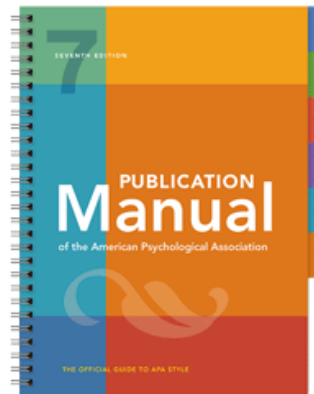
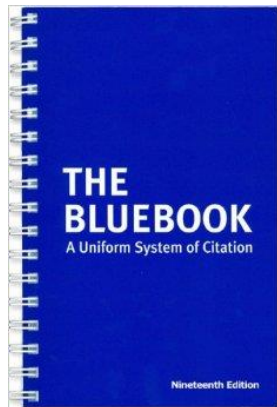
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“**legal** style has notable **differences** form the APA Style references outlined in Chapter 10.”

“For the sake of brevity, **only United States** and United Nations **legal examples** are provided in this chapter. For more information on preparing these and others kinds of legal references, consult *The **Bluebook**: A Uniform System of Citation (Bluebook, 2015).*”

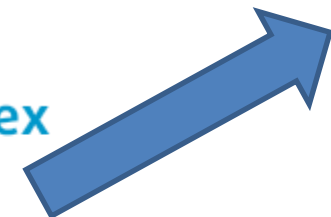
(American Psychological Association, 2020, p. 355)



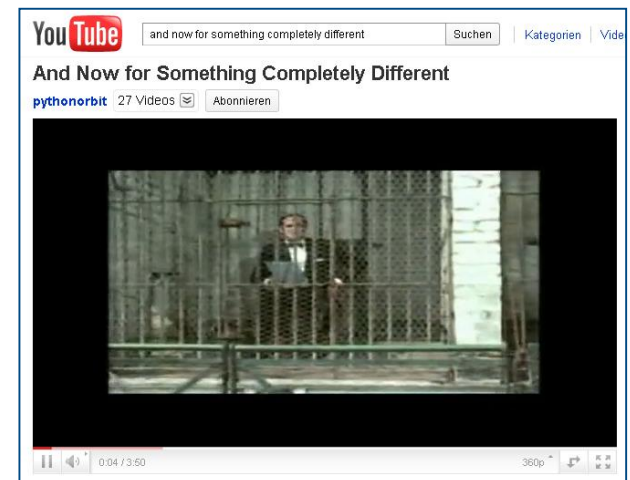


“References to legal materials, however, which include **court decisions, statutes, other legislative materials, and various secondary sources**, are most useful to the reader if they provide the information **in the [European] conventional format of legal citations.**”

(American Psychological Association, 2010, p. 216)



- *APA is referring to the **American** “Bluebook”, which deals with the US legal system, but not with EU law.*
- *Therefore, this gap is filled by referring to **EU / CJEU** standards.*



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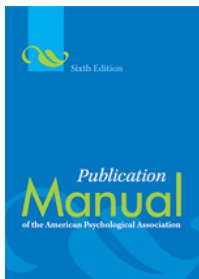
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“The **main difference** is that legal periodicals cite references in **footnotes**, whereas APA journals locate all references, including references to legal materials, in the reference list.”

“References to legal materials, however, which include **court decisions, statutes, other legislative materials, and various secondary sources**, are most useful to the reader if they provide the information in **the conventional format of legal citations.**”

(American Psychological Association, 2010, p. 216)

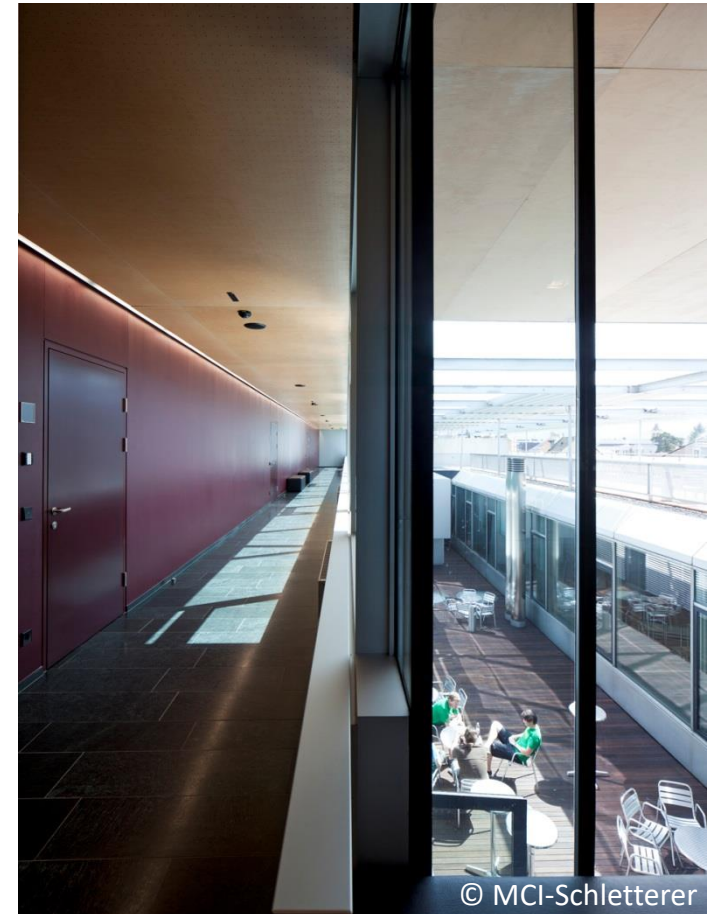
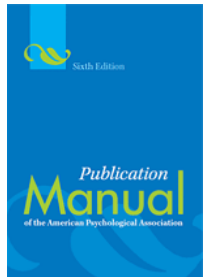
7.3 Layout and formal style.

7.3.1 Citation / referencing and quoting

The formal norms of an academic paper have to be applied in the master thesis. Referencing and citation must comply with APA style. This citation style should be used exclusively throughout the thesis. Although the above mentioned citation style usually proposes in-text referencing as a norm, you can also put your references in footnotes (especially in the case you write a legal thesis). **Please note: always include the PAGE NUMBER when citing in your paper!**

“Ensure that your legal references are **accurate** and contain all of the information necessary to **enable the reader to locate** the material being referenced.”

(American Psychological Association, 2010, p. 216)





Montesquieu

Picture credit:
<http://www.righiottavo.it/materialididattici/Mozart/ragione.html>



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Legislature (parliament)

- When dealing with a legal situation, always try to **think** in terms of all three powers.
- Also this **presentation** is mainly (allocation of some documents could also be seen in a different way) **structured** according to this separation of powers.

Against arbitrariness (absolutism)

Limitation of power

Guaranteeing freedom

Judiciary (courts)

Executive (administration)



Picture credit: http://www.rechtsfreund.at/begriff_rechtsfreund.htm

Picture credit: <http://www.wienbilder.at/category/ballhausplatz/>



Judiciary

- **CJEU judgments** (Court of Justice [ECJ] and General court [GC])
- Opinions of the Advocate General
- Austrian High Courts

Legislative

- Commission Green and White Papers
- Commission MEMOs
- Commission press releases
- Commission proposals
- **Directives and regulations** (EU Secondary law)
- **TEU and TFEU** (EU Primary law)
- Austrian statutory laws (at both federal and regional level)
- Government bills etc.

Administrative / executive materials

- At EU level: EU Tertiary law
- At national level

N.B. The allocation of some documents could also be seen in a different way.

N.B. In order to keep this presentation as short as possible, not all possible types of documents are covered.



Judiciary
(courts)



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e-Curia ?

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Annual Report
2017



The General Court – Ensuring EU Instit... →

News

N° 137/2018 : 20 September 2018

Judgment of the Court of Justice in Case C-51/17 OTP Bank and OTP Faktoring

[es](#) [de](#) [el](#) [en](#) [fr](#) [hr](#) [it](#) [hu](#) [pl](#) [pt](#) [ro](#)

The unfairness of an unclear contractual term which places the exchange rate risk on the borrower and does not reflect statutory provisions may be subject to judicial review

N° 136/2018 : 20 September 2018

Opinion of the Advocate General in the case C-497/17 Oeuvre d'assistance aux bêtes d'abattoirs

[es](#) [de](#) [el](#) [en](#) [fr](#) [it](#) [pl](#) [pt](#) [sl](#)

Advocate General Wahl proposes that the Court find that products from animals that have been the subject of ritual slaughter without prior stunning can be issued the European 'organic farming' label

Search for a case

- Court
- Court of Justice
 - General Court
 - Civil Service Tribunal

Case no

Names of the parties

Dates from to

Search

advanced search

Judicial calendar ?

