ARTICLES

USING THE HISTORICAL ARCHIVES OF THE EU TO STUDY CASES OF CJEU – SECOND PART

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COMMISSION V BELGIUM AND ITS *DOSSIER DE PROCÉDURE*: A NEW RESOURCE FOR SOCIO-LEGAL RESEARCH

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ABSTRACT: In its final decision of 26 May 1982, the Court of Justice established which of two competing interpretations of the public service exception in art. 48(4) of the EEC Treaty (currently art. 45 TFEU) would define the ambit of free movement of workers to this day. Out of nine Member States, four were actively involved in the proceedings, showing the controversy and importance surrounding the implementation of free movement in the public service of domestic legal orders in this early stage of European integration. Findings from an analysis of the *dossier* for *Commission v Belgium* were gathered in reports drafted as part of a fascinating project on the "Court of Justice in the Archives". This *Article* showcases the interconnectedness of actors, institutions and procedure that emerges from the *dossier*. The legal reasoning underpinning the case is re-evaluated on the basis of submissions and the evidence contained in the *dossier*. The illustrations selected for this *Article* demonstrate how the *dossier* can be deployed as a new instrument to further socio-legal and legal research on the jurisprudence and practice of the European Community.

KEYWORDS: free movement of workers – derogations – employment in the public service – infringement procedure – legal and socio-legal research methods – archival resources.

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I. Introduction

Digging up dusty old case files in this digital day and age? What gains could possibly merit sneezing over the Court of Justice's 40 year-old labour? Fortunately, precautions were taken: the archivists at the Historical Archives of the European Union furnished my colleagues and me with high quality digital (even searchable) scans of the *dossiers de procédure*. A number of "landmark cases" for European Community law were selected for this project,[1] which is aimed at exploring these precious paper treasures. Case 149/79 *Commission v Belgium* is one of those cases where the Court of Justice of the European Union (the CJEU) took a decisive step towards an integrated labour market in Europe.[2] This *Article* shares a number of striking highlights that surfaced from the *dossier* for *Commission v Belgium*,[3] and proposes a number of ways in which this newly available resource can be mobilised towards legal, historical and socio-legal research.

The top findings chosen here to illustrate the *dossier*'s potential are presented under four headings corresponding to four thematic clusters that structured the reports drawn up for the wider project. For reasons of clarity, these findings are presented separately, whilst they often intertwine and strengthen each other. The first heading gathers findings on the dynamic between the case and its context and how the *dossier* can be used to improve the researcher's understanding of both. The second theme discusses the *dossier*'s potential to re-evaluate the legal reasoning underpinning the Court's older case law. The third element highlights the *dossier*'s potential to unlock insights into procedural practice associated with enforcement of Community law. The fourth and final thematic cluster gathers findings on the appearance of actors and institutions throughout the *dossier*.

The selection of examples for this *Article* demonstrates a variety of findings: discoveries in the *dossier* itself, findings about what was surprisingly absent from the *dossier*, and elements that inspire further comparative research across different case files. These examples are the result of the analysis of the single *dossier* for *Commission v Belgium* and stem from a very individual experience. Where suggestions are made as to the potential advantage of recourse to *dossiers* for specific types of research, two qualifications should be kept in mind. First, these claims are not in any way exhaustive. Second, these claims are not necessarily generalisable to the *dossiers* related to other case files. That said, this *Article* does aim to give readers an indication of what they *might* find in other *dossiers* stored at the Historical Archives of the European Union in Florence.

[1] The Court of Justice in the Archives, project website: ecjarchives.eui.eu.

[2] Case 149/79 *Commission v Belgium* ECLI:EU:C:1980:297.

[3] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112/13/14. The *dossier* for *Commission v Belgium* totalled 728 digital pages, covering three separate volumes. The references to documents in the *dossier* refer to the digital page of the pdf-files corresponding to each of the three volumes. Information on its holdings in the Historical Archives of the European Union can be found here: archives.eui.eu.

For starters, however, the following paragraph will briefly outline the facts of the case and the legal question that arose in *Commission v Belgium* to provide readers with the necessary background information.

