

# Author Guidelines ex ante

These author instructions contain general information, requirements and guidelines for the authors of ex ante. They help to achieve a consistent publication and make the publishing process easier. We therefore encourage all authors to abide by these rules and kindly ask them to contact us ([herausgeber@ex-ante.ch](mailto:herausgeber@ex-ante.ch)) in due course if in doubt.

## I. Process

ex ante is published twice a year. Every edition focuses on a main topic. The contributions dealing with the focus topic are complemented by independent articles.

We recommend that interested authors inform us in advance that they wish to submit an article (exposé with a title and a short summary). The editorial board can thus ensure that there are no thematic overlaps with other contributions or establish the necessary contacts. Of course, we are nevertheless happy to receive unannounced submissions at short notice.

In a second step, authors submit their final draft. All submissions adhere to these guidelines and must be uploaded to our online platform by the following dates:

- For publication in the summer's issue: 31 January
- For publication in the winter's issue: 31 July

Under certain circumstances, a submission after these dates is possible. Such contributions will, however, not be peer reviewed. This simplified publication procedure is therefore only applied in very limited cases. The main example would be that the text has already been the subject of a doctoral thesis. Please email the editors if you believe that your article is suitable for the simplified procedure.

In general, the authors get feedback from our experts within two months. The authors are required to process the feedback from the peer review in their text and to produce a final version of their article.

All relevant deadlines will be communicated by email.

## II. What the editors need

To publish your article, the editors need:

- the publishable version of your article in which the remarks of our team of experts have been taken into account, necessary adjustments made and the formal guidelines according to chapter VI. obeyed;
- an abstract of your text in German, English and French (*350 characters each at most*);
- three to five keywords listed in the GND database, that suit your article; and [http://swb2.bsz-bw.de/DB=2.104/SET=1/TTL=2/LNG=DU/START\\_WELCOME](http://swb2.bsz-bw.de/DB=2.104/SET=1/TTL=2/LNG=DU/START_WELCOME)
- your personal data: first and last name, title, occupation, affiliation.

## III. Which rights are transferred by publishing in ex ante?

By publishing in ex ante the following rights are transferred to ex ante and Dike Verlag AG:

- The right to publish the text in ex ante without remuneration. The author has the right to publish the text elsewhere (digitally or in print) three months after the first publication in ex ante. In every subsequent publication the author must include a reference to the first publication in ex ante. The publication on the author's website or the research platform of his/her university is permitted immediately after the first publication in ex ante. A reference to the publication in ex ante is required as well.

- The right to reuse the text of the article published in ex ante (digitally or in print, e.g. for reprints of the journal or publication on the Internet or in other digital or analogue versions).
- The right of reproduction.

## IV. Formal guidelines

### A. General remarks

The article has to be submitted as a Microsoft Word file. The authors are asked not to format the text as formatting will be lost during the production of the journal. Please use Word's templates instead (especially headings).

Depending on its kind, the article should have the following length:

- Essay: 5–10 printed pages (20,000–40,000 characters, with spaces)
- Short articles: 3–5 printed pages (12,000–20,000 characters, with spaces)
- Thesis summaries: 3–5 printed pages (12,000–20,000 characters, with spaces)

Contributions in English are written in coherent and consistent British *or* American English.

Please use a non-breaking space (Shift + Ctrl + space) when necessary (e.g. between “Art.” and the number of the article or between a page number and “et seq.”).

In sentences with nested parentheses please use: (first parentheses [nested brackets]).

Dates are not abbreviated: 1 December 2015.

For currencies please use: CHF 47.50 or 2 billion Swiss francs.

Four-digit numbers (and higher) are separated by a space: 4,000 or 50,000 or 1,000,000.

Emphases have to be made in *italics*. Emphases in bold are not permitted. Please use as few emphases as possible.

### B. Title and structure

Titles should be short and describe the subject of the article. A title that is longer than two lines will be rejected. In this case it may be a good idea to use a title and a subtitle.

Headings have to be set using Word's templates. They have the following structure:

- Level 1: I. / II. / III.
- Level 2: A. / B. / C.
- Level 3: 1. / 2. / 3.
- Level 4: a. / b. / c.
- Level 5: aa. / bb. / cc.