September 2018						
Mon	Tues	Wed	Thurs	Fri	Sat	Sun
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

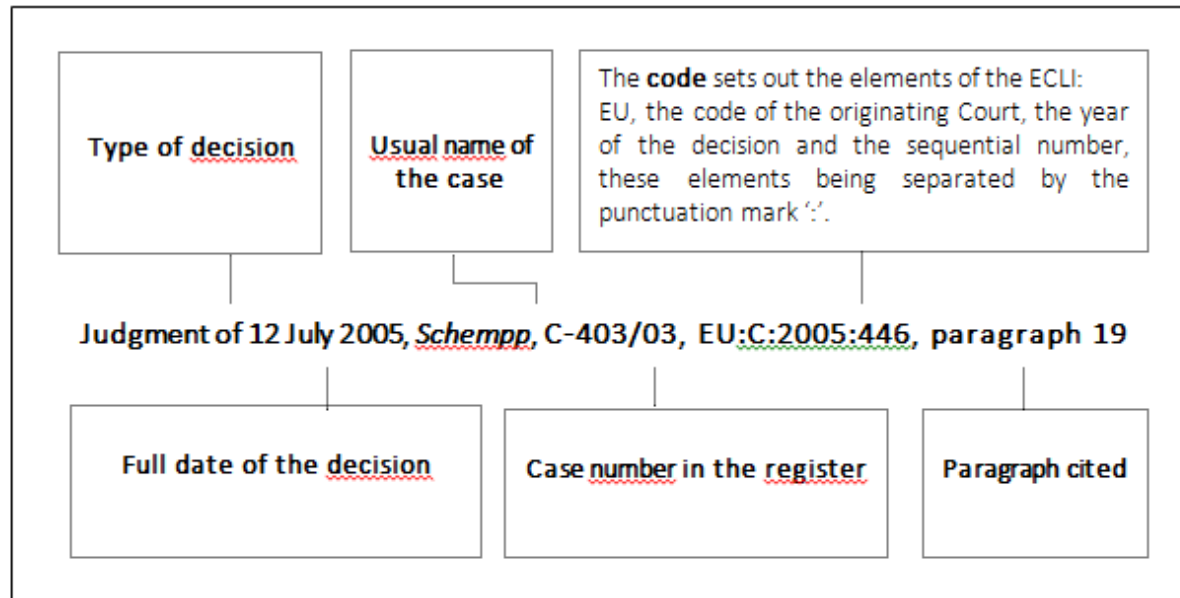
Practical information

Jobs

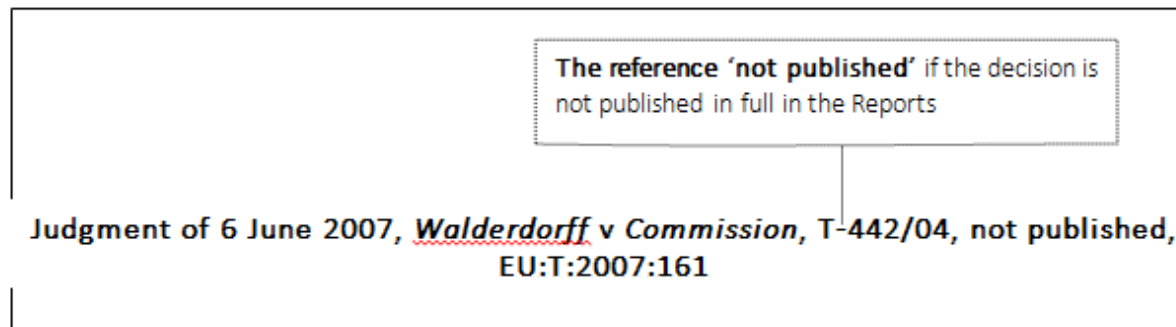
Traineeships

Freelance translators

The constituent elements of the reference are as follows:



- Please note that these guidelines (http://curia.europa.eu/jcms/jcms/P_126035/en/) have been slightly updated in 2016.





List of results by case | List of documents

Search result: 1 case(s)

1/1 **C-211/08 - Commission v Spain** [Case closed]

Main proceedings

Judgment of the Court (Grand Chamber) of 15 June 2010.
European Commission v Kingdom of Spain.

Failure of a Member State to fulfil obligations - Article 49 EC - Social security - Hospital care needed during a temporary stay in another Member State - Lack of right to assistance from the competent institution to supplement that of the institution of the Member State of stay.

Case **C-211/08.**

Reports of Cases
2010 I-05267

Links to the texts

	Curia	EUR-Lex
Judgment		
ECLI:EU:C:2010:340		
Opinion		
ECLI:EU:C:2010:88		

- N.B. When referring to the ECLI, the part “ECLI” itself should **not** be **mentioned** according to the CJEU guidelines.
- Thus: “EU:C:2010:340” and not “ECLI:EU:C:2010:340”.

First footnote: Judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340, para. 52.

For the **usual name** of the case, you can use the one indicated on the CJEU’s **webpage**.

Subsequent footnotes: Judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340, para. 58.

Thus, the **same** as in first footnote.

Table of cases: Judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340

Thus, the **same** as in footnotes (of course not pointing to a specific paragraph).

N.B. If you are using judgments of several different courts, for the sake of clarity, you can also indicate the court giving that decision at the beginning.

First footnote: ECJ judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340, para. 52.

For the usual name of the case, you can use the one indicated on the CJEU's webpage.

Subsequent footnotes: ECJ judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340, para. 58.

Thus, the same as in first footnote.

Table of cases: ECJ judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340

Thus, the same as in footnotes (of course not pointing to a specific paragraph).



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European Commission v Kingdom of Spain.

Failure of a Member State to fulfil obligations - Article 49 EC - Social security - Hospital care needed during a temporary stay in another Member State - Lack of right to assistance from the competent institution to supplement that of the institution of the Member State of stay.

Case C-211/08.

European Court Reports 2010 I-05267

ECLI identifier: ECLI:EU:C:2010:340

Judgment of 15 June 2010, *Commission v Spain*, C-211/08, EU:C:2010:340, para. 52.

- *N.B.* When referring to the ECLI, the part “**ECLI**” itself should **not be mentioned** according to the CJEU guidelines.
- Thus: “EU:C:2010:340” and not “ECLI:EU:C:2010:340”.



List of results by case | List of documents

Search result: 1 case(s)

1/1 C-191/15 - Verein für Konsumenteninformation [Case closed]

Main proceedings

Judgment of the Court (Third Chamber) of 28 July 2016
Verein für Konsumenteninformation v Amazon EU Sàrl
Request for a preliminary ruling from the Oberster Gerichtshof
Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulations (EC) No 864/2007 and (EC) No 593/2008 — Consumer protection — Directive 93/13/EEC — Data protection — Directive 95/46/EC — Online sales contracts concluded with consumers resident in other Member States — Unfair terms — General terms and conditions containing a choice-of-law term applying the law of the Member State in which the company is established — Determination of the applicable law for assessing the unfairness of terms in those general terms and conditions in an action for an injunction — Determination of the law governing the processing of personal data of consumers

Case C-191/15

Reports of Cases
published in the electronic Reports of Cases (Court Reports - general)

Links to the texts

	Curia	EUR-Lex
Judgment		
<u>ECLI:EU:C:2016:612</u>		
Opinion		
ECLI:EU:C:2016:388		

First footnote: Judgment of 28 July 2016, *Verein für Konsumenteninformation*, C-191/15, EU:C:2016:612, para. 2.

For the **usual name** of the case, you can use the one indicated on (top of) the CJEU's **webpage**.

For example, in case of legal persons, you can always **leave aside the company form** (GmbH, Ltd. etc.).

Subsequent footnotes: Judgment of 28 July 2016, *Verein für Konsumenteninformation*, C-191/15, EU:C:2016:612, para. 3.

Thus, the **same** as in first footnote.

Table of cases: Judgment of 28 July 2016, *Verein für Konsumenteninformation*, C-191/15, EU:C:2016:612

Thus, the **same** as in footnotes (of course not pointing to a specific paragraph).



List of results by case | List of documents

Search result: 1 case(s)

1/1 C-191/15 - Verein für Konsumenteninformation [Case closed]

Main proceedings

Judgment of the Court (Third Chamber) of 28 July 2016
 Verein für Konsumenteninformation v Amazon EU Sàrl
 Request for a preliminary ruling from the Oberster Gerichtshof
 Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulations (EC) No 864/2007 and (EC) No 593/2008 — Consumer protection — Directive 93/13/EEC — Data protection — Directive 95/46/EC — Online sales contracts concluded with consumers resident in other Member States — Unfair terms — General terms and conditions containing a choice-of-law term applying the law of the Member State in which the company is established — Determination of the applicable law for assessing the unfairness of terms in those general terms and conditions in an action for an injunction — Determination of the law governing the processing of personal data of consumers
 Case C-191/15

Reports of Cases
 published in the electronic Reports of Cases (Court Reports - general)

Links to the texts

	Curia	EUR-Lex
Judgment ECLI:EU:C:2016:612		
Opinion ECLI:EU:C:2016:388		

- An opinion of the Advocate General (AG) is usually **more comprehensive** than a ECJ judgment.
- Advocates General point out different possible **solutions**, and the ECJ then just opts for one.
- ECJ follows the AG in about 80-90% of all cases.

First footnote: **Opinion** of AG Saugmandsgaard Øe of 2 June 2016, *Verein für Konsumenteninformation*, C-191/15, EU:C:2016:388, para. 20.

Of course you don't have to use the abbreviation and can also write "Advocate General" in full.

The Advocates general themselves refer to "**point 20**" instead of "para. 20", either way is possible.

Subsequent footnotes: Opinion of AG Saugmandsgaard Øe of 2 June 2016, *Verein für Konsumenteninformation*, C-191/15, EU:C:2016:388, para. 23.

Thus, the **same** as in first footnote.

Table of cases: Opinion of AG Saugmandsgaard Øe of 2 June 2016, *Verein für Konsumenteninformation*, C-191/15, EU:C:2016:388

Official Journal of the European Union



English edition

Information and Notices

Volume 59
7 June 2016

Contents

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Note to the reader (see page 2 of the cover)

CJEU

Article 19

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Treaties the law is observed.

Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General.

The General Court shall include at least one judge per Member State.

Try to be **precise**, when referring to the relevant judicial institution of the EU.

- “**P**” stands for “*pourvoi*” (French term), thus indicating an **appeal to the Court of Justice**.
- “**C**” stands for “*Cour*” (French term), thus indicating a **judgment of the Court of Justice**.
- “**T**” stands for “*Tribunal*” (French term), thus indicating a **judgment of the General Court**.

Article 19

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Treaties the law is observed.

Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General.

The General Court shall include at least one judge per Member State.

Court of Justice

- Judgment of 17 October 2013, *Council v Access Info Europe*, C-280/11 P, EU:C:2013:671

Advocate General

- Opinion of AG Cruz Villalón of 16 May 2013 in *Council v Access Info Europe*, C-280/11 P, EU:C:2013:325

General Court

- Judgment of 22 March 2011, *Access Info Europe v Council*, T-233/09, EU:T:2011:105



List of results by case | List of documents

Search result: 1 case(s)

1/1 **C-280/11 P - Council v Access Info Europe** [Case closed]

Main proceedings

Judgment of the Court (First Chamber) of 17 October 2013.
 Council of the European Union v Access Info Europe.

Appeal - Right of access to documents of the institutions - Regulation (EC) No 1049/2001 - Article 4(3), first subparagraph - Protection of the institutions' decision-making process - Note from the Council General Secretariat on the proposals submitted in the course of the legislative process for the revision of Regulation No 1049/2001 - Partial access - Refusal of access to information relating to the identity of Member States which put forward proposals.
 Case C-280/11 P.

Reports of Cases
 not yet published (Court Reports - general)

(Appeal Case before the General Court T-233/09)

Links to the texts

	Curia	EUR-Lex
Judgment ECLI:EU:C:2013:671		
Opinion ECLI:EU:C:2013:325		

1 / 1 Pages

List of results by case | List of documents

Search result: 1 case(s)

1/1 **T-233/09 - Access Info Europe v Council** [Case closed]

Main proceedings

Judgment of the General Court (Third Chamber) of 22 March 2011.
 Access Info Europe v Council of the European Union.
 Access to documents - Regulation (EC) No 1049/2001 - Document concerning an ongoing legislative procedure - Partial refusal of access - Action for annulment - Period allowed for bringing proceedings - Admissibility - Disclosure by a third party - Interest in bringing proceedings not lost - Identification of the Member State delegations which made proposals - Exception relating to the protection of the decision-making process.
 Case T-233/09.

Reports of Cases
 2011 II-01073

(Appeal Case before the Court of Justice C-280/11 P)

Links to the texts

	Curia	EUR-Lex
Judgment ECLI:EU:T:2011:105		

1 / 1 Pages

Court of Justice

- Judgment of 17 October 2013, *Council v Access Info Europe*, **C-280/11 P**, EU:C:2013:671

Advocate General

- Opinion of AG Cruz Villalón of 16 May 2013 in *Council v Access Info Europe*, C-280/11 P, EU:C:2013:325

General Court

- Judgment of 22 March 2011, *Access Info Europe v Council*, **T-233/09**, EU:T:2011:105

- Always make sure that the reader knows **which court** (respectively Advocate General) you are talking about.
- In case of several infringement proceedings against the same Member State it could be useful the **differentiate**:
 - Judgment of 7 July 2005, *Commission v Austria*, C-147/03, EU:C:2005:427
 - Judgment of 15 November 2005, *Commission v Austria*, C-320/03, EU:C:2005:684



- Judgment of 7 July 2005, *Commission v Austria* (**University access**), C-147/03, EU:C:2005:427
- Judgment of 15 November 2005, *Commission v Austria* (**Sectoral transit ban**), C-320/03, EU:C:2005:684



Verfassungsgerichtshof (VfGH)

Hier finden Sie die Entscheidungen des Verfassungsgerichtshofes (VfGH) ab dem Jahr 1980.

Verwaltungsgerichtshof (VwGH)


Hier finden Sie die Entscheidungen des Verwaltungsgerichtshofes (VwGH) ab dem Jahr 1980 und ausgewählte Entscheidungen aus früheren Jahrgängen.

Normenliste des Verwaltungsgerichtshofes

Hier finden Sie die Normenliste des Verwaltungsgerichtshofes, eine Auflistung von Normbezeichnungen in Form von Abkürzungen (Buchstabenabkürzungen oder Kurztitel), die bei der Judikaturdokumentation des Verwaltungsgerichtshofes (VwGH) Verwendung finden.

Justiz (OGH, OLG, LG, BG, OPMS, AUSL)

Hier finden Sie ausgewählte Entscheidungen des Obersten Gerichtshofes (OGH), der Oberlandesgerichte (OLG), der Landesgerichte (LG), der Bezirksgerichte (BG), Entscheidungen des Obersten Patent- und Markensenats (OPMS) und ausländische Entscheidungen (AUSL).

Suchbegriff 

Webseiten

Bundeskanzleramt

HELP.gv.at

Parlament

Informationen

Zum RIS

Open Government Data

RIS:App

Links auf Dokumente im
RIS setzen

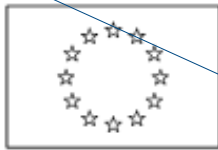
- **OGH** judgment of 14 December 2017, *Amazon*, [2 Ob 155/16g](#)
- **VfGH** judgment of 12 October 2017, *Fern- und Auswärtsgeschäfte-Gesetz*, [G 52/2016](#)
- **VwGH** judgment of 11 September 2013, *Transparenzgebot KSchG*, [2012/04/0162](#)
- *The ECLI is not yet implemented for all Austrian courts and in addition very long, that is why it is recommended not to indicate it.*
- *The name of the case could also be indicated in English.*
- *The hyperlinks indicated here on this slide do not have to be indicated in your academic paper.*



Legislature (parliament)



Commission Green paper Damages actions for breach of the EC antitrust rules,
COM(2005) 672 final of 19 December 2005.



COMMISSION OF THE EUROPEAN COMMUNITIES

If you prefer, you can also indicate dates in the APA style (December 19, 2005).

Brussels, 19.12.2005
COM(2005) 672 final

- “Green Papers are documents published by the European Commission to **stimulate discussion** on given topics at European level.
- They invite the relevant parties (bodies or individuals) to participate in a **consultation process** and debate on the basis of the proposals they put forward.
- Green Papers may give rise to legislative developments that are **then** outlined in **White Papers.**” ([Link](#))

GREEN PAPER

Damages actions for breach of the EC antitrust rules

(presented by the Commission)

{SEC(2005) 1732}

Commission White paper on Artificial Intelligence. A European approach to excellence and trust, COM(2020) 65 final of 19 February 2020.



Brussels, 19.2.2020
COM(2020) 65 final

If you prefer, you can also indicate dates in the APA style (December 19, 2005).

- “Green Papers may give rise to legislative developments that are **then** outlined in **White Papers.**” ([Link](#))

WHITE PAPER

On Artificial Intelligence - A European approach to excellence and trust

EUROPEAN COMMISSION
MEMO
Brussels, 25 September 2014

September infringements package: main decisions

	EMPLOYMENT & SOCIAL AFFAIRS	ENERGY	ENVIRONMENT	HEALTH & CONSUMER POLICY	HOME AFFAIRS	INDUSTRY & ENTERPRENSHSHIP	INTERNAL MARKET & SERVICES	TRANSITION & CUSTOMERS UNION	TRANSPORT
AT									1
BE	1	1							1
BG			2				2		
CZ				1					
DE			1		1			1	
EE								1	1
EL			1		1			2	2
ES			1						1
FI			1						
FR	1								
HU									1
IT							2		1
LU		1							1
LV		1	1						
NL		1					1		1
PL									
PT				1					
RO				2					
SI		1	1	1					
UK									

In its monthly package of infringement decisions, the European Commission is pursuing legal action against Member States for failing to comply properly with their obligations under EU law. These decisions covering many sectors aim to ensure proper application of EU law for the benefit of citizens and businesses.

MEMO/14/537

Press release:

European Commission, Austria and Belgium given more time to justify quotas, IP/12/1388 of 18 December 2012.



COMMISSION EUROPEENNE
COMMUNIQUE DE PRESSE
Brussels, 18 December 2012

Austria and Belgium given more time to justify quotas

The European Commission has decided today to extend its suspension of legal action against Austria and Belgium over their quota restrictions on the number of non-nationals permitted to enrol on degree courses for doctors, dentists, physiotherapists and vets. Today's decision means that the Commission is prolonging its current freeze on infringement proceedings, in place since 2007, for a further four years until December 2016. The suspension is conditional on both countries gathering definitive evidence on why these courses should be an exception to EU Treaty rules on free movement of citizens, which normally guarantee EU nationals with relevant entry qualifications full access to higher education in any Member State.

Andriulla Vassiliou, the European Commissioner for Education, Culture, Multilingualism and Youth, welcomed the decision: "The Commission has listened carefully to the arguments put forward by Austria and Belgium and taken a balanced approach which safeguards both the freedom of movement of EU citizens and their right to a high level of healthcare. At the end of 2016 we will be able to make a more informed decision about these two specific cases and will have established a solid legal framework in line with rulings by the Court of Justice of the European Union that will allow us to address similar problems in other Member States, should they arise."

