

Author Guidelines of the Journal *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) 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. In addition, thesis summaries are published.

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: 15 January
- For publication in the winter's issue: 15 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. Information required for publication

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 (link: http://swb2.bsz-bw.de/DB=2.104/SET=1/TTL=2/LNG=DU/START_WELCOME); and
- your personal data: first and last name, title, occupation, affiliation.

III. Copyright / Creative Commons Licence

By publishing your contribution in *ex/ante* you agree to the following terms:

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IV. Formal guidelines

A. General remarks

The article must 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: 5–12 printed pages (20,000–44,000 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 resp. Alt + 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 {innermost 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», «FT» 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 must be defined in parentheses when used for the first time (e.g. «[...] the State Secretariat for Migration [hereinafter: SEM] [...]»).

D. Citations

All citations have to be made in footnotes (not in brackets or endnotes). The articles do not contain tables or a bibliography. Only the following citation guidelines are applicable. Standards such 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 must also be set in SMALL CAPS when mentioned in the body text.

Footnote numbers are placed 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.¹²

Example: In a number of decisions¹² 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 ensure consistent citations throughout the journal, the following rules must be adhered to:

- 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 reference are cited.

Example: GRIFFEL (fn. 2), 27.

Please do 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»). This way, the references remain correct even if additional footnotes are added later. Please do not forget to update all cross-references before submission.

If there are four or more authors, only the first is mentioned, followed by «et al.».

F. Guidelines for citing specific works

1. Commentaries

- St. Gallen Commentary: SGK [statute]-[AUTHOR'S last name], Art. [article number] n. [note].
Example: SGK FC-EHRENZELLER, Art. 180 n. 1.
- Basel Commentary: BSK [statute]-[AUTHOR'S last name], Art. [article number] n. [note].
Example: BSK CO I-SCHNYDER, Art. 41 n. 1 et seqq.
Example: BSK SCC I-SEELMANN, Art. 11 n. 31 et seq.
- Bern Commentary: BK [statute]-[AUTHOR'S last name], Art. [article number] n. [note].
Example: BK CO-BREHM, Art. 50 n. 1 et seqq.
- Zurich Commentary: ZK [statute]-[AUTHOR'S last name], Art. [article number] n. [note].
Example: ZK CO-LANDOLT, Art. 47 n. 1 et seqq.
Example: ZK FC-BIAGGINI, Art. 57 n. 10.
- Hand Commentary on Swiss Private Law: CHK [statute]-[AUTHOR'S last name], Art. [article number] n. [note].
Example: CHK CO-MÜLLER, Art. 41 n. 4.
- Orell Füssli Commentary: OFK [statute]-[AUTHOR'S last name], Art. [article number] n. [note].
Example: OFK CO-SCHOOP, Art. 44 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], Art. [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: SGK FC-EHRENZELLER, 1st ed. 2002, Art. 2 n. 1.

2. Books

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

Example: PETER TUOR et al., Das Schweizerische Zivilgesetzbuch, 14th ed., Zurich 2015, § 9 n. 3.

If multiple sources by the same author are cited, an abbreviation must be inserted.

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

TSCHANNEN, Stimmrecht (fn. 2), 21.

TSCHANNEN, Systeme (fn. 2), 40.

3. PhD theses

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

Example: STEFAN KOHLER, Freisetzungen 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 dissertation has been published (e.g. in a publication series), it must be cited as a book (see IV.F.2.), with «PhD thesis [University] [year of acceptance],» inserted before the place and year of publication.

Example: STEPHANIE ANDREA BERNET, Der Lehrplan, Rechtsnatur und Bedeutung, PhD thesis St. Gallen 2021, St. Gallen 2021, 12 et seqq.

4. Habilitation (i.e. post-doctoral) theses

[AUTHOR], [title], Habil. [university] [year], [reference]. If the habilitation thesis was published, the above (IV.F.3) applies mutatis mutandis to its citation.

Example: THOMAS GÄCHTER, Rechtsmissbrauch im öffentlichen Recht: unter besonderer Berücksichtigung des Bundessozialversicherungsrechts: ein Beitrag zu Treu und Glauben, Methodik und Gesetzeskorrektur im öffentlichen Recht, Habil. Zurich 2002, Zurich 2005, 1 et seqq.