### C. Abbreviations

Common abbreviations like “ECHR” or “DFT” may be used in footnotes without defining them. Additional abbreviations should be avoided whenever possible. If it is necessary to use abbreviations, the abbreviated term has to be defined in parentheses when used for the first time (e.g. “... the State Secretariat for Migration [hereafter: SEM] ...”).

### D. In-line citations

All citations have to be made in footnotes. The articles do not contain a bibliography. Only the following citation guidelines are applicable. Standards as APA or MLA or any adaption of the following guidelines which have not been approved by the editors will not be accepted.

Author names in the body text must be set in **SMALL CAPS**.

Footnote numbers are put after the full stop. If footnotes relate to a certain term in a sentence or to a specific part of a sentence, footnote numbers may be put directly after the term or the respective part of the sentence. In direct quotes, the footnote number is put after the closing quotation mark. There is no space between the text and the footnote number.

*Example:* The minutes may be viewed under certain circumstances.<sup>12</sup>

*Example:* In a number of decisions<sup>12</sup> the court had to deal with this question.

## **E. Footnote citations**

Please do not include a bibliography but cite in the footnotes. In footnote citations “p.”/“pp.” is omitted when referring to page numbers. To insure consistent citations throughout the journal, the following rules must be followed:

- The first reference to an article, book etc. is fully cited according to the guidelines below.
- Further citations of the same work are abbreviated: only the last name and the footnote number as well as the location are cited.

*Example:* GRIFFEL (fn. 2), 27.

Please never use abbreviations such as *ibid.* or *l.c.*

To make sure that the reference to the footnote in which a piece has been mentioned for the first time remains correct, it is helpful to use Microsoft Word’s cross-referencing tool (Insert → Cross-reference → choose Reference type “Footnote”).

## **F. Guidelines for citing specific works**

### **1. Commentaries**

- St. Gallen Commentary: [AUTHOR’S LAST NAME], St. Gallen Commentary of Art. [article number] FC, n. [note].

*Example:* EHRENZELLER, St. Gallen Commentary of Art. 180 FC, n. 1.

- Basel Commentary: BSK [statute (e.g. OR I, OR II, StGB)]-[AUTHOR’S LAST NAME], Art. [article number] n. [note].

*Example:* BSK OR I-SCHNYDER, Art. 41 n. 1 et seqq.

*Example:* BSK StGB I-SEELMANN, Art. 11 n. 31 et seqq.

- Bern Commentary: BK-[AUTHOR’S LAST NAME], Art. [article number] [statute] n. [note].

*Example:* BK-BREHM, Art. 50 CO n. 1 et seqq.

- Zurich Commentary: ZK-[AUTHOR’S LAST NAME], Art. [article number] [statute] n. [note].

*Example:* ZK-LANDOLT, Art. 47 CO n. 1 et seqq.

*Example:* ZK-BIAGGINI, Art. 57 FC n. 10.

- Orell Füssli Commentary: OFK-[AUTHOR’S LAST NAME], Art. [article number] [statute] n. [note].

*Example:* OFK-SCHOOP, Art. 44 CO n. 5.

- Schweizerisches Privatrecht: [AUTHOR’S FIRST AND LAST NAME], SPR [volume]/[part], [page].

*Example:* HANS MERZ, SPR VI/1, 180 et seqq.

- Kommentar zum schweizerischen Strafrecht: [AUTHOR’S FIRST AND LAST NAME], Kommentar zum schweizerischen Strafrecht, Besonderer Teil, [volume]/[part], [article number] n. [note].

*Example:* GUIDO JENNY, Kommentar zum schweizerischen Strafrecht, Schweizerisches Strafgesetzbuch, Besonderer Teil, Bd. 4, Art. 199 N 2.

If you do not use the latest edition of a commentary, please add the edition and the year of publication.

*Example:* EHRENZELLER, St Gallen Commentary of Art. 2 FC, 1<sup>st</sup> ed., 2002, n. 1.

## 2. Books

[AUTHOR], [title], [edition], [place] [year], [location].

*Example:* PETER TUOR/BERNHARD SCHNYDER/JÖRG SCHMID/ALEXANDRA JUNGO, Das Schweizerische Zivilgesetzbuch, 14<sup>th</sup> ed., Zurich 2015, § 9 N 3.