Legal proceedings for non-compliance with the Treaty rules were initiated against Austria and Belgium in 2007 after both countries introduced national quotas (details in background) following a surge in applications by foreign students for places on medical studies courses. The foreigners mainly came from neighbouring countries using the same language - German students in the case of Austria, and French coming to Belgium.

While the legislation establishing the quotas constituted a clear breach of the principle of free movement of EU citizens, the European Commission recognised that such substantial inflows could potentially result in later shortages of qualified professionals in the public health sector. The Commission therefore suspended its infringement proceedings in order to allow the two Member States to gather evidence on whether the sustainability of their healthcare systems was under threat.

IP/12/1388

Memo:

European Commission, September infringements package: main decisions, MEMO/14/537 of 25 September 2014.

Commission Proposal for a for a Council Regulation (EC) on coordination of social security systems, COM(1998) 779 final of 21 December 1998.



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.12.1998
COM(1998) 779 final

98/0360 (CNS)

Proposal for a
COUNCIL REGULATION (EC)
on coordination of social security systems

Commission Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union, COM(2013) 404 final of 11 June 2013.



Strasbourg 11.6.2013
COM(2013) 404 final

2013/0185 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union

(Text with EEA relevance)

{SWD(2013) 203 final}
{SWD(2013) 204 final}

- “EEA Relevance”: see below.
- SWD = related / additional documents (Commission Staff Working Document);
- See [Link](#)



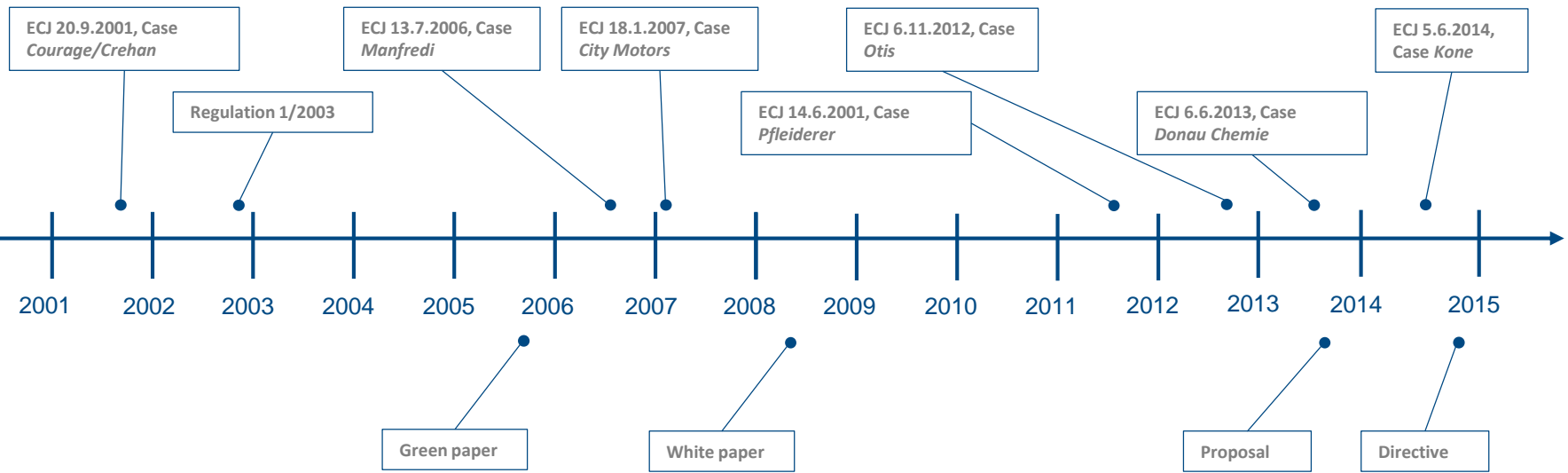
Case Courage/Crehan

26 The full effectiveness of [Art. 101 TFEU] and, in particular, the practical effect of the prohibition laid down in [para. 1 leg. cit.] would be put at risk if it were not open to **any** [!] individual to **claim damages** for loss caused to him by a contract or by conduct liable to **restrict or distort competition**.



CJEU case-law

EU legislation



Language version (24 official languages)

Number / page of publication

Official gazette

L 376/36

EN

Official Journal of the European Union

27.12.2006

Number

“Authors”

Date of publication

DIRECTIVE 2006/123/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Type of legal act

of 12 December 2006

Date of adoption of legal act

on services in the internal market

Title of legal act

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Recitals of preamble

(2)

A competitive market in services is essential in order to promote economic growth and create jobs in the European Union. At present numerous barriers within the internal market prevent providers, particularly small and medium-sized enterprises (SMEs), from extending their operations beyond their national borders and from taking full advantage of the internal market. This weakens the worldwide competitiveness of European Union providers. A free market which compels the Member States to eliminate restrictions on cross-border provision of services while at the same time increasing transparency and information for consumers would give consumers wider choice and better services at lower prices.

Having regard to the Treaty establishing the European Community, and in particular the first and third sentence of Article 47(2) and Article 55 thereof,

Legal basis in Primary law

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

- This information is **not constitutive**; so it could be the case that this Regulation has not been **incorporated** in the **EEA Agreement**, or, that it has been incorporated, but no information was indicated in the OJ (at the time of publication).
- Example (SE Regulation): [Link](#)

7.6.2004

EN

Official Journal of the European Union

L 200/1

CORRIGENDA

To be checked in the same way as amendments
(see below)!

Corrigendum to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004
on the coordination of social security systems

(Official Journal of the European Union L 166 of 30 April 2004)

Regulation (EC) No 883/2004 should read as follows:

REGULATION (EC) No 883/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 29 April 2004
on the coordination of social security systems

(Text with relevance for the EEA and for Switzerland)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 308 thereof,

- (3) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (*) has been amended and updated on numerous occasions in order to take into account not only developments at Community level, including judgments of the Court of Justice, but also changes in legislation at national level. Such factors have

L 376/36

EN

Official Journal of the European Union

27.12.2006

DIRECTIVE 2006/123/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 12 December 2006

on services in the internal market

Text:

According to both Art. 2 para. 2 lit. f and 22nd recital, health is excluded from the scope of the [Services Directive](#)¹, ...

or
According to both Art. 2 para. 2 lit. f and 22nd recital, health is excluded from the scope of [Directive 2006/123/EC](#)¹, ...

Only (!) first footnote: (i.e. you don't have to mention it in subsequent footnotes)

¹ Directive 2006/123/EC on services in the internal market, OJ 2006 L 376, p. 36.

Indicate the same information (or even more) in the reference list.

Reference list:

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ 2006 L 376, p. 36.

Being up-to-date:



Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, OJ 1985 L 210, p. 29, **as amended by OJ 1999 L 141, p. 20.**

- Text
- Document information**
- Procedure
- National transposition
- Summary of legislation
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Amended by:

Relation	Act	Comment	Subdivision concerned	From	To
All	All				
Incorporated by	21994A0103(53)				
Corrected by	31985L0374R(01)				
Corrected by	31985L0374R(02)	(SL)			
Amended by	31999L0034	Replacement	Article 2	04/06/1999	
<u>Amended by</u>	<u>31999L0034</u>	Amendment	Article 15.1	04/06/1999	

All consolidated versions:

- 04/06/1999
- 30/07/1985

Subsequent related instruments:

- Amendment proposed by 51997PC0478

Further information:

The 1st, 4th, 13th, and 18th **recitals** in the preamble to Directive 85/374 state ...

Article 1 of Directive 85/374 provides that “[t]he producer shall be liable for damage caused by a defect in his product”.

... without prejudice to the second **subparagraph** of Article 21(2)

... in accordance with Article 1(1)(**b**) = gemäß Artikel 1 Absatz 1 **Buchstabe b**)

Pursuant to the second **sentence** of Article 61(1) of the Statute of the Court of Justice of the European Union

Official Journal of the European Union

C 202



English edition

Information and Notices

Volume 59
7 June 2016

Contents

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Note to the reader (see page 2 of the cover)

Text:

According to Art. 56 TFEU “restrictions on freedom to provide services within the Union shall be prohibited”.

Only (!) first footnote (i.e. you don't have to mention it in subsequent footnotes) / **reference list:**

Consolidated version of the Treaty on the Functioning of the European Union, OJ 2016 C 202, p. 47, as corrected by OJ 2017 C 59, p. 1 and OJ 2017 C 400, p. 1.

Consolidated version of the Treaty on European Union, OJ 2016 C 202, p. 13, as corrected by OJ 2017 C 59, p. 1 and OJ 2017 C 400, p. 1.



EUR-Lex
Access to European Union law

Further information:

Article 130t of the EC Treaty (**subsequently, after amendment**, Article 176 EC)

... the second sentence of Article 30 EC (**now** the second sentence of Article 36 TFEU)

... according to Article 36 TFEU (**ex-Article** 30 EC) the free movement of goods ...

Regulation No 1408/71 was adopted pursuant to Article 51 of the EEC Treaty (**later** Article 51 of the EC Treaty, **subsequently, after amendment**, Article 42 EC, **now** Article 48 TFEU).

- *For example, in case of an older judgment referring to an outdated Treaty article (which has been amended and renumbered in the meantime), you should refer to the **new** numbering.*
- *However, it could also be the case that you inform the reader about the earlier version. Of course, this might only be necessary under exceptional circumstances (historical comparison etc.).*



The screenshot shows the EUR-Lex interface with search criteria: Domain: All, Subdomain: All documents, Number: 0404, Year: 2013, Type of act: COM and JOIN documents. The search results show one item: "Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union".