II. Case 149/79 *Commission v Belgium*

In post-war Western Europe, the workload of the State gradually diversified and expanded beyond its traditional public administrative tasks. More and more activities of an industrial or commercial nature were embedded in entities constituted or governed by public law, such as development and management of railways, provision of energy, and services to support the administrative public service in various ways. Art. 48 of the EEC Treaty (currently art. 45 TFEU) instituted the area of free movement for workers within the Community,[4] as a result of which foreign Community workers were more and more engaged in the labour market of different Member States.

Art. 48(4) of the EEC Treaty (art. 45(4) TFEU) provided a derogation to the principle of free movement for workers.[5] Member States had traditionally excluded foreign Community workers from positions organised within the public service, including those positions of an industrial or commercial nature. In the early 1970s in Belgium, various vacancies announced with the National Belgian Railway Company and with decentralised public entities required Belgian nationality for admission, including posts such as electricians, unskilled workers, hospital and children's nurses and night watchmen.[6] Convinced that this practice exceeded the objective of the derogation clause, the European Commission (the Commission) initiated the infringement procedure of art. 169(1) of the EEC Treaty (currently art. 258(1) TFEU) against Belgium.

The report for the hearing in the interim judgment stated the Commission's position that the derogation in art. 48(4) of the EEC Treaty (art. 45(4) TFEU) should not apply to positions organised in the public service that are no different from activities of a commercial or industrial nature organised in the private sector.[7] As such, the Commission proposed a functional interpretation of the derogation clause, according to which it would only apply to those positions involving "traditional" duties and responsibilities of the public service. In this view, only positions related to State interests could justify limiting free movement. Positions would only qualify as public service positions when the duties associated met factual criteria that justified its application. In line with the standard

[4] Art. 48(1)-(3) of the EEC Treaty: "*1)* The free movement of workers shall be ensured within the Community not later than at the date of the expiry of the transitional period. *2)* This shall involve the abolition of any discrimination based on nationality between workers of the Member States, as regards employment, remuneration and other working conditions. *3)* It shall include the right, subject to limitations justified by reasons of public order, public safety and public health: *a)* to accept offers of employment actually made".

[5] Art. 48(4) of the EEC Treaty: "*4)* The provisions of this Article shall not apply to employment in the public administration".

[6] *Commission v Belgium* ECLI:EU:C:1980:297 cit. 3884.

[7] *Ibid.* 3885.

practice at the time, the four Member States involved (out of nine at the time), advocated for the institutional interpretation, according to which the derogation of art. 48(4) of the EEC Treaty (art. 45(4) TFEU) would apply to any position organised within an entity governed by public law. In its preliminary judgment in *Commission v Belgium* the Court settled the question of whether the concept "employment in the public service" should be construed as a functional or institutional concept in Community law.

Advocate General (AG) Mayras delivered his interim Opinion in line with the Commission's reasoning. Following the functional concept of public service employment, the Court established factual criteria to assess the scope of the derogation. Ever since, art. 48(4) of the EEC Treaty (art. 45(4) TFEU) applies only to positions "connected with the specific activities of the public service in so far as it is entrusted with the exercise of powers conferred by public law and with responsibility for safeguarding the general interests of the State".[8] With this decision, the Court took an important step in the consolidation of the area of free movement for workers and the ensuing integration of the labour market in the European Community. Accessing the *dossier* provided an opportunity to engage with the parties' submissions, yielding other insights about the context of the case, which ties to the following discussion of the first thematic cluster.

III. The context/case dialectic

Understanding the contemporary context of a dispute is crucial to understanding its merits. Analysing the original case files holds tremendous potential in that sense.

From a thorough reading of the *dossier* for *Commission v Belgium,* indications emerged that contributed to a better understanding of the context of the case. Let us take, for instance, the timeline of the case. The examples of postings for job offers for the Belgian National Railway Company dating back to 1973 and 1974 annexed to the petition did not refer to the public nature of the position itself or the duties associated with it.[9] The preliminary judgment also referred to a letter from the Commission addressed to the Belgian government dated 1 April 1977.[10] That letter, annexed to the petition as the first piece of evidence, actually referred to an earlier letter dated 23 January 1974. The same goes for other examples of job offers dating back to 1975 and 1976 with public administrations at the local level, submitted during the oral phase in the first round of proceedings. A further reading of the petition and the letters submitted in evidence provided a rich sketch of how the public service gradually expanded the reach of its activities

[8] Case 149/79 *Commission v Belgium* ECLI:EU:C:1982:195 1851 para. 7.

