

## **ELTE Law Journal: Journal Profile and Submission Guide**

### **I. Journal Profile**

#### **A. The Publisher: Eötvös Loránd University**

Eötvös Loránd University (ELTE) in Budapest, Hungary's oldest, largest and most prestigious university, started its 376th academic year in 2011. In 2010 it also received the distinguished title of Research University. Tuition at the Faculty of Law began in 1667. No other Hungarian Faculty of Law has a longer uninterrupted record, and it ranks well among Central Europe's law schools in terms of its distinction.

The Faculty of Law and Political Sciences maintains wide-ranging international relations, primarily with universities in Europe, and is proud to be involved in educational and research projects with peer institutions abroad. Integrating research and education at the Faculty into the European Higher Education Area and fostering international educational and scholarly ties are key components of its vision.

True to its traditions, ELTE will further expand its international contacts in research, education and student exchange. At a time when globalisation and European integration are on the agenda, an intercultural approach to law and its application - in other words, comparative legal studies - are indispensable for a sound analysis of legal issues and the settlement of legal disputes.

#### **B The Journal: ELTE Law Journal**

While ELTE Law Journal is edited in Budapest, its aim is to be a regional attracting not only a Hungarian but also a regional and international readership, including scholars, law-makers and practitioners. This aim is also reflected by the international composition of the Advisory Board, which provides support and advice for the Editorial Board.

ELTE Law Journal invites you to submit original articles that explore contemporary, practical issues in the field of private law, criminal law, constitutional and administrative law, international law and European law. We have a strong preference for submissions with a comparative approach and for articles exploring legal issues from the perspective of European law and/or international law. The language of ELTE Law Journal is UK English. Manuscripts should follow the rules of British grammar and spelling. For example, in verbs and derivatives, -ise rather than -ize endings should be used. Care should be taken to avoid US spelling. If English is not your native language, we strongly recommend that you have your manuscript proofread and edited by a native speaker before submitting it. (ELTE Law Journal can however not reimburse you for the possible expenses of such services, even if your manuscript is selected for publication.)

#### **C The Review Process**

All contributions will be subject to a critical review before acceptance and, once accepted, a rigorous editorial process before publication. Submissions are first reviewed by the editor responsible for the relevant section of the journal and then assigned to anonymous external reviewers. If the external reviewer does not recommend the article to be published, it is assigned to another reviewer. If there are two negative reviews, the submission cannot be accepted. If there are two different opinions, the Editorial Board decides by a vote. Preference will be given to articles that are not being concurrently submitted elsewhere. Once the final version of the

contribution is submitted, changes in content and style may not be made; only typographical errors may be corrected.

## **D Content: Articles and Notes**

### **1 Articles**

Articles are longer contributions; however, they should not exceed 12,000 words, inclusive of footnotes. We invite articles that are not merely descriptive but represent, both in terms of method and findings, important contributions to European legal scholarship and may also be of interest to practitioners.

### **2 Notes**

Notes should not exceed 5,000 words, including footnotes. ELTE Law Journal accepts notes in the categories set out below. Similarly to articles, notes should take an analytical approach rather than being merely descriptive.

#### **2.1 Recent legislation, treaties and model laws**

Notes can present any legislation of any country, provided that it is of justified interest to an international, and particularly a Central European, readership. Legislation of the European Union and of international and supranational organisations may also be presented in this section, along with recommendations, model treaties or laws of such organisations as well as International Treaties. Preference will be given to contributions with a European, international and/or comparative perspective.

Authors should offer a brief presentation of the legal and institutional context of the legislation (e.g. by a short outline of the legal system and the legal and regulatory environment, along with the main institutions of the country or organisation concerned). Preceding legislation – or the lack thereof – should also be presented, together with the reasons and circumstances that led to the enactment of new legislation. Notes should present the main features of the legislation or describe a clearly delimited part thereof. If possible, the legislation should be also examined in the European/international context or from a comparative perspective. Authors should present their analysis and evaluation discussing the virtues and shortcomings of the legislation, elaborate their legal standpoint and provide a prognosis of any expected political, economic or social impacts and case law that the legislation is likely to generate.