Information available in

- EUR-Lex
- (Former Prelex integrated into the EUR-Lex)
- [OEIL](#) (run by the EP)



EU legislation



Green paper

White paper

Proposal

Directive



Document 52013PC0404

Text

Document information

Procedure

 Save to My items

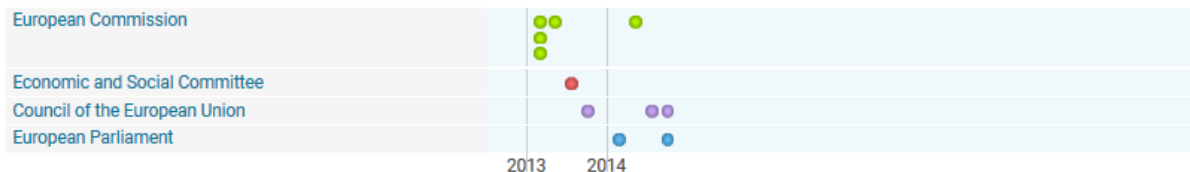
 Follow this procedure

 Permanent link

Procedure 2013/0185/COD


COM (2013) 404: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union

Adopted acts: 32014L0104




[Expand all](#) [Collapse all](#)

Legal basis:	Commission: TFUE/art 103, 114;
Procedure:	Ordinary legislative procedure (COD)
Type of file:	Proposal for a Directive Directive
EuroVoc thesaurus:	indemnification; dominant position; control of restrictive practices + More
Directory code:	08.20.00.00 Competition policy / Restrictive practices + More

▼  11/06/2013: Supplement [i](#)

Documents:	SWD/2013/203/FINAL CSST/2013/11381/ADD 1
CELEX number of the main document:	52013SC0203

▼  11/06/2013: Supplement [=](#)

Montag, 24.

[Bundesrecht](#)
[Landesrecht](#)
[Gemeinderecht](#)
[EU-Recht](#)
[Judikatur](#)
[Erlässe](#)
[Gesamtabfrage](#)
[Übersicht](#)

Bundesrecht konsolidiert

[Druckansicht](#)

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[→ Zum ersten Suchbegriff](#)
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Verweis auf dieses Dokument: [RIS - Bundesrecht konsolidiert - Konsumentenschutzgesetz § 0](#)

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[→ Gesamte Rechtsvorschrift zu einem Stichtag anzeigen](#)

N.B. Simplified illustration.



Montesquieu

Picture credit: <http://www.ighlittavo.it/materialidatci/Mozart/ragione.html>



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Legislature
(parliament)

Against arbitrariness (absolutism)
Limitation of power
Guaranteeing freedom

Judiciary
(courts)



Picture credit: http://www.rechtfreund.at/begriff_rechtfreund.htm

Executive
(administration)



Picture credit: <http://www.wienbilder.at/category/balhausplatz/>

Bundesrecht konsolidiert

Druckansicht

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Verweis auf dieses Dokument: [RIS - Bundesrecht konsolidiert - Konsumentenschutzgesetz § 0](#)

[→ Gesamte Rechtsvorschrift zum heutigen Tag anzeigen](#) [→ Gesamte Rechtsvorschrift zu einem Stichtag anzeigen](#)

English title	German title
Federal Constitutional Laws	Bundesverfassungsgesetze
Basic Law on the General Rights of Nationals date of the version: 1 February 2010	Staatsgrundgesetz, BGBl. Nr. 142/1867
Comprehensive protection of the environment date of the version: 1 February 2010	Umfassender Umweltschutz, BGBl. Nr. 491/1984
Federal Constitutional Act for a Nonnuclear Austria date of the version: 1 February 2010	Atomfreies Österreich, BGBl. I Nr. 149/1999
Federal Constitutional Act on the Accession of Austria to the European Union date of the version: 1 February 2010	Beitritt Österreichs zur Europäischen Union, BGBl. Nr. 744/1994
Federal Constitutional Law - B-VG date of the version: 1 April 2010	Bundes-Verfassungsgesetz - B-VG, BGBl. Nr. 1/1930
Federal Constitutional Act on Elimination of Racial Discrimination date of the version: 1 November 2013	BVG über die Beseitigung rassistischer Diskriminierung, BGBl. Nr. 390/1973

The Austrian Federal Constitutional Law (Art. 10 ff.) indicates, if the Federal or the Regional level is **competent** for a certain issue.

Bundesrecht Landesrecht Gemeinderecht EU-Recht Judikatur Erlässe Gesamtabfrage Übersicht

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[→ Gesamte Rechtsvorschrift zum heutigen Tag anzeigen](#) [→ Gesamte Rechtsvorschrift zu einem Stichtag anzeigen](#)

Kurztitel

Konsumentenschutzgesetz

Hauptdokument



Kundmachungsorgan

[BGBl. Nr. 140/1979](#)

Official gazette, number and year of publication

Typ

BG

§/Artikel/Anlage

§ 0

Date of entry into force

Inkrafttretensdatum

01.10.1979

Außerkrafttretensdatum

Abkürzung

[KSchG](#) >

Index

20/06 Konsumentenschutz

Title of legal act

Type of legal act

Date of adoption

Langtitel

Bundesgesetz vom 8. März 1979, mit dem Bestimmungen zum Schutz der Verbraucher getroffen werden (Konsumentenschutzgesetz -

[KSchG](#))

StF: [BGBl. Nr. 140/1979](#) (NR: GP XIV [RV 744 AB 1223 S. 122](#), BR: [AB 2003 S. 385.](#))

Änderung

[BGBl. Nr. 135/1983](#) (NR: GP XV [RV 669 AB 1337 S. 144](#), BR: [2654 AB 2660 S. 432.](#))

[BGBl. Nr. 456/1984](#) (NR: GP XVI [IA 87/A AB 415 S. 65](#), BR: [2884 AB 2893 S. 453.](#))

IA: „Initiative motion“ -> „Initiativantrag“ ([Link](#))

[BGBl. I Nr. 185/1999](#) (NR: GP XX [RV 1998](#) [AB 2062](#) [S. 180](#). BR: [AB 6063](#) [S. 657.](#))
[CELEX-Nr.: [397L0007](#), [397L0055](#), [398L0027](#), [399L0034](#)]

[BGBl. I Nr. 48/2001](#) (NR: GP XXI [RV 422](#) [AB 522](#) [S. 62](#). BR: [AB 6348](#) [S. 676.](#))
[CELEX-Nr.: [399L0044](#)]

[BGBl. I Nr. 98/2001](#) (NR: GP XXI [RV 621](#) [AB 704](#) [S. 75](#). BR: [6398](#) [AB 6424](#) [S. 679.](#))

[BGBl. I Nr. 111/2002](#) (NR: GP XXI [RV 1117](#) [AB 1149](#) [S. 107](#). BR: [6668](#) [AB 6681](#) [S. 689.](#))
[CELEX-Nr.: [391L0308](#), [32001L0019](#), [32001L0097](#)]

[BGBl. I Nr. 91/2003](#) (NR: GP XXII [RV 173](#) [AB 212](#) [S. 32](#). BR: [AB 6865](#) [S. 701.](#))

[BGBl. I Nr. 12/2004](#) (NR: GP XXII [RV 202](#) [AB 377](#) [S. 46](#). BR: [6965](#) [S. 705.](#))

[BGBl. I Nr. 62/2004](#) (NR: GP XXII [RV 467](#) [AB 490](#) [S. 62](#). BR: [AB 7047](#) [S. 710.](#))
[CELEX-Nr.: [32002L0065](#)]

[BGBl. I Nr. 92/2006](#) (NR: GP XXII [RV 1420](#) [AB 1511](#) [S. 153](#). BR: [AB 7566](#) [S. 735.](#))

[BGBl. I Nr. 60/2007](#) (NR: GP XXIII [RV 143](#) [AB 182](#) [S. 30](#). BR: [7726](#) [AB 7750](#) [S. 747.](#))
[CELEX-Nr.: [32004L0039](#), [32006L0031](#), [32006L0049](#), [32006L0073](#)]

[BGBl. I Nr. 21/2008](#) (NR: GP XXIII [AB 321](#) [S. 40](#). BR: [AB 7814](#) [S. 751.](#))

[BGBl. I Nr. 66/2009](#) (NR: GP XXIV [RV 207](#) [AB 213](#) [S. 27](#). BR: [AB 8117](#) [S. 772.](#))
[CELEX-Nr.: [32007L0064](#), [32009L0014](#)]

[BGBl. I Nr. 28/2010](#) (NR: GP XXIV [RV 650](#) [AB 652](#) [S. 60](#). BR: [8303](#) [AB 8305](#) [S. 784.](#))
[CELEX-Nr. [32008L0048](#)]

[BGBl. I Nr. 107/2010](#) (NR: GP XXIV [RV 982](#) [AB 1002](#) [S. 86](#). BR: [AB 8430](#) [S. 791.](#))
[CELEX-Nr.: [32009L0110](#)]

[BGBl. I Nr. 22/2011](#) (NR: GP XXIV [RV 1007](#) [AB 1108](#) [S. 99](#). BR: [8465](#) [AB 8468](#) [S. 795.](#))

[BGBl. I Nr. 77/2011](#) (NR: GP XXIV [RV 1254](#) [AB 1326](#) [S. 114](#). BR: [AB 8561](#) [S. 799.](#))
[CELEX-Nr.: [32009L0065](#), [32010L0043](#), [32010L0044](#), [32010L0078](#)]

[BGBl. I Nr. 100/2011](#) (NR: GP XXIV [RV 317](#) [AB 523](#) [S. 124](#). BR: [8582](#) [AB 8594](#) [S. 801.](#))
[CELEX-Nr.: [32006L0123](#)]

[BGBl. I Nr. 50/2013](#) (NR: GP XXIV [RV 2111](#) [AB 2178](#) [S. 191](#). BR: [AB 8910](#) [S. 818.](#))
[CELEX-Nr.: [32011L0007](#), [32011L0090](#)]

Last amendment (to be indicated)

BGBl. I 225/2021

Text:

According to § 3 of the Austrian Federal Act Governing Provisions to Protect Consumers (Konsumentenschutzgesetz, “the KSchG”)¹ ...