[9] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 18 cit., Doc 1, Annex I Examples of job offers; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4113 13 cit., Doc 99, Annex I Offre d'emploi de la Société Nationale des Chemins de Fer Vicinaux and Doc 100, Annex I Offres d'emploi auxquelles la Commission fait référence dans sa requête.

[10] *Commission v Belgium* ECLI:EU:C:1982:195 cit. 1885 para. 2.

beyond the traditional duties of the state. The Belgian government explained how the problem was linked to its complex structure of defederalised competences spread over different layers of the public enterprise.[11] These indications illustrate the *dossier*'s potential to reconstruct the context preceding formal exchanges linked to the case itself.

Reading additional secondary sources concerning the context of the case also led to a better understanding of how the case unfolded. Secondary sources helped to place this into the Belgian historical context of post-war migration policy. Since the 1950s, Belgium intentionally recruited workers from abroad for heavy labour such as in the extraction industry, often for low wages and against other discriminatory conditions.[12] When the labour market had reached a point of saturation, the Belgian government announced a "migration stop" in 1974.[13] The Belgian policy of attracting migrant workers marks a point where we know workers from different nationalities were contending for positions in industrial and commercial activities. The context of the Belgian labour market at the time helps explain why the question of whether or not to open up jobs in industrial or commercial activities organised by public administrations would become relevant towards the end of the 1970s. This example illustrates how the information contained in the *dossier* allows a reconstruction of the context surrounding the dispute beyond the timeline of its formal proceedings, which can be strengthened with additional (secondary) sources.

The submissions contained other surprises as to its substance, or rather, as to what was missing from it. Even though the eradication of discrimination on the basis of nationality within the Community was central to the objectives of free movement for workers, very little legal reasoning engaged with the consequences of the functional or institutional concept of public service employment for discrimination against foreign workers. The focus of the argumentation was entirely on the inefficiency of applying factual criteria to assess the public nature of employment. In its submission for defence, the Belgian government carefully avoided even using the term "discrimination";[14] only in its rejoinder did Belgium submit a single counterargument as to how the Commission's interpretation would expose foreign community nationals to an even "greater" form of discrimination. According to the Belgian government, following a functional criterion, a number of positions traditionally associated with career tracks would be open to foreign workers. They would later on have to

[11] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 29 cit. Doc 1, Annex V Letter by J van der Meulen R/S04/90/300/70.830 of the Permanent Representation of Belgium of 15 January 1979: "[...] en réalité, cette question concerne l'appareil administratif belge au sens le plus large, c'est-à-dire les administrations de l'État, des provinces, des communes et, dans l'avenir, des régions de même que celles des établissements publics en général".

[12] K Pittomvils, 'Het ABVV, arbeidsmigranties en "gastarbeiders" in de periode 1960-1974: internationalisme versus nationale verdediging' (1997) Belgisch Tijdschrift voor Nieuwste Geschiedenis 431, 442.

[13] *Ibid*. 431.

[14] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 66 cit., Doc 13 Submission of defence.

be barred from certain promotions to positions involving duties and legitimate State interests, which would fall within the scope of the derogation clause.[15]

Germany and France concurred with this argument, each illustrating the practical difficulties of applying a functional concept of public service employment in their own public legal orders.[16] Germany went even further, arguing that it can hardly be expected not to discriminate against foreign community nationals, when in its own federalised legal order, they would deny admission to public service employment to German nationals originating from a different federal state.[17] The UK did not even raise any arguments in relation to the principle of non-discrimination. It seems as if the Member States preferred an objective criterion that would systematically limit the free movement of workers and discriminate against many potential applicants. They seemed to attach relatively little importance to the eradication of discrimination as an objective underpinning free movement for workers. This example also speaks to the socio-political context of the case which could only be evaluated thanks to analysis of the full written submissions included in the *dossier*.

These two examples neatly showcase the *dossier*'s added value for the pursuit of legal research in a historical context (or *vice versa*). Moving on to the second thematic cluster, the *dossier* presented another opportunity, namely, to revisit the legal arguments put forth by the Court and the AG by comparing the contents of the judgment to the submissions of the parties.

