

EPC Exhibit 130–20
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THE LIBRARY OF CONGRESS

Decimal Classification Division

To: Caroline Kent, Chair
Decimal Classification Editorial Policy Committee

Cc: Members of the Decimal Classification Editorial Policy Committee
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From: Julianne Beall, Assistant Editor
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Library of Congress

Via: Joan S. Mitchell, Editor in Chief
Dewey Decimal Classification
OCLC Online Computer Library Center, Inc.

Re: 340 Law: Discussion paper on selected topics

This exhibit addresses several issues related to provisions for European regional intergovernmental organizations, especially the European Union, and their laws; and the law of electronic commerce.

341.242 European regional organizations

See EPC Exhibit 130–20.1 EDUG 340 Law Working Group Report for detailed notes of the discussion of European Union law at the April 9, 2008, meeting of the WG. These notes served as the basis for the EU law portion of this exhibit.

In general, the Dewey editorial team prefers to wait for the EDUG Law WG to finish discussing what expansions are needed at 341.242 for European regional organizations. We do, however, have comments about the European Commission and European Parliament.

European Commission

The EDUG Law WG has requested a separate number for the European Commission under 341.2422 European Union. There is literary warrant. The EDUG minutes mention 182 documents for European Commission. A search in WorldCat for dd: 341.2422* and su=european commission yields 60 hits. We will hold off proposing notation until we have a better idea what else needs provision under 341.2422.

European Parliament

A search in WorldCat for dd: 341.2424* yields 206 hits. We recommend against relocating the topic to a numerical subdivision of 341.2422 European Union. The see reference under

341.2422 (“For European Parliament, see 341.2424”) indicates that the European Parliament number is a logical subdivision of 341.2422.

European Union law: 341 Law of nations vs. Law of European regional intergovernmental organizations in 342–349

For background, here are some notes from the New Features of DDC 22:

340 Law

The heading at 341 was changed from “International law” to “Law of nations.” Throughout 341, “International governmental organizations” was changed to “Intergovernmental organizations.” A topic in either 341.4 or 341.7 that had a corresponding domestic law provision in 342–347 was relocated to the appropriate number in 342–347

349.2 Law of regional intergovernmental organizations

New number. Similar numbers at 342.2, 343.2, 344.2, 345.2, 346.2, 347.2, and 348.2

Comprehensive works on the EU as an organization are classed in 341.2422 European Union. Comprehensive works on the law promulgated by the EU, however, do not belong in 341.2422. DDC 22 treats European Union law as being like national law—the internal or domestic law of a specific jurisdiction—not law of nations (341). The provisions for regional intergovernmental organizations at 349.2 and elsewhere make this possible by allowing the jurisdiction of EU law to be expressed by addition of T2—4 Europe to form 349.24 Law of regional intergovernmental organizations of Europe. This built number is given as an example in a class-elsewhere note under 341.22–341.24 Intergovernmental organizations: “Class comprehensive works on the laws of a specific intergovernmental organization with the organization in 349, e.g., laws of European Union 349.24.” By contrast, no jurisdiction can be expressed for the United Nations or for its organ, the International Court of Justice. The EDUG Law WG “agreed that the new (in DDC 22) provisions for law of regional intergovernmental organizations that allow building numbers for law of European Union at 342.2, 343.2, 344.2, 345.2, 346.2, 347.2, and 348.2 work well.”

Problems arise with topics of European Union law that belong—or seem to belong—in 341. This 341 vs. 342–349 issue is relevant to several topics considered in the following sections.

In treating European Union law as being like national domestic law, the Dewey editorial team was following the advice of Jolande Goldberg, the law classification expert who developed the Library of Congress Classification (LCC) provisions for EU law. For that reason, when we have questions, we find it useful to check how various aspects of EU law are treated in LCC.