#### **2.2 Case notes**

Any decision of any court (national or international) can be presented, provided that it may present an interest to an international, and particularly a Central European, readership. As far as national courts are concerned, the journal prefers decisions of the highest national courts or decisions against which there is no judicial remedy under national law. Case notes may present not only decisions of law courts and tribunals in a narrow sense but also of constitutional courts, international courts, courts with a special jurisdiction (e.g. human rights tribunals) or of national and international courts of arbitration and mediation bodies. Preference will be given to contributions with a European, international and/or comparative perspective.

The significance of the decision must be pointed out in the introduction of the note. Authors should present the legal background to the decision and, if appropriate, the political, economic and social context as well. Notes shall present the facts of the case, the procedural history and the content of the ruling. It should analyse the decision, highlighting the relevant doctrinal and practical problems. If possible, the decision should also be examined in a European/international context and/or from a comparative perspective. Authors should present their analysis and evaluation discussing the virtues and shortcomings of the decision and explaining their legal standpoint. Notes should also provide an evaluation and analysis of the expected impact of the decision on future case law and its possible political, economic and social impacts too.

### 2.3 Book reviews

Book reviews should concern books that may be of interest to a broader legal audience. Preference is given to reviews of books that are likely to be available to readers of ELTE Law Journal, i.e. written in one of the frequently used languages of international legal scholarship. Preference will be given to contributions with European, international and or comparative dimensions.

Reviews should present the author of the book, his or her work (fields of research and main publications) and introduce the topic of the book. It should point out the importance of the topic. Mention should be made of other renowned scholars researching and publishing in the same field with a special focus on the standard reference works. Reviewers should explain innovative features of the new work, as compared to previous scholarship in the field. Reviews should analyse and evaluate the book in an objective way. More than just presenting the table of contents, reviewers should also discuss some substantive questions dealt with in the book in detail and show the methodology used by the author and his or her legal standpoint. The author's views and position should be confronted with other views, including those of the reviewer.

### 2.4 Conversations

This section provides a forum for short writings, in the first place discussion notes and responses to articles previously published in ELTE Law Journal.

### 2.5 Reports

This section provides information about events, programmes and conferences that may be of interest to readers of the journal.

## II Journal Style

In this Submission Guide we relied generally on the 'OSCOLA Oxford Standard for Citation of Legal Authorities 4th Edition' but there are slight differences, given the nature of ELJ as a Central European Law Journal. Please read this guide carefully, even if you are familiar with OSCOLA. ([http://www.law.ox.ac.uk/published/OSCOLA\\_4th\\_edn.pdf](http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf))

### A Preparing the Manuscript, General Instructions

Manuscripts should be produced with Word-compatible software, set in Times New Roman 12 pt and justified throughout. Use the tab key for paragraph indents (not the spacebar); avoid extra spaces at the ends of paragraphs, and use a hard return only when necessary to indicate the end of a paragraph. The first paragraph after a heading or a new sub-division should be flush to the margin. Subsequent paragraphs should be indented.

The electronic file should be prepared accurately, consistently and simply, avoiding the use of special fonts or elaborate formatting for aesthetics. Paragraphs should be formatted the same way throughout. Use your word processor's Notes function to create your footnotes. Footnotes should be marked clearly in the text, in numeric order after a point of punctuation and listed at the bottom of the relevant page. Close all footnotes with a full stop.

Emphasis should be indicated exclusively by italics. In the text, please also italicize foreign words and phrases. Provide a translation immediately afterwards in brackets, or in a footnote, if required. Do not italicize words that are in common usage in legal English, such as *ultra vires*, *stare decisis*, *obiter dicta*, *ratio decidendi*, *a priori* and *a fortiori*. Commonly used abbreviations, such as *i.e.* and *e.g.*, are not italicized and have full stops. (For further examples see OSCOLA 1.3.3.)

No bibliography should be attached to the text. Bibliographic information on works cited should be given in the notes.

### B Headings (Divisions and Sub-divisions)

The main headings should be aligned on the left and numbered I, II and so on; first letters of main words should be in upper case.

The next level headings should be aligned on the left and be numbered 1, 2, 3 and so on; first letters of main words should be in upper case.

The next level should be aligned on the left and be lettered a, b and so on. Only the first letter of the heading should be in upper case.

The next level should be aligned on the left and be lettered aa, ab, and so on. Only the first letter of the heading should be in upper case.