IV. Findings on legal reasoning to strengthen doctrinal research

The *dossier* for *Commission v Belgium* contains all of the full written submissions, in their original language version and French translations, including all the evidence submitted by the parties. The availability of the full written submissions in their original language versions seemed, at first, to hold some promise of revelation. Surely a comparison between the detailed argumentations of the five parties involved and the publicly available materials of the case would yield new insights. In the past, the Court used to publish its decisions together with the report for the hearing, which contained a summary of the arguments raised in the submissions. As long as the case files were closed, one could only guess to what extent the report for the hearing represented a complete and adequate summary of the parties' submissions.

[15] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 143 cit., Doc 33 Submission of rejoinder.

[16] *Commission v Belgium* ECLI:EU:C:1982:195 cit. 1904 para. 22; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 233 cit., Doc 79 Submission of intervention by Germany and French translation; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 272 cit. Doc 80 Submission of intervention by France.

[17] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 244-246 cit., Doc 79 Submission of intervention by Germany and French translation.

Alas, a thorough comparison of the (sometimes lengthy) submissions, however, did not uncover any grand revelations, important details or arguments that were left out of the report. This demonstrates the high quality of the report for the hearing, rather than the novelty of the *dossier*. But that is in fact good news. It is a testament to the Court's work. Only some years ago, the Court published documentation concerning its internal practices that went beyond the scope of the formal Rules of Procedure.[18] With regard to cases before the General Court, the Practice Rules describe the custom to present parties with the opportunity to make observations to the report for the hearing.[19] Whether this practice extends to cases decided by the Court of Justice, and whether the same practice dates back to the Court's early days is, to my knowledge, not documented. If any general inferences can be drawn from this finding, it might be that the report for the hearing is a very useful tool for doctrinal research. Unfortunately, that resource is no longer readily available.

Nonetheless, the *dossier* did prove a valuable resource for comparing the legal reasoning in the written submissions of the different parties. The submissions revealed parallel arguments raised by the Belgian Government on the one hand, and, on the other, the three intervening Member States (the UK, France and Germany).[20] Besides promoting the institutional interpretation of public service employment, the Member States' arguments followed a similar structure. Their submissions all relied on the organisation of their domestic legal orders and resorted to the heterogeneity across Member States to refute the practical applicability of the functional interpretation proposed by the Commission. Their reliance on domestic legal provisions, national law of Community Member States, and, once even of a third State, indicates that a comparative methodology underpinned the legal reasoning. Regardless of their similarities, among the various submissions, only two formal sources were cited by all the parties to substantiate their legal arguments: art. 55 of the EEC Treaty (currently art. 49 TFEU) and the *Sotgiu* case.[21]

To the extent that findings from the *dossier* of *Commission v Belgium* may extend to other cases, one might infer that the original case files can be a valuable resource for

[18] Between 2013 and 2016, the Court adopted two texts documenting its procedural practice, one for each composition. For the Court of Justice, Practice directions to parties concerning cases brought before the Court, 31 January 2014, as amended by Practice Directions to Parties Concerning Cases Brought Before the Court, 14 February 2020; for the General Court: Practice rules for the implementation of the Rules of Procedure of the General Court, 18 June 2015, as amended by Amendments to the Practice Rules for the Implementation of the Rules of Procedure of the General Court, 21 November 2018 (Practice Rules).

[19] Points 187 and 188 of the Practice Rules.

[20] See in particular *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 66 cit., Doc 13 Submission of defence; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 143 cit., Doc 33 Submission of rejoinder; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 211 cit., Doc 79 Submission of intervention by Germany and French translation; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 263 cit., Doc 80 Submission of intervention by France; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 280 cit., Doc 81 Submission of intervention by the United Kingdom and French translation.

[21] Art. 55 of the EEC Treaty; case 152/73 *Sotgiu v Deutsche Bundespost* ECLI:EU:C:1974:13; case 152/73 *Sotgiu v Deutsche Bundespost* ECLI:EU:C:1973:148, opinion of AG Mayras.

comparative doctrinal research. Researchers can gain a refined understanding of the detailed legal arguments raised in the submissions. In other cases, the submissions might still provide useful complements to the report of the hearing. Besides the submissions, the *dossier* contains a rich documentation of the procedural practice of the Court, which constitutes the third thematic cluster of findings.

