

# European Constitutional Law Review

## 1 References

As a rule, specific references should be avoided in the main text and, preferably, should be placed in the footnotes. Footnote numbers are placed after the final punctuation mark when referring to the sentence and directly after a word when referring to that word only. We humbly invite our authors to carefully examine our sample references which are preceded by [•]. These sample references put the theory of our authors' guidelines into practice and we believe that they may serve to further clarify the preferred style of reference.

### 1.1 Reference to judicial decisions

When citing national judicial authorities, the national style of reference should be respected. References to decisions of European courts should present the following form:

- [Court] [Date], [Case number], [Party 1] [v] [Party 2] (NB: the "v" is not italicised)
- ECJ 9 April 1989, Case C-34/89, *Smith v EC Commission*.
  - ECtHR 4 May 2000, Case No. 51 891/9, *Naletilic v Croatia*.

### 1.2 Reference to legislation and treaties

When first referring to legislation or treaties, please include the article to which reference is made as well as the (unabbreviated) official name of the document containing that article. The name of a piece of legislation in a language other than English, French or German should be followed by an italicised English translation between brackets. In combination with an article number, the abbreviations TEU, TFEU, ECHR and UN Charter may always be used instead of the full title of the document to which the abbreviation refers. If the title of a piece of legislation constitutes a noun phrase, it may, after proper introduction, be abbreviated by omission of its complement. Thus:

- Art. 2 Protocol on Environmental Protection to the Antarctic Treaty (henceforth: the Protocol)
- Art. 267 TFEU
- Art. 5 Uitleveringswet [*Extradition Act*]

If specific legislative provisions are referred to in the main text rather than in a footnote, the words Article, Section, Paragraph etc. are not abbreviated:

- The German-language version of Article 14 TEU neatly repeats the wording of Article 14(3) Grundgesetz, with the notable omission of the principle of equality of votes.

### 1.3 Reference to books

#### 1.3.1 First reference

Any first reference to a book should present the following form:

- [Initial(s) and surname(s) of the author(s)], [Title] [(Publisher Year)] [Page(s) referred to]
- J.E.S. Fawcett, *The Law of Nations* (Penguin Press 1968) p. 11.

If a book is written by two co-authors, the surname and initials of both authors are given. If a book has been written by three or more co-authors, 'et al.' will follow the name of the first author and the other authors will be omitted. Book titles in a language other than English, French or German are to be followed by an italicised English translation between brackets. Thus:

- L. Erades and W.L. Gould, *The Relation Between International Law and Municipal Law in the Netherlands and the United States* (Sijthoff 1961) p. 10 – 13.
- D. Chalmers et al., *European Union Law: cases and materials* (Cambridge University Press 2010) p. 171.
- F.B. Verwayen, Recht en rechtvaardigheid in Japan [*Law and Justice in Japan*] (Amsterdam University Press 2004) p. 11.

### *Subsequent references*

Any subsequent reference to a book should present the following form (NB: if more than one work by the same author is cited in the same footnote, the name of the author should be followed by the year in which each book was published):

[Surname of the author], [*supra*] [n.] [Footnote in which first reference is made], [Page(s) referred to]

- Fawcett, *supra* n. 16, p. 88.
- Fawcett 1968, *supra* n. 16, p. 127; Fawcett 1981, *supra* n. 24, p. 17 – 19.

## **1.3 Reference to contributions in edited collections**

For references to contributions in edited collections please abide by the following form (NB: analogous to the style of reference for books, if a collection is edited by three or more co-editors only the name and initials of the first editor are given, followed by ‘et al.’):

[Author’s initial(s) and surname(s)], [‘Title of contribution’], [in] [Editor’s initial(s) and surname(s)] [(ed.) or (eds.)], [*Title of the collection*] [(Publisher Year)] [Starting page of the article] [at] [Page(s) referred to]

- M. Pollack, ‘The Growth and Retreat of Federal Competence in the EU’, in R. Howse and K. Nicolaidis (eds.), *The Federal Vision* (Oxford University Press 2001) p. 40 at p. 46.

Subsequent references follow the rules of 1.3.2 *supra*.

## **1.4 Reference to an article in a periodical**

References to an article in a periodical should present the following form (NB: titles of well-known journals must be abbreviated according to each journal’s preferred style of citation):

[Author’s initial(s) and surname(s)], [‘Title of article’], [Volume] [*Title of periodical*] [(Year)]

[Starting page of the article] [at] [Page(s) referred to]

- R. Joseph, ‘Re-Creating Legal Space for the First Law of Aotearoa-New Zealand’, 17 *Waikato Law Review* (2009) p. 74 at p. 80 – 82.
- S. Hagemann and B. Høyland, ‘Bicameral Politics in the European Union’, 48 *JCMS* (2010) p. 811 at p. 822.
- A. Voßkuhle, ‘Multilevel cooperation of the European Constitutional Courts: Der Europäische Verfassungsgerichtsverbund’, 6 *EuConst* (2010) p. 174 at p. 180.