Avoid using further levels.

### C Quotations in the Text

Quotations within the text are enclosed within single quotation marks ('...'), and quotations within quotations are given double quotation marks ('...“...”...'). Omissions should be indicated by three dots in square brackets ([...]). The footnote marker comes last, after both the closing quotation mark and the punctuation.

If quotations are four lines or more, they should be separated from the rest of the text, *i.e.* should be set out from the body text in a separate paragraph with an extra indent of 1 centimetre on the left side of the page and should not be enclosed within any quotation marks. Leave a line space both before and after the indented quotation.

Do not italicize quotations. Any comments on the quotation, such as ‘emphasis added’, ‘emphasis omitted’, etc. should appear in the footnote.

#### **D Abbreviations (to be used sparingly)**

Do not use abbreviations unless they are part of everyday legal usage and they are expected to be widely understood in countries other than yours too. If you use abbreviations, define possibly unfamiliar abbreviations in a footnote or in the text in round brackets where you use them for the first time.

#### **E Information on the Author and on the Article**

The author’s name should be followed by footnote marked with a star (\*) and information on the author should be provided in this particular footnote (name, affiliation, sponsor of the particular research, etc.) If there are several authors, the name of the second one should be followed also by a footnote marked with two stars and so on.

The title of the article should be marked with stars and all information on the paper that the author intends to disclose should be indicated in the footnote belonging to the title.

Cf. the following pattern:

Nóra Chronowski\* – Erzsébet Csatlós\*\*  
Judicial Dialogue or National Monologue?  
The International Law and Hungarian Courts\*\*\*

\* Nóra Chronowski (PhD, Dr. habil.) is associate professor at University of Pécs, Faculty of Law, Department of Constitutional Law and research fellow of Institute for Legal Studies, Centre for Social Sciences, Hungarian Academy of Sciences (e-mail: chronowski.nora@ajk.pte.hu). Her research was supported by the János Bolyai Research Scholarship.

\*\* Erzsébet Csatlós (PhD) is research co-fellow at University of Szeged, Faculty of Law and Political Sciences, Department of International Public Law and European Law (e-mail: csatlos.e@juris.u-szeged.hu). Her research was supported by OTKA [National Scientific Research Fund] project № 101463K.

\*\*\* The study is based on the country report (by Nóra Chronowski, Erzsébet Csatlós, Tamás Hoffmann) for project 10-ECRP-028 ‘International Law through the National Prism: the Impact of Judicial Dialogue’. We are grateful to the anonymous reviewer of ELTE Law Journal for the useful remarks. Manuscript was last reviewed on 20 September 2013.

#### **F Brackets**

If you wish to put a text in brackets (for example to provide additional information), please use round brackets. If you need to use brackets inside brackets, square brackets should be outside and round brackets inside. [( )] For the use of brackets concerning the citation of various legal sources please refer to our citation guide as follows.

## III Citations

### A. General Instructions

#### 1 Order of Sources in Footnotes

When citing more than one source of the same kind for a single proposition, put the sources in chronological order, with the oldest first. Separate the citations with semi-colons, and do not precede the final citation with ‘and’. If one or more of the sources are more directly relevant than the others, cite these first, and then cite the less relevant ones in a new sentence, beginning with ‘See also’. If citing legislation and case law for a single proposition, put the legislation before the cases and, if citing primary and secondary sources for a single proposition, put the primary sources before the secondary ones. (OSCOLA 1.1.4.)

#### 2 Introductory Words

Use no introductory words only when the cited authority directly supports the citing text, identifies the source of a quotation, or identifies a source discussed in the text. Introduce every other authority with an ordinary English phrase explaining its force or purpose. These introductory words, such as “See” or “But see,” should never be italicized. We recommend the following phrases:

- See. Use “See” if the cited authority is described by the citing text, or if the cited authority provides indirect but obvious support for the citing text.
- See also. Use “See also” if the cited authority provides additional support for the citing text beyond that provided by previous cited authorities.
- See, for example. Use “See, for example,” if the cited authority provides an example of the proposition stated by the citing text.
- See generally. Use “See generally” when the idea being discussed is too broad to allow for citation to a specific page in the cited authority.
- For \_\_\_\_\_, see. It is acceptable to introduce a source by describing more specifically the type of information it provides: For the evolution and present state of legal doctrine, see ...
- But see. Use “But see” if the cited authority directly or indirectly contradicts the citing text.
- Compare/contrast. Use “Compare . . . with . . .” or “Contrast . . . with . . .”, if the cited authorities provide support for the citing text as a result of their relationship to one another.
- Consider. Use “Consider” instead of “See generally” if the cited authority provides qualified or ambiguous support for the citing text.