Treaty Establishing a Constitution for Europe (2004)

At 342.2 Constitutional and administrative law of regional intergovernmental organizations, the add instruction gives “constitutional and administrative law of European Union 342.24” as an example. Consequently, the text of a proposed constitution for the EU is classed in 342.24023, built with 342.023 Texts of constitutions, which has the note “Including texts of proposed constitutions.” Constitutional history of the EU is classed in 342.24029, built with 342.029 Constitutional history.

LCC puts the EU proposed constitution with EU constitutional law in KJE443.32004.

The EDUG Law WG has agreed that the EU proposed constitution should be classed with domestic EU law like constitutions of individual countries.

Other EU treaties (e.g., Treaty of Lisbon, Treaty of Nice, Treaty of Amsterdam, Treaty on European Union)

Notation is available for texts of other EU treaties to be classed in 341.24220265 Texts of multilateral treaties of European Union (built with 341.2422 European Union plus notation 026 from the table under 341.2–341.7 Specific topics of law of nations, plus 5 from 341.0265 Multilateral treaties, as instructed under 0261–0266 Text of treaties in the table under 341.2–341.7). At notation 026 Treaties, codes, cases in the add table under 341.2–341.7 is the note: “Do not use for discussions, commentaries, or popular works; class with the subject in 341.2–341.7 without further subdivision.” Consequently, many works about other EU treaties have been classed in 341.2422 without further subdivision.

The EDUG Law WG has recommended that the provision for treaties in the add table at 341.2–341.7 be improved.

Works on constitutional law of the EU, however, typically describe these treaties as forming the constitutional base of the EU. LCC classes these other EU treaties as EU constitutional law near the Treaty Establishing a Constitution for Europe (2004) in KJE443+, e.g., KJE4443.31992 Treaty on European Union, 1992.

If EU treaties are viewed as fundamental law of the EU, they should be classed in 342.2402 Basic instruments of government of EU, built with 342.02 Basic instruments of government, or in subdivisions of 342.2402. The following see reference under 341.22–341.24 Intergovernmental organizations can be construed as requiring that these treaties be classed with the specific subject of EU fundamental law: “For treaties, codes, cases on a specific subject in domestic law of a non-specialized intergovernmental organization, see the specific subject in 342–347, e.g., economic law of European Union 343.2407.” Notation 342.2402+ has not been used in WorldCat, however, for any of the EU treaties except the Treaty Establishing a Constitution for Europe (2004). The editorial team recommends improving the provisions under 342.02 to make 342.2402+ more hospitable for treaties like the Treaty on European Union (1992).

Courts of EU: General works and courts of general jurisdiction

European Court of Justice

Court of First Instance

Civil procedure and courts of EU are classed in 347.24 Civil procedure and courts of EU, following the add instruction at 347.2 Civil procedure and courts of regional intergovernmental organizations, e.g., 347.2405 EU civil procedure, built with 347.05 Procedure as instructed at 347.2.

LCC puts EU civil procedure with EU law in KJE3802–KJE4010 under EU courts and procedure.

Notation is available in DDC 347 for specific kinds of courts, but in WorldCat that notation has not been used for EU courts. The Dewey editorial team would like to write notes to make clear that that notation should be used. With EU law treated like domestic law, the courts that apply that law should be treated like domestic law courts. Perhaps the best number for the European Court of Justice is 347.24035 EU courts of last resort, built with 347.035 Courts of last resort (Supreme courts). Perhaps the best number for the Court of First Instance is 347.2402 EU courts with general original jurisdiction, built with 347.02 Courts with general original jurisdiction.

LCC puts the European Court of Justice with EU law in KJE5461–KJE5472, not under KZ Law of nations. LCC puts the Court of First Instance with EU law in KJE3670.

The EDUG Law WG has requested that notation for courts and procedure (0269) be added to the table at 341.2–341.7 Specific topics of law of nations so that numbers for EU courts can be built with 341.2422 as the base number. We cannot do that without bracketing and relocating the provisions for EU courts at 347.24, lest we create dual provision. We recommend against relocation.