Subsequent references follow the rules of 1.3.2 *supra*.

## **1.5 Reference to an article in a newspaper**

When referring to an article in a newspaper, please abide by the following form (NB: if the title of an article is not written in English, French or German, an italicised English translation should be provided between brackets):

[Author’s initial(s) and surname(s)], [‘Title of article’], [*Title of newspaper*], [Date], [Page(s)]:

- T. Padoa-Schioppa, ‘Il carattere dell’ Europa’ [*The Character of Europe*], *Corriere della Serra*, 22 June 2004, p. 1.

## **1.6 Reference to blogs and websites**

Blog contributions are cited like newspaper articles and the url is added together with the date of visit:

[Author’s initial(s) and surname(s)], [‘Title of blog contribution’], [*Name of blog*], [Date],

[<www.blogname.eu/...>], visited [Date of visit]:

- B. De Witte, ‘Scotland and the EU: Comment’, *Verfassungsblog*, 10 September 2014, [www.verfassungsblog.de/scotland-eu-comment-bruno-de-witte/](http://www.verfassungsblog.de/scotland-eu-comment-bruno-de-witte/), visited 30 November 2014.

(NB: ‘http://’ is always omitted when citing websites)

## 1.7 Cross-references

In referring to other chapters and sections of the text, as well as to other footnotes, *supra* is used to refer to previous sections of the contribution, whereas *infra* is used to refer to subsequent sections. Cross-references should never refer to specific page numbers. Thus:

- See text to n. 10 *supra*.
- See text between n. 10 and n. 12 *infra*.
- Compare n. 10 *supra*.

## 2 Spelling, style and quotation

In this section of the authors' guidelines sheet, we set out some general principles of spelling, style and quotation. All principles in this section are governed by two other principles – consideration for the reader and consistency. Authors might feel strict compliance with the standards below would be confusing for the readers. In such cases, authors are free to deviate from these standards but should do so consistently.

### 2.1 General principles of spelling

- **Aim for consistency in spelling and use of English throughout the article.**
- Only the use of British English is allowed.
- The –ise/ –isation variant is preferred.
- If words such as **member states, directives, regulations**, etc., are used to refer to a concept in general, such words are to be spelled in lower case. If, however, the word is intended to designate a specific entity which is the manifestation of a general concept, the first letter of the word should be capitalised (NB: this rule does not apply to quotations). Thus:
  - [...] the Court's case-law concerning direct effect of directives [...]
  - The Court ruled on the applicability of Directive 2004/38. The Directive was to be implemented in the national law of the member states by 29 April 2006.
  - There is no requirement that the spouse, in the words of the Court, 'has previously been lawfully resident in another Member State before arriving in the host Member State'.
- Avoid the use of contractions like we're or shouldn't: we are, should not.
- Non-English words should be italicised, except for common Latin abbreviations.

### 2.2 General principles of style


- Articles carry an abstract in the form of short slogans that give an indication of the principal message and line of argument. A look at articles published in EuConst in the past can provide an indication of how these abstracts are phrased.
- Subdivisions with headings are required, but these should not be numbered.
- Use abbreviations in footnotes, but avoid abbreviations in the main text as much as possible.
- If abbreviations in the main text improve its legibility, they may, nevertheless, be used. **Acronyms are not used in the main text.** The only exception to this rule is the use of acronyms which are current in spoken English well beyond the legal community, such as EU or UN. In all other cases acronyms are avoided, even when they would be relatively well known to European legal scholarship. Contributors should not introduce new acronyms.
  - Mutual trust between member states is the guiding principle for the operation of the EAW European Arrest Warrant.
  - The German Federal Constitutional Court ('GFCC') had previously declared the 5 per cent threshold unconstitutional. The subsequent introduction of a 3 per cent threshold was quashed by the GFCC Constitutional Court as well.
- To avoid acronyms, noun phrases can be reduced to the noun only. Appropriate modifiers should be added where ambiguity would arise otherwise.

- The ~~ECtHR~~ Court interprets the ~~ECHR~~ Convention
- Interpretation of the Convention by the Strasbourg Court and of the Charter by the Luxembourg Court will be an increasingly important subject for comparative legal scholarship in the coming years.
- The Luxembourg Court is, in most contexts, the European Court of Justice. In footnotes it is referred to as the ECJ. The expression Court of Justice of the European Union is only used to refer to the entire judicial institution of the Union. The corresponding four-letter acronym is not used.
- In English titles, use Title Case; in non-English titles, use the national style.

### **2.3 General principles of quotation**

- Quotations are to be placed between single quotation marks, both in the main text and in the footnotes (thus: 'aaaaa').
- When a quotation forms part of another quotation, it is to be placed between double quotation marks (thus: 'aaaaa "bbbbbb" aaaaa').
- Should a contributor wish to insert his own words into a quotation, such words are to be placed between square brackets.
- When a quotation includes italics supplied by the contributor, state: [emphasis added].

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