(The University of Chicago Manual of Legal Citation, Twentieth Anniversary Edition, 2010, rule 3.1.)

#### 3 Subsequent Citations

In a subsequent citation of a source, briefly identify the source and provide a cross-citation in brackets to the footnote in which the full citation can be found. If the subsequent citation is in the footnote immediately following the full citation, you can generally use ‘ibid’ instead. (The abbreviation ‘ibid’, which is short for ‘ibidem’, meaning ‘in the same place’, can be used to repeat a citation in the immediately preceding footnote. Standing alone, ‘ibid’ means strictly ‘in the very same place’ while ‘ibid 345’ means ‘in the same work, but this time at page 345’. If there is more than one citation in the preceding footnote, use ‘ibid’ only if you are referring again to all the citations in that footnote.) Never italicize or capitalize ‘ibid’.

For subsequent citations of cases, a short form of the case name is sufficient to identify the source. Subsequent citations of legislation may use abbreviations or other short forms.

Subsequent citations of secondary sources require only the author's surname, unless several works by the same author are being cited, in which case the surname and the title of the work (or a short form of the title) should be given. (See also OSCOLA 1.2.1 with examples and 1.2.3.) Thus, in subsequent citations of books and articles, cite only the author's surname and provide a cross-citation (in the form (n n)) to the footnote with the full citation. The pinpoint follows the cross-citation. The title alone should be used in subsequent citations of unattributed works and some other secondary sources, such as reports and policy documents. (OSCOLA 3.1.5.)

Avoid the use of Latin words or abbreviations other than 'ibid', such as supra, infra, ante, id, op cit, loc cit, and contra, which are not widely understood.

Examples of subsequent citations (cf. also the using of 'ibid')

<i>First citation</i>	<i>Subsequent citation</i>
<i>Mustapha v. Culligan of Canada Ltd.</i> , [2008] 2 S.C.R. 114, 2008 SCC 27	Mustapha, paras 4–12.
Council Directive 93/104/EC concerning certain aspects of the organisation of working time [1993] OJ L307/18 (Working Time Directive).	Working Time Directive, art 2.
1993. évi X. törvény a termékfelelősségről (Product Liability Act) s 5 para 2.	Product Liability Act, s 5 para 2.
Allen M. Linden, Bruce Feldthusen, <i>Canadian Tort Law</i> (9th edn, LexisNexis Canada 2011, Markham) 306–311.	Linden, Feldthusen (n 13) 113–115.
Christian von Bar, <i>The Common European Law of Torts</i> , vol 2 (CH Beck 2000, München) para 76.	If this is the only work of von Bar: von Bar (n 23) para 76.
	If this is not the only work cited of von Bar: von Bar, <i>The Common European Law of Torts</i> (n 23) para 27.

#### 4 Cross-references

Since pagination may change from draft to draft, especially in preparation for publication, it is easiest to cross-refer to footnote markers, for example 'See n 12.' 'Text to n 107.' No further words (such as 'below' or 'above') should be added to cross-references. (OSCOLA 1.2.2.)

#### B Citing National Primary Sources

When referring to cases and legislation, cite them as in the home jurisdiction. For some countries there exist unified legal citation guides:

UK: OSCOLA Oxford Standard for Citation of Legal Authorities

[http://www.law.ox.ac.uk/published/OSCOLA\\_4th\\_edn.pdf](http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf)

Canada: Canadian Guide to Uniform Legal Citation (The McGill Guide)

<http://lawjournal.mcgill.ca/citeguide.php>

USA: The Bluebook. A Uniform System of Citation.

<http://www.legalbluebook.com/>

Australia: Australian Guide to Legal Citation (AGLC)

<http://mulr.law.unimelb.edu.au/go/aglc>

Hungary: cf. the Appendix to this guide.