If multiple sources by the same author are cited, a short title has to be inserted.

*Example:* PIERRE TSCHANNEN, Stimmrecht und politische Verständigung, Beiträge zu einem erneuerten Verständnis von direkter Demokratie, Basel 1995, 12 (cited Stimmrecht); PIERRE TSCHANNEN, Systeme des Allgemeinen Verwaltungsrechts, Bern 2008, 34 (cited Systeme).

TSCHANNEN, Stimmrecht (fn. 2), 21.

TSCHANNEN, Systeme (fn. 2), 40.

## 3. (PhD) theses

[AUTHOR], [title], PhD thesis [university] [year], [location].

*Example:* STEFAN KOHLER, Freisetzung von gentechnisch veränderten Organismen in der Schweiz: eine Studie zum neuen Gentechnikrecht im Ausserhumanbereich unter Berücksichtigung von übernationalen Rahmenbedingungen, PhD thesis St Gallen 2004, 132 et seqq.

If the thesis has been published as part of a series, it is cited according to the guidelines for books (see above).

## 4. Habilitation (post-doctoral theses)

[AUTHOR], [title], Habilitation [university] [year], [location].

*Example:* THOMAS GÄCHTER, Rechtsmissbrauch im öffentlichen Recht: unter besonderer Berücksichtigung des Bundessozialversicherungsrechts: ein Beitrag zu Treu und Glauben, Methodik und Gesetzeskorrektur im öffentlichen Recht, Habilitation Zürich 2005, 1 et seqq.

## 5. Book chapters

[AUTHOR], [title], in: [last name(s) of the editor(s), not in small caps] (ed(s).), [book title], [place] [year], [page range], [location].

*Example:* GERHARD SCHMID, Selbstverantwortung und behördliche Kontrolle im Umweltrecht, in: Haller/Közl/Müller/Thürer (eds.), Festschrift für Ulrich Häfelin zum 65. Geburtstag, Zurich 1989, 557 et seqq., 558.

## 6. Articles

General note: If a journal's pagination is continued throughout the volume, the issue number is omitted.

– Aktuelle Juristische Praxis (AJP): [AUTHOR], [title], AJP [year], [page range], [locator].

*Example:* MARKUS H. F. MOHLER/PATRICK GÄTTELIN/RETO MÜLLER, Unsicherheit über Sicherheit – von Verfassungsbegriffen bis zur Rechtsanwendung, AJP 2007, 815 et seqq., 817.

– Zeitschrift für Schweizerisches Recht (ZSR): [AUTHOR], [title], ZSR [year] [volume], [page range], [locator].

*Example:* TOBIAS JAAG, Staatshaftung nach dem Entwurf für die Revision und Vereinheitlichung des Haftpflichtrechts, ZSR 2003 II, 3 et seq., 6

## 7. Statutes

When first mentioned, statutes are cited indicating the following data: type of statute, date of enactment, full title or official short title, the official abbreviation and the systematic reference number in parentheses.

### – Swiss law

*Example:* Federal Constitution of the Swiss Confederation of 18 April 1999 (FC, CC 101).

*Example:* Swiss Criminal Code of 21 December 1937 (SCC, CC 311.0).

*Example:* Kantonales Tierschutzgesetz of 2 June 1991 (TSchG ZH, LS 554.1).

### – EU law

*Example:* Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, (Regulation [EEC], No 1612/68), Official Journal L 257 of 19 October 1968.

*Example:* Directive 93/83 EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, Directive 93/83 EEC, Official Journal L 248 of 6 October 1993.

### – International law

*Example bilateral agreement:* Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (Agreement on Free Movement, AFMP, SR 0.142.112.681).

*Example multilateral agreement:* Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 (European Convention on Human Rights, SR 0.101).

## 8. Legislative documents

### – Legislative documents of the Federal Council (e.g. Dispatches) on their first referral have to be cited with the full title and location.

*Example:* Botschaft zur Volksinitiative “Ja zur Abschaffung der Radio- und Fernsehgebühren (Abschaffung der Billag-Gebühren)” vom 19. Oktober 2016, Dispatch Billag fees, Federal Gazette 2016 8245 et seq.