5. Book chapters

[AUTHOR], [title], in: [first and last name(s) of the editor(s), not in small caps] (ed[s.]), [book title], [place] [year], [page range], [reference]. If there are more than three editors, the first editor is named with the addition «et al.».

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

6. Articles

General notes: If a journal's pagination is continued throughout the volume, the issue number is omitted. Domestic journals are abbreviated if an abbreviation is customary for them; very well-known foreign journals (e.g. NJW, BYIL) may also be abbreviated with the customary abbreviation.

- Aktuelle Juristische Praxis (AJP): [AUTHOR], [title], AJP [year], [page range], [reference].
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] [ev. partial volume], [page range], [reference].
Example: TOBIAS JAAG, Staatshaftung nach dem Entwurf für die Revision und Vereinheitlichung des Haftpflichtrechts, ZSR 2003 II, 3 et seqq., 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. In the absence of an official abbreviation, one may be introduced with the reference «hereinafter:».

- Swiss law
Example: Swiss Civil Procedure Code of 19 December 2008 (Civil Procedure Code, CPC; CC 272).
Example: Swiss Criminal Code of 21 December 1937 (hereinafter: SCC; CC 311.0).
Example: Kantonales Tierschutzgesetz of 2 June 1991 (hereinafter: 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, 2 et seqq.).
Example: Directive (EEC) 93/83 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 [EEC] 93/83, Official Journal L 248 of 6 October 1993, 15 et seqq.).
- 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; CC 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; CC 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 reference.
Example: Dispatch on the popular initiative «Ja zur Abschaffung der Radio- und Fernsehgebühren (Abschaffung der Billag-Gebühren)» of 19 October 2016, Federal Gazette 2016 8245 et seqq.
If the document is cited a second time, a shortened reference is made.
Example: Dispatch Billag fees (fn. 3), Federal Gazette 2016 8248.
- For the Federal Gazette, a new numbering is used since 2021: It is followed by the serial number with the addition «, 1 et seqq.».

Example up to and including 2020: Federal Gazette 2016 8245 et seqq.

Example from 2021: Federal Gazette 2021 174, 1 et seqq.

- In the case of cumulation of dates (e.g. when a dispatch refers to a legislative amendment, whereby both the date of the dispatch and the date of the amendment are mentioned), only the date of the relevant material should be mentioned:

Example: Federal Council statement on the Political Institutions Committee Council of States report on the parliamentary initiative (18.458) «Differenzbereinigungsverfahren bei Motionen» of 20 January 2021, Federal Gazette 2021 138, 1 et seqq. (and not: Federal Council statement on the Political Institutions Committee Council of States report on the parliamentary initiative [18.458] «Differenzbereinigungsverfahren bei Motionen» of 9 November 2020 of 20 January 2021, Federal Gazette 2021 138, 1 et seqq.).

- 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.

Any functions shall be indicated in parentheses:

Example: Speech Sommaruga (Federal Council), Official Bulletin National Council 2015, 84 et seqq.

- Minutes of parliamentary committees:

Example: Minutes of the meeting of the National Council Commission for Social Security and Health of 24 August 2001, 38 et seqq.

- Decrees are cited with reference to the Official Compilation:

Example: Federal Decree on the Amendment of the Rights of the People of 4 October 2002, 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: Foreign Policy Report 2013 of 15 January 2014, 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: FT 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 2009 179, 181 et seq., 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 reference.

Example: AC ZH 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 *Owusu ./ N.B. Jackson* (1 March 2005), C-281/02, §§ 38 et seqq.

Judgments of other foreign courts are cited coherently:

Example: 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 → 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). Furthermore, we can recommend these guides:

- PETER FORSTMOSE/REGINA OGOREK/BENJAMIN SCHINDLER, *Juristisches Arbeiten*, 6th ed, Zurich/Basel/Geneva 2018.
- RAPHAEL HAAS/FRANZISKA MARTHA BESCHART/DANIELA THURNHERR, *Leitfaden zum Verfassen einer juristischen Arbeit*, 4th ed., Zurich/St. Gallen 2018.
- Bundesgericht, Zitierregeln, accessible on: <https://www.bger.ch/index/jurisdiction/jurisdiction-inherit-template/jurisdiction-zitierregeln.htm>.