According to § 3 Konsumentenschutzgesetz of 1979¹ ...

Three possibilities of mentioning a national law in the text. Use the one that makes most sense in this context.

According to § 3 Konsumentenschutzgesetz (1979)¹ ...

Only (!) first footnote:

¹ Austrian Federal Act Governing Provisions to Protect Consumers, BGBl. 140/1979, **as amended by** BGBl. I 225/2021.

As RIS provides for a translation, you can use the English title. In the reference list you can also mention the original German title.

Reference list:

Austrian Federal Act Governing Provisions to Protect Consumers (Konsumentenschutzgesetz, “the KSchG”), BGBl. 140/1979, as amended by BGBl. I 225/2021.

Text:

According to the Law on air pollution (Immissionsschutzgesetz-Luft, “the IG-L”)¹

Only (!) first footnote:

¹ Law on air pollution, BGBl. I 115/1997.

Reference list:

Tyrolean law on air pollution (Immissionsschutzgesetz-Luft, “the IG-L”), BGBl. I 115/1997.

*N.B. By far **not all** Austrian laws have been translated into English. **Always check** if this translation corresponds to the most up-to-date German language version, as this often might not be the case!*

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Austrian Laws

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BUNDESGESETZBLATT **FÜR DIE REPUBLIK ÖSTERREICH**

Official gazette

Year of publication

Date of publication

Number of publication

Part of official gazette
(see [Link](#))

Type of legal act

Jahrgang 2013	Ausgegeben am 2. Juli 2013	Teil I
109. Bundesgesetz:	Gesellschaftsrechts-Änderungsgesetz 2013 – GesRÄG 2013 (NR: GP XXIV RV 2356 AB 2368 S. 206, BR: AB 9014 S. 822.)	

109. Bundesgesetz, mit dem das GmbH-Gesetz, die Insolvenzordnung, das Notariatstarifgesetz, das Rechtsanwalstarifgesetz und das Körperschaftsteuergesetz 1988 geändert werden (Gesellschaftsrechts-Änderungsgesetz 2013 – GesRÄG 2013)

Title of legal act

“Author”

Der Nationalrat hat beschlossen:

Inhaltsverzeichnis

Artikel 1	Änderung des GmbH-Gesetzes
Artikel 2	Änderung der Insolvenzordnung
Artikel 3	Änderung des Notariatstarifgesetzes
Artikel 4	Änderung des Rechtsanwalstarifgesetzes
Artikel 5	Änderung des Körperschaftsteuergesetzes 1988
Artikel 6	Schluss- und Übergangsbestimmung

Artikel 1

Änderung des GmbH-Gesetzes

Das GmbH-Gesetz, RGBl. Nr. 58/1906, zuletzt geändert durch das Bundesgesetz BGBl. I Nr. 53/2011, wird wie folgt geändert:

1. In § 4 Abs. 3 erster Satz wird die Wendung „Beurkundung durch einen Notariatsakt“ durch die Wendung „Form eines Notariatsakts“ ersetzt.

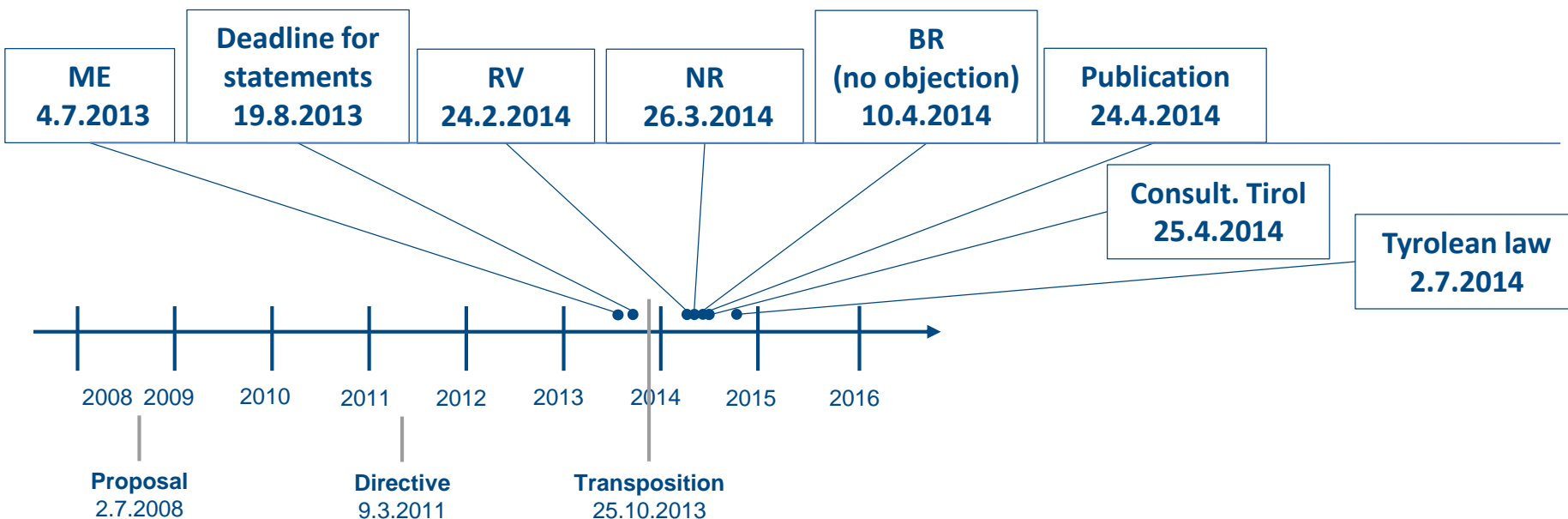
2. In § 6 Abs. 1 wird der Betrag „35 000“ durch den Betrag „10 000“ ersetzt.

Further information:

Bundesgesetzblatt (Austrian Federal Law Gazette, referred to from here on as BGBl.)

N.B.: Landesgesetzblatt für Tirol = State Law Gazette of Tyrol

Government bill (Regierungsvorlage): ErläutRV 33 BlgNR. 25. GP
Draft bill (Begutachtungsentwurf): ME EU-PMG, BMG-90000/0109-II/A/2013 25. GP
Draft bill (Begutachtungsentwurf): ME EU-PMG, 540/ME 25. GP ([Link](#))



Committee reports (Ausschussberichte):

AB 823 BlgNR. 22. GP 6

Government bills (Regierungsvorlagen):

Erläut. **RV 2356** BlgNR. **24. GP**, p. 11

Draft bills (Begutachtungsentwürfe):

ME FamRÄG 2008, 198/ME 23. GP

BUNDESGESETZBLATT

FÜR DIE REPUBLIK ÖSTERREICH

Jahrgang 2013

Ausgegeben am 2. Juli 2013

Teil I

109. Bundesgesetz:

Gesellschaftsrechts-Änderungsgesetz 2013 – GesRÄG 2013

(NR: **GP XXIV** **RV 2356** AB 2368 S. 206. BR: AB 9014 S. 822.)

- The **Government bill** will express the “Legislative’s opinion” in the most frequent case that not the Parliament itself, but the Government (executing those laws) makes a proposal for amendment to a certain law. (N.B. Of course Parliament has to vote on this law.) This document has to be adopted by the whole (!) **Government** (see also [Link](#)).
- A **draft bill** is drafted by the competent **Ministry** (see also [Link](#)).