V. Procedural practice

The third thematic cluster considers the composition of the *dossier*, featuring many documents on procedural practice, both within the Court and throughout the European institutions. With regard to the Court's practice, one thing that can surely be said is that the phases in the procedure are well documented. The category of procedural documents turned out to be the biggest category of documents in absolute terms (see table 1 below). Only rarely were these documents signed by a different registrar than the one appointed to each round of proceedings respectively. On these occasions the interim registrar signed as "administrateur principal" or as "greffier adjoint".[22] The case was appointed to AG Mayras, who had also delivered the Opinion for the *Sotgiu* judgment,[23] which was also on free movement of workers. This suggests that the Court might take into account the pre-existing expertise of AGs for case allocation. Although the Opinion for the final judgment was delivered by AG Rozès, her second Opinion consisted of a very brief confirmation of AG Mayras' detailed reasoning, which she applied to the remaining positions for which the application of the derogation in art. 48(4) of the EEC Treaty (art. 45(4) TFEU) was still contested.[24]

Category of document	Number of documents	% of number of documents (n = 190 inc. annexes)	Number of pages	% of the dossier (728 p)	% of the original file (912 p)
Submissions by the parties	11	5,8	185	25,4	20,3
Evidence	18	8,4	153	21	16,8
Procedure-related documents	148	77,9	203	27,9	22,3
Report of the Oral Hearing	2	1,1	52	7,1	5,7
Opinion of the AG	2	1,1	36	4,9	3,9
Decisions	9	4,7	100	13,7	11

[22] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 204 cit., Docs 74-78 Transmission of date for submission of intervention; *dossier de procédure original Commission v Belgium*, HAEU CJUE-4114 222 cit., Doc 163 Transmission of certified copy of deposition by Defendant to Applicant.

[23] *Sotgiu v Deutsche Bundespost*, opinion of AG Mayras, cit.

[24] Case 149/79 *Commission v Belgium* ECLI:EU:C:1982:153, opinion of AG Rozès.

Category of document	Number of documents	% of number of documents (n = 190 inc. annexes)	Number of pages	% of the dossier (728 p)	% of the original file (912 p)
Final Judgment	1	0,5	14	1,9	1,5
Redacted material	n.a.	n.a.	184	n.a.	20,2

TABLE 1: quantitative overview of the composition of the *dossier*.

To preserve the secrecy of deliberations, the *dossier* is redacted in some places. At least the preliminary report of the *juge-rapporteur* and the *délibéré* itself can be expected to be left out of the *dossier*.[25] For *Commission v Belgium*, the pages omitted from the *dossier* seemed to correspond with these predictable instances. Redaction of pages occurred in the same places for each round of proceedings and for a similar number of pages. Twice at the end of the written proceedings, eight pages were redacted, which should normally correspond with the preliminary report of the *juge-rapporteur*. After the oral hearing in the first round of proceedings, 96 pages were omitted and another 72 after the second round of proceedings, which likely corresponds to the *délibéré*. In this case that is good news on all sides: the secrecy of deliberations remains intact for as long as this is still required without redundantly affecting the resourcefulness of the *dossier*.

To summarise, with regard to procedural practice, this *Article* highlighted some descriptive findings from the *dossier* of *Commission v Belgium*. Comparative research across *dossiers* could potentially reveal interesting trends of the Court's procedural practice in the past, especially considering the Court's recent publications on its current practice.

VI. INSIGHT INTO ACTORS AND INSTITUTIONS

The fourth and final thematic cluster discusses the *dossier*'s potential to offer insights into the role played by specific actors and institutions. Beyond identifying numerous individual actors involved in the pre-contentious phase of the dispute, the evidence submitted in *Commission v Belgium* shed light on the institutional dynamics within the Commission. The letters addressed to the Belgian Ministry of Foreign Affairs that were submitted as evidence demonstrated which services of the Commission were involved in the infringement procedure, including the Vice-President and the Secretary-General of the Commission and the DG for Work and Social Affairs.[26] The diplomatic nature of this enforcement mechanism likely makes obtaining information on its dynamics a challenging feat for outsiders. In this case, the Commission served Belgium with a first notice on 1 April 1977 and delivered its reasoned opinion in accordance with art. 169(1) of the EEC Treaty on 4 April

[25] Arts 32(1) and 59 of the Rules of Procedure of the Court of Justice.

[26] *Dossier de procédure original Commission v Belgium*, HAEU CJUE-4112 4 cit., Annexes II-VII with Doc 1 Petition.