If the document is cited a second time, a shortened reference is made.

*Example:* Dispatch Billag fees (fn. 3), Federal Gazette 2016 8248.

### – Parliamentary debates are cited as follows: Official Bulletin [National Council/Council of States] [year], [page]

*Example:* Speech Köppel, Official Bulletin National Council 2017, 188 et seq.

### – Minutes of parliamentary committees:

*Example:* Protokoll der Sitzung der nationalrätlichen Kommission für soziale Sicherheit und Gesundheit vom 24. August 2001, 38 et seq.

### – Decrees are cited with reference to the Official Compilation:

*Example:* Bundesbeschluss über die Änderung der Volksrechte vom 4. Oktober 2002, Federal Decree People’s Rights, Official Compilation 2003 1949.

If the document is cited a second time, a shortened reference is made.

*Example:* Federal Decree People’s Rights (fn. 3), Official Compilation 2003 1950.

- Reports which have been published in the Federal Gazette are cited as follows:

*Example:* Aussenpolitischer Bericht 2013 vom 15. Januar 2014, Report on Foreign Policy, Federal Gazette 2014 1055.

If the document is cited a second time, a shortened reference is made.

*Example:* Report on Foreign Policy (fn. 3), Federal Gazette 2014 1070.

## 9. Judgments

Judgments of the Federal Tribunal (Federal Supreme Court of Switzerland) are cited stating the first page of the judgment, the exact page and the consideration.

*Example of a published judgment (decision):* DFT 126 III 33, 35, c. 3.

*Example of a non-published judgment:* Judgment of the Federal Tribunal 4C.325/2005 of 23 November 2005, c. 4.2.3.

Judgments of the Federal Administrative Court are cited as follows:

*Example of a published judgment:* DFAC 2008/8, c. 10.5.

*Example of a non-published judgment:* FAC A-2619/2009 (29 November 2011), c. 4.3.

Judgments of the Federal Criminal Court are cited as follows:

*Example of a published judgment:* TPF 2008/8, c. 10.5.

*Example of a non-published judgment:* FCC SK 2006.4 (22 August 2006), c. 6.2.3.

Judgments of cantonal courts state the ruling court and the location.

*Example:* Judgment of the Administrative Court of the Canton of Zurich VB.2007.00156 of 27 March 2008, c. 8 et seq.

Judgments of the ECHR are cited either in English or in French and state the relevant paragraph.

*Example:* ECHR *Klass and others v. Germany* (26 October 2006), 5029/71 (1978), § 20.

Judgments of the ECJ are cited either in English or in French and state the relevant paragraph.

*Example:* ECJ C-281/02 *Owusu* (1 March 2005), §§ 38 et seqq.

Judgments of other foreign courts are cited coherently:

*Example:* Judgment BGH XI ZR 192/97 of 9 June 1998 (NJW 1998, 2895 et seqq.), 2896.

## 10. Internet sources

Citations of Internet sources contain the URL and the date when the source was accessed.

*Example:* <http://www.bag.admin.ch>, accessed 28 June 2015.

If the full URL is confusing, breadcrumbs may be used.

*Example:* [www.edk.ch](http://www.edk.ch) → Dokumentation → Offizielle Texte → Empfehlungen, accessed on 8 January 2016.

## 11. Cases not mentioned above

If you come across a type of publication not mentioned above while working on your article, please contact the editors for further assistance ([herausgeber@ex-ante.ch](mailto:herausgeber@ex-ante.ch)). Furthermore, we can recommend these guides:

- PETER FORSTMOSER/REGINA OGOREK/BENJAMIN SCHINDLER, *Juristisches Arbeiten*, 5<sup>th</sup> ed, Zurich 2014.

- RAPHAEL HAAS/FRANZISKA MARTHA BESCHART/DANIELA THURNHERR, Leitfaden zum Verfassen einer juristischen Arbeit, 3<sup>rd</sup> ed., Zurich/St. Gallen 2015.
- BUNDESGERICHT, Zitierregeln, accessible on: <https://www.bger.ch/index/jurisdiction/jurisdiction-inherit-template/jurisdiction-zitierregeln.htm>.