Only (!) first footnote / reference list:
Government bills (Regierungsvorlagen):

ErläutRV 2356 BlgNR 24. GP, p. 11

2356 der Beilagen XXIV. GP - Regierungsvorlage - Vorblatt, WFA und Erläuterungen

1 von 17

1 von 17

Vorblatt

Ziel(e)

- Steigerung der Anzahl der GmbH-Gründungen

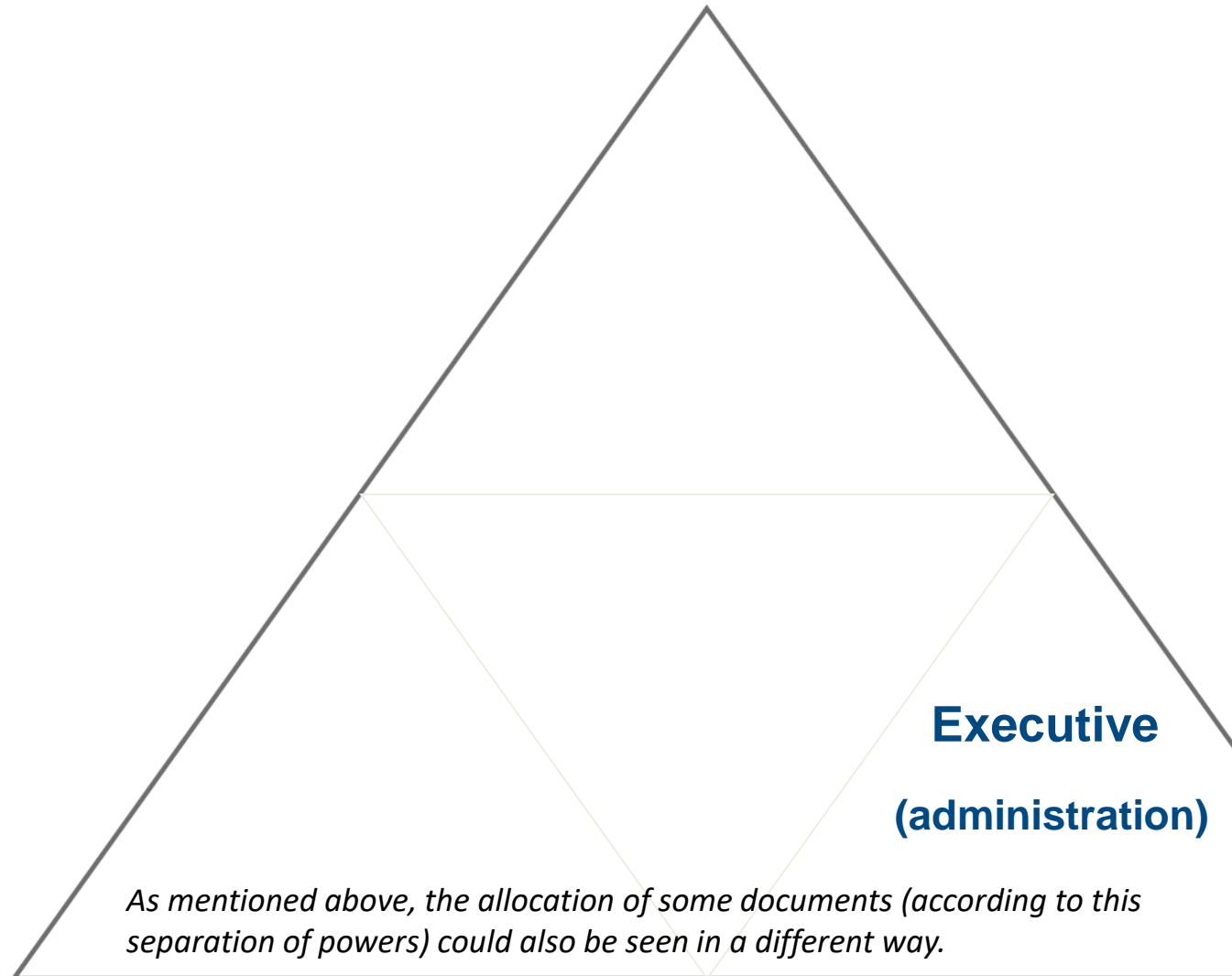
Inhalt

Das Vorhaben umfasst hauptsächlich folgende Maßnahme(n):

- Absenkung des Mindeststammkapitals
- Reduktion der Gründungskosten

[BGBI. I Nr. 58/2010](#) (NR: GP XXIV [RV 771](#) [AB 840](#) [S. 74](#), BR: [8354](#) [AB 8380](#) [S. 787](#).)
[BGBI. I Nr. 111/2010](#) (NR: GP XXIV [RV 981](#) [AB 1026](#) [S. 90](#), BR: [8437](#) [AB 8439](#) [S. 792](#).)
[CELEX-Nr.: [32010L0012](#)]
[BGBI. I Nr. 53/2011](#) (NR: GP XXIV [RV 1252](#) [AB 1278](#) [S. 113](#), BR: [AB 8548](#) [S. 799](#).)
[CELEX-Nr.: [32009L0109](#)]
[BGBI. I Nr. 109/2013](#) (NR: GP XXIV [RV 2356](#) [AB 2368](#) [S. 206](#), BR: [AB 9014](#) [S. 822](#).)

Finanzielle Auswirkungen auf den Bundeshaushalt und andere öffentliche Haushalte:





Text

Document information

Procedure

National transposition

Implementation
by Member
States

Summary of legislation

Save to My items

Permanent link

Download notice

Follow this document

Relationship between documents

Treaty: Treaty on the Functioning of the European Union

Legal basis:

- 12010E114
- 12010E168
- 12010E294

Proposal:

- 52008PC0414

Select all documents based on this document

Implementation by Commission

Select all implementing acts based on this document

Select all delegated acts based on this document

Select all legislative procedures based on this document

Select all documents mentioning this document

Amended by:

Being up-to-date

Relation	Act	Comment	Subdivision concerned	From	To
All	All				
Corrected by	32011L0024R(01)	(SV)			
Corrected by	32011L0024R(02)	(SV)			
Amended by	32013L0064	Addition	Article 21 .3	01/01/2014	

All consolidated versions:

- 01/01/2014

Subsequent related instruments:

Amendment proposed by 52018PC0051

The screenshot shows a document interface with a left sidebar and a main content area. The sidebar contains the following items: 'Text', 'Document information' (highlighted), 'Procedure', 'National transposition', 'Summary of legislation', 'Save to My items', 'Permanent link', 'Download notice', and 'Follow this document'. The main content area has a dropdown menu 'Relationship between documents' which is expanded to show several options: 'Treaty: Treaty on the Functioning of the European Union', 'Legal basis:' with sub-items '- 12010E114', '- 12010E168', and '- 12010E294', 'Proposal:' with sub-item '- 52009PC0414', and four selection options: 'Select all documents based on this document' (circled in blue), 'Select all implementing acts based on this document', 'Select all delegated acts based on this document', and 'Select all legislative procedures based on this document'. The text 'Implementation by Commission' is visible to the right of the circled option.

Directive 2011/24/EU of the **European Parliament and of the Council** of 9 March, 2011 on the application of patients' rights in cross-border healthcare, OJ 2011 L 88, p. 45, as amended by OJ 2013 L 353, p. 8.



Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measures to facilitate the recognition of medical prescriptions issued in another Member State, OJ 2012 L 356, p. 68.

Hierarchy of norms:

Primary EU law

Treaty on the Functioning of the European Union, OJ 2016 C 202, p. 47 (consolidated version).

Treaty on European Union, OJ 2016 C 202, p. 13 (consolidated version).

N.B. Corrigenda as indicated *supra*.



Secondary EU law

Directive 2011/24/EU of the **European Parliament and of the Council** of 9 March, 2011 on the application of patients' rights in cross-border healthcare, OJ 2011 L 88, p. 45, as amended by OJ 2013 L 353, p. 8.



"Tertiary" EU law

Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measures to facilitate the recognition of medical prescriptions issued in another Member State, OJ 2012 L 356, p. 68.

Delegated acts Expert group meetings

Home

Interinstitutional register of delegated acts

This register gives you access to the various steps in the preparation, adoption, scrutiny and publication of delegated acts.

Search for a delegated act

Explore what are you looking for by topic



Delegated acts

You can find delegated acts adopted or in preparation



Expert group meetings

You can look for meetings of expert groups discussing draft delegated acts



Subscriptions

Registered users can subscribe to receive notifications about delegated acts



“Tertiary” EU law

What are delegated acts?

Delegated acts supplement or amend existing legislation.



- Press release (13 Dec 2017): <http://bit.ly/2C4HE8C>
- Register: <https://webgate.ec.europa.eu/regdel/#/home>
- Tweet: <https://twitter.com/MaFrischhut/status/941254265904906240>

Text:

The Landeshauptmann (First Minister) of the Province of Tyrol on May, 18 2016, on the basis of the IG L, adopted a regulation prohibiting the carrying of certain goods on the A 12 motorway in the Inn valley (sectoral traffic prohibition).¹

Only (!) first footnote:

¹ Verordnung des Landeshauptmannes vom 18. Mai 2016, mit der auf einem Abschnitt der A 12 Inntal Autobahn der Transport bestimmter Güter im Fernverkehr verboten wird (Sektorales Fahrverbot-Verordnung), LGBl. 44/2016, as amended by LGBl. 81/2019.

Reference list:

Verordnung des Landeshauptmannes vom 18. Mai 2016, mit der auf einem Abschnitt der A 12 Inntal Autobahn der Transport bestimmter Güter im Fernverkehr verboten wird (Sektorales Fahrverbot-Verordnung); Regulation prohibiting the carrying of certain goods on the A 12 motorway in the Inn valley, LGBl. 44/2016, as amended by LGBl. 81/2019.

*In this case, RIS does **not** provide for a **translation**. Therefore, you can use the German title. In the reference list you can also mention the translated English title.*

Use **footnotes**

Try to be **as precise as possible** (indicate pages for both direct and indirect citations).