1979 (art. 258(1) TFEU). The whole process of formal correspondence preceding the Commission's petition consisted of three phases: *i)* diplomatic correspondence, *ii)* the Commission's reasoned opinion delivered in accordance with art. 169(1) of the EEC Treaty (art. 258(1) TFEU) and *iii)* Belgium's observations thereto. Subsequently, the Commission lodged its petition with the Court on 27 September 1979.

The diplomatic phase covered the exchange of (only) five letters over a period of two full years. Between the second and the third letters, a year and four months had passed. From the letters, it does not appear that there were more informal exchanges on the topic besides the documented ones. Exchanging only five letters at this pace seems slow for the pursuit of enforcement of Community law. Yet, for the Belgian government to reorganise the whole process of acquisition of human resources in the public sector in the course of two years seems very short. The infringement procedure proved ineffective as a preventive instrument to enforce compliance with art. 48 of the EEC Treaty (art. 45 TFEU).

This example illustrates how the *dossier* can contain information on procedural practice outside of the contentious phase of the dispute. It is possible that for many of the disputes where the Commission had previously initiated the infringement procedure, the case files would contain documents on the pre-contentious phase, because it would constitute an essential element of the facts of the dispute and be central to the development of the Commission's legal position. Comparative research across cases could lead to interesting findings on the dynamics and limitations of this enforcement mechanism, at least in the cases where it was unsuccessful at preventing formal litigation.

With regard to the individual actors involved, the analysis of the *dossier* as such did not reveal any findings as to the special influence or significant role of any one individual. The appointment of judges and AGs can be traced via the publicly available materials, so the *dossier* does not constitute a special asset in that sense. Comparative research across case files would be required to uncover expertise regarding repeat players amongst the other actors involved. This includes actors working for the Court, by comparing procedural decisions made by the President of the Court. Another possibility would be to trace the work of the agents of Member States or of the Commission.

However, pairing the *dossier* with secondary resources enhances the potential to identify important actors. In this case, the reception of the case in the scholarly literature presented an interesting link to one of the actors involved in the litigation phase. Some years after the Court pronounced its final decision in *Commission v Belgium*, the Commission's agent Louis Dubouis published an article in a legal journal, which was telling of the decision's reception in the Member States' legal orders.[27] Consistent with the Member States' frustrations that shone through the written submissions in the first round of proceedings, the decision of the Court was met with fierce resistance.[28] Pairing the *dossier* with extra-

[27] L Dubouis, 'La Notion d'Emplois dans l'Administration Publique (Art. 48(4) Traité C.E.E.) et l'Accès des Ressortissants Communautaires Aux Emplois Publics' (1987) Revue Française de Droit Administratif 950.

[28] *Ibid*. 952.

judicial writings or autobiographical sources on specific actors could be another interesting avenue to investigate the role, influence or expertise of individual actors.

VII. Concluding remarks

The examples selected for this *Article* showcased some of the findings gathered in the report drawn up as part of this project on the Court of Justice in the Archives. The separation of these examples into topics was a necessary but somewhat artificial exercise. Every illustration in reality ties to findings in various categories: the relative underrepresentation of non-discrimination in the legal reasoning is also telling of the socio-political context of the case. The Court's practice regarding the report for the hearing came up in relation to the report's capacity to shed light on the arguments in the submissions. The findings on the infringement procedure were filed under the category on institutions but could also qualify as procedural practice in the Community beyond the Court's internal practice. These illustrations, resulting from the analysis of just one case, are just the tip of the iceberg.

This *Article* proposed some ways in which the *dossier de procédure* could be deployed to conduct further research across disciplines, including doctrinal legal research, socio-legal research into procedures and institutions, and historical research focusing on actors or specific developments in Community law and policy. Clearly, more research is necessary to truly understand the value of these *dossiers*. In light of the heterogeneity of cases brought before the Court of Justice, which is reflected in the heterogeneity found across the *dossiers* selected for this project, many *dossiers* will no doubt contain a wide variety of other inspiring materials. Paired with various (comparative) research strategies and with other primary and secondary sources, these archival resources are a worthy new asset to mobilise for reinvigorating socio-legal research. If nothing else, they constitute another good reason to visit Florence for those who prefer the real look and feel of paper trails over the digital *dossiers*.