(The International Court of Justice, which belongs in 341 Law of nations, has its own number at 341.55 International Court of Justice and does not need notation in the add table at 341.2–341.7 to express courts. LCC also puts the International Court of Justice under the law of nations at KZ6272–KZ6299.)

European Convention on Human Rights

European Court of Human Rights

Charter of Fundamental Rights of the European Union

Here we have two potential problems.

One potential problem is that the Council of Europe (named in an including note under 341.242 European regional organizations) and the European Union (341.2422) are not the same intergovernmental organization, but they are both European intergovernmental organizations and share the same Table 2 number (T2—4 Europe). Consequently, there is no way to distinguish

the law of the two jurisdictions one from the other with DDC notation. The editors believe that this is not a serious problem. Subject headings or even local Cutter numbers could be used to distinguish the two. This is relevant here because the European Convention on Human Rights and the European Court of Human Rights are associated with the Council of Europe. The Charter of Fundamental Rights of the European Union is of course associated with the European Union.

The main problem is the problem addressed in the Manual note 342.085 vs. 341.48 Civil rights vs. Human rights: “Use 342.085 for works on the political and social rights of individuals that are recognized by the laws of a particular jurisdiction or group of jurisdictions. Use 341.48 for works on the political and social rights that are recognized by international agreements (such as the Universal Declaration of Human Rights) as the inherent and inalienable rights of all human beings. If in doubt, prefer 342.085.”

This note needs to be made more clear. The editors believe that it can be construed to mean that social and political rights of individuals that are recognized by laws of European intergovernmental organizations should be classed in 342.24085, a number built with 342.085 Rights and activities of individuals, which has the notes: “Class here civil rights; comprehensive works on individual rights” and “For a specific right not provided for here, see the right, e.g., right to vote 342.072, right to education 344.079.” The Charter of Fundamental Rights of the European Union has commonly been classed in 342.24085. In this case it is treated as part of the domestic law of the EU. The EDUG Law WG agreed that the Charter of Fundamental Rights of the European Union should be classed in 342.24085.

At 341.2422 European Union, however, is the note: “Class laws promulgated by European Union with the subject in 341–347, e.g., human rights laws 341.48. . . .” Consequently, many works on EU human rights law have been classed in 341.48 Human rights or in 341.48094 Human rights in Europe. In this way EU human rights law has been treated as part of the law of nations, not as part of the domestic law of the EU.

The EDUG Law WG has asked for improved treatment under 341.48 for the European Convention on Human Rights and the European Court of Human Rights.

The Dewey editorial team would instead like to reduce confusion and bring similar works together by specifying that comprehensive works on all civil and human rights recognized by laws of regional intergovernmental organizations be classed in 342.2+085. Then notation 0269 Courts and procedure in the add table at 342–347 could be used for the European Court of Human rights (342.240850269). Specific rights recognized by laws of regional intergovernmental organizations but not covered by 342.2+085 could be classed with the rights elsewhere in 342–347. The number 341.48 Human rights would not be used for rights recognized by (or proposed for recognition by) regional intergovernmental organizations.

Four Freedoms

The EDUG Law WG is still discussing where best to class comprehensive works on the Four Freedoms, but is leaning toward 343.24 Military, defense, public property, public finance, tax, commerce (trade), industrial law. Some works on the EU Four Freedoms have been classed in 343.24 07 EU law regulating economic activity, built with 343.07 Regulation of economic activity. The editorial team will let the WG take the lead on this issue.

Impact of EU law on national law

Comprehensive treatises on EU law are classed in 349.24 Law of EU, and comprehensive works on the impact of EU law on the national law of all member states are also classed in 349.24 Law of EU. That is the recommendation of the EDUG Law WG, and the Dewey editorial team agrees. To try to represent the national laws of EU member states by using 349.4, built with T2—4 Europe, is unwise.

Works about the impact of EU law on a specific branch or topic of law of all the member states are classed with the branch or topic of EU law, e.g., 343.2408 EU law regulating commerce.