Reference list

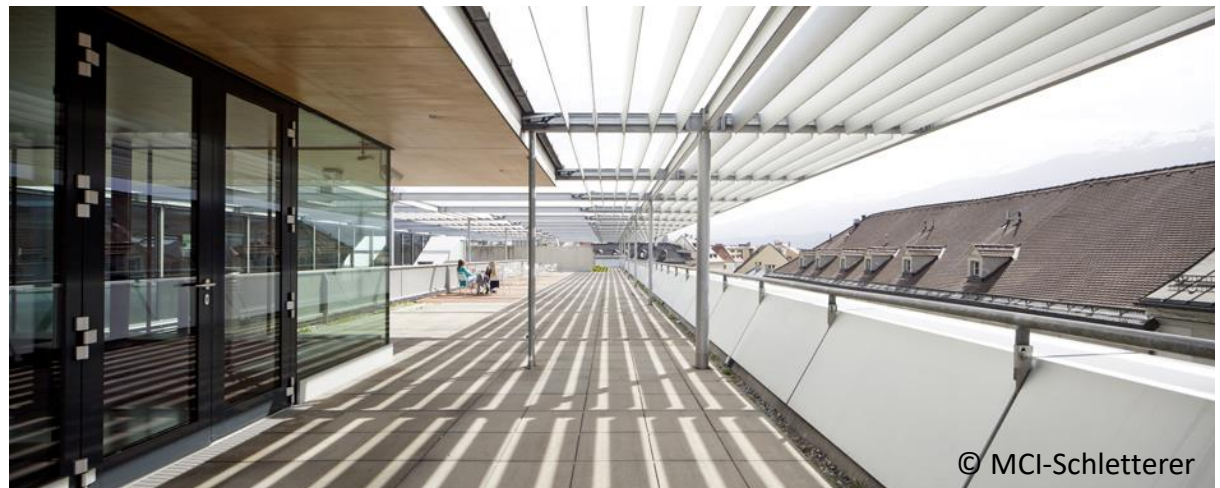
- Literature (*Books, journal articles etc.*)
- Legal acts etc.
- Court cases etc.

Principle of uniformity

Legal provisions (EU Primary and Secondary law, national law) are only referenced once, i.e. in the first footnote that refers to the relevant statutory provision

“Ensure that your legal references are **accurate** and contain all of the information necessary to **enable the reader to locate** the material being referenced.”

(American Psychological Association, **2010**, p. 216)



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The following documents are **only** (!) mentioned **in** the **first footnote**, not (!) in the following ones.

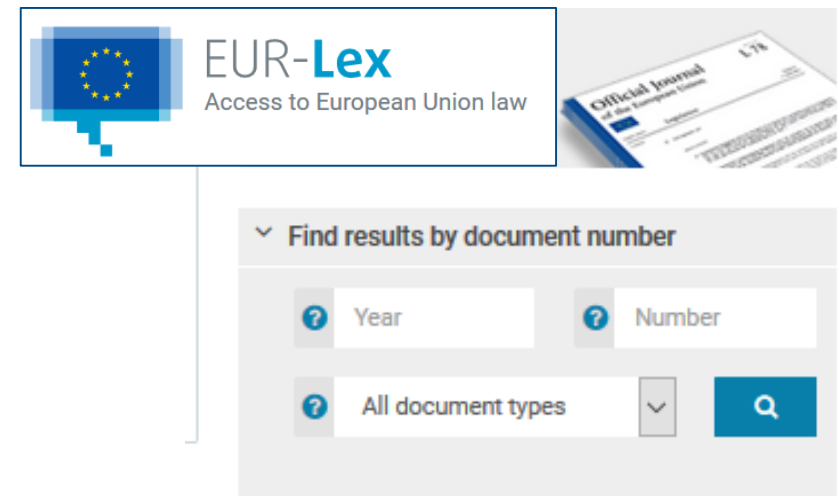
- EU Primary law: TEU, TFEU, CFR
- EU Secondary law: e.g. Services Directive
- National (federal and regional) statutory law: e.g. KSchG
- National administrative and executive materials

Legal provisions (EU Primary and Secondary law, national law) are only referenced once, i.e. in the first footnote that refers to the relevant statutory provision

If a document (Court decision, Legal act, etc.) can be retrieved from a **database** based on **sufficient indication** of information (normally type of document, year, number), then there is **no need** to indicate a **URL**.



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Dr. Markus Frischhut, LL.M.

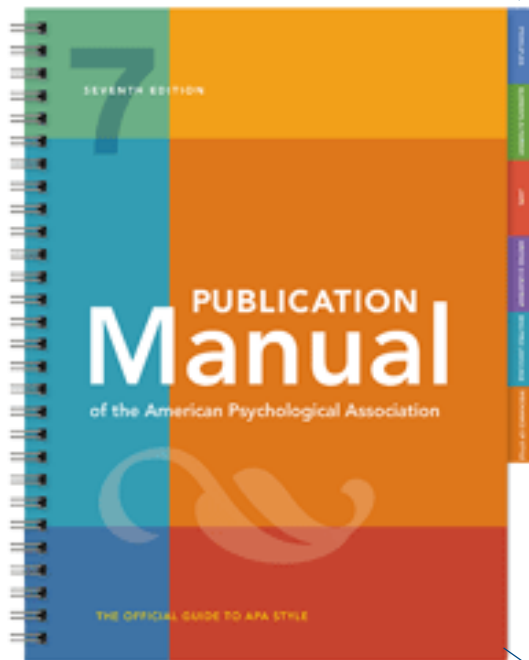
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mentoring the motivated.



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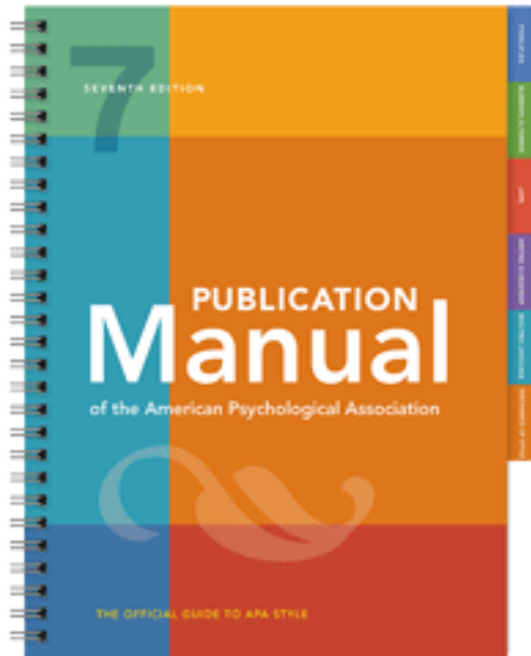
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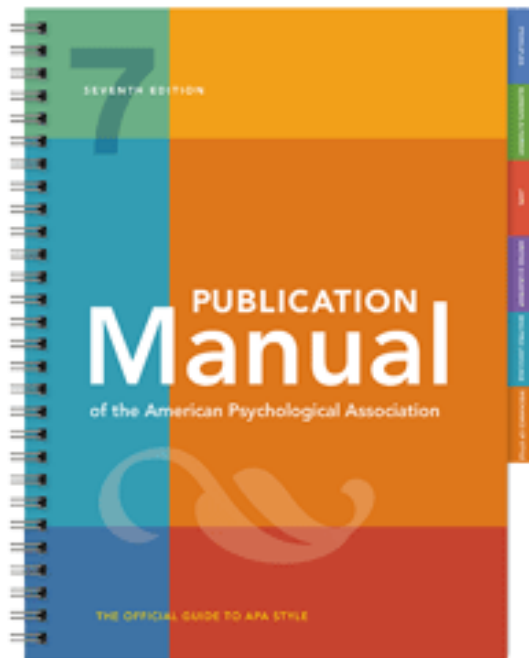
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APA Ethics Code: “principles of beneficence and nonmaleficence, fidelity and responsibility, integrity, justice, and respect by the scientific community relative to advances in science and technology and evolving cultural norms” (p. 11)

Example of unethical research: **not to include** reports etc. that **would be of relevance** for the topic, **but do not support** the preferred narrative (p. 12)

Definition conflict of interest: “involving ‘personal, scientific, professional, legal, financial or other interests or relationships’ that could negatively affect professional conduct or cause harm to persons with whom the professional interacts” (p. 23)



Required approach: “In all scientific disciplines, professional communications are presumed to be based on **objective** and **unbiased** interpretations of evidence. **Transparency** about researcher’s positions in relation to their evidence and interpretations is central. For example, **author’s** economic and commercial **interests** in products and services may color their ability to collect evidence and interpret it with fidelity. [...] the integrity of the field requires **open and honest disclosure** of the possibilities of such influences when they may exist.” (p. 23; emphases added)

“In general, an author’s **safest and most transparent** course of action **is to disclose** in an author note activities and relationships that, if known to others, might be viewed as a conflict of interest, even if the author does not believe that any conflict of bias exists.” (p. 23; emphases added)

1.17 Implications of Plagiarism and Self-Plagiarism

Plagiarism is the act of presenting the words, ideas, or images of another as one's own; it denies authors credit where credit is due. Whether deliberate or unintentional, plagiarism violates ethical standards in scholarship (see APA Ethics Code Standard 8.11, Plagiarism) and has profound real-world effects. Authors who try to publish plagiarized work face rejection from publication, as well as possible sanction by professional bodies, censure in their place of employment, and/or exclusion from applying for federal funding. Students who turn in a plagiarized assignment face a failing grade, as well as possible censure from a student or university honor board, suspension, or expulsion. *Self-plagiarism* is the act of presenting one's own previously published work as original; it misleads readers and falsely inflates the number of publications on a topic. Like plagiarism, self-plagiarism is unethical. To learn more about what constitutes plagiarism and self-plagiarism and how to avoid both, see Sections 8.2 and 8.3.