Comprehensive works about the impact of EU law on the national law of a specific member state are classed in 349 with the law of the state, e.g., 349.45 Law of Italy. Works about the impact of EU law on a specific branch or topic of the national law of a specific state are classed with the branch or topic of the national law, e.g., 343.4508 Italian law regulating commerce.

The Manual note at 342–349 Geographic treatment of law is perhaps the appropriate place for giving a condensed form of this advice.

Law of electronic commerce

Federica Paradisi (Italian National Bibliography) pointed out the need to provide for law of electronic commerce. A copy of her note appears as an appendix to this exhibit. A search in WorldCat on dd:343* and (su=electronic commerce) yields 665 hits.

We plan to propose a new subdivision for electronic commerce under 343.0811 Retail trade. We plan to parallel the development at 381.1 Marketing channels (which has the note “Class here retail trade”); however, we will first need to update that development. The interdisciplinary number for electronic commerce is a subdivision of 381.14 Retail channels by merchandising pattern:

381.142 Teleshopping

Class here catalog shopping, mail-order shopping, online shopping, telephone and television shopping; comprehensive works on electronic commerce

For online auctions, see 381.177

That development at 381.142 now looks dated, as does the parallel development at 658.872:

658.872 Telemarketing and direct marketing

Standard subdivisions are added for either or both topics in heading

Class here direct-mail marketing, direct selling, multilevel marketing, pyramid marketing; television selling; catalog, mail-order, online, telephone-order marketing

See also 659.143 for television advertising; also 659.144 for online advertising

In DDC 22, electronic commerce was added to numbers for mail-order, telephone-order, and television commerce. Now electronic commerce is starting to overwhelm these numbers and really needs to be separated. For example, here are some WorldCat searches:

dd:381.142* yields 671 hits

dd:381.142* and su=electronic commerce yields 274 hits

dd:381.142* and su=teleshopping yields 98 hits (the LCSH Teleshopping has a see reference from Online shopping)

dd:381.142* and su=mail-order business yields 172 hits

dd:658.872* yields 1712 hits

dd:658.872* and su=electronic commerce yields 507 hits

dd:658.872* and su=internet marketing yields 370 hits

dd:658.872* and su=mail-order business yields 344 hits

dd:658.872* and su=telephone selling yields 35 hits

dd:658.872* and su=telemarketing yields 74 hits

dd:658.872* and su=direct marketing yields 120 hits

We have not yet worked out the best way to separate electronic commerce; we will present a proposal for discussion at Meeting 130.

Appendix: Message from Federica Paradisi (Italian National Bibliography)

Electronic commerce

We ask for your assistance on a law issue not exclusively concerning the civil law, i.e. electronic commerce law and legislation. This subject, that is not present in the DDC22 printed Edition, is mentioned in WebDewey but only associate with 380, and 650.

There are many publications on the electronic commerce law (more than 270 in our OPAC) but it is not clear where to classify such publications (see also the online catalogue of LofC and WorldCat where the works on this subject are classified both in 343.07 and 343.0994, and hardly ever in 343.08).

This last number is more frequently used by the BNI, if you consider that the subject material usually includes such topics as commercial contracts, consumer protection, law of competition in internet, advertising, intellectual property, the privacy law, means of fund transferring, etc. topics traditionally covered by commerce legislation.

Another issue would be regarding the addition of the standard subdivision 0285'4678, which seems to be corrected if added to the two abovementioned numbers 380 and 658, but not when added to law numbers, e.g., 343.4508028446, when decoded, if read from right to the left, would mean: Data processing or Internet applications of/to law of commerce. The electronic procedures with Internet does not apply to the law, simply to commercial operations. Internet is only the means of accomplishing the commercial procedures.

Once the appropriate number has been decided, we feel that it would be necessary to include the topic "electronic commerce" within the 340 schedules with cross references between 343.0994 and 343.08 in order to give useful indications to classifiers. We also would like to enrich the entry in the Relative Index, with the subheading (Electronic commerce -> law).