If there are several citation guidelines in the given country, please use the one most commonly used. If the language of the title of legislation is not English, the original title should be followed by an English translation in round brackets. (For subsequent citations see below.) If there is an official or commonly used translation in the given country, please refer to that.

Foreign constitutions should be cited in the same way as other legislation. If the actual name of the constitution is used, round brackets may be necessary to indicate that the document is a constitution.

With regard to judicial decisions, the name and jurisdiction of the court should also be included, unless obvious from the citation or context.

## **C Citing International and Supranational Primary Sources**

Please follow chapter 2.6 of the Oxford Standard for Citation of Legal Authorities, with the slight changes indicated below.

Pinpoints to articles, sections, paragraphs, etc. come at the end of the citation. Use ‘art’ for article, ‘s’ for section, and ‘para’ for paragraph. If referring to several articles, sections, paragraphs, etc., give a specific range (art 8–18, s 12–12.1), if possible with a dash between the numbers. If you must refer to an initial article, section or paragraph and several unspecified following, give the initial number followed immediately by ‘ff’ (e.g. ‘s 167ff’). References to non-consecutive numbers should be separated by a comma followed by a space. There is no full stop after the numbers, but close all your footnotes with a full stop.

### **1 European Union**

Official notices of the EU are carried in the Official Journal of the European Communities (abbreviated to OJ), which is cited in the English style. The OJ citation is given in the order: year, OJ series, number/page. The letter ‘L’ denotes the legislation series (the ‘C’ series contains EU information and notices, and the ‘S’ series invitations to tender).

#### **1.1 Legislation**

When citing EU treaties and protocols, give the title of the legislation, including amendments if necessary, followed by the year of publication, the OJ series and the issue and page numbers. Older treaties were published in the C series. With notable exceptions, such as the Lisbon Treaty, legislation is now published in the L series.

Protocol to the Agreement on the Member States that do not fully apply the Schengen acquis—Joint Declarations [2007] OJ L129/35.

Consolidated Version of the Treaty on European Union [2008] OJ C115/13.

Cite Regulations, Directives, Decisions, Recommendations and Opinions by giving the legislation type, number and title, followed by publication details in the OJ. Note that the year precedes the running number in citations to Directives, but follows it in citations to Regulations.



Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever [2002] OJ L192/27.

Council Regulation (EC) 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and big eye tuna within the Community [2003] OJ L295/1.

Give EU legislation its full name on first citation. In subsequent citations, a short form of the title may be used (provided a warning is given in the first citation) and in a footnote you may also just give the document type and number (using 'Reg' and 'Dir' as abbreviations). Pinpoints indicating articles (abbreviated 'art' or 'arts') or paragraphs follow the OJ citation and a comma. (For the years 1952–72 when there was no English edition of the Journal Officiel, refer where possible to the Special Edition of the OJ.)

Council Regulation (EEC) 1017/68 applying rules of competition to transport by rail, road and inland waterway [1968] OJ Spec Ed 302.

## 1.2 Judgments of the European Court of Justice and Court of First Instance

Since 1989, EU cases have been numbered according to whether they were registered at the European Court of Justice (ECJ) or the Court of First Instance (CFI), and given the prefix C– (for ECJ cases) or T– (for CFI cases). Judgments from the Civil Service Tribunal, which was established in 2005, are prefixed F–. Do not add a C– to pre-1989 cases. Give the case registration number in roman and then the name of the case in italics, with no punctuation between them.

Feel free to decide on either for referring to the official reports, which are cited as ECR, or for referring to the OJ citation, especially if the case is unreported. ECJ cases are reported in volume one (ECR I–) and CFI cases are reported in volume two (ECR II–). The volume number, which is in roman numerals, attaches to the page number with a dash. (If an ECR reference is not available, the second best report is usually the Common Market Law Reports [CMLR].) If the case is not yet reported in the OJ either, cite the case number and case name, followed by the court and date of judgment in brackets.

Case 240/83 *Procureur de la République v ADBHU* [1985] ECR 531.

Joined Cases C–430 and 431/93 *Jereon van Schijndel v Stichting Pensioenfonds voor Fysiotherapeuten* [1995] ECR I–4705.

Case T–344/99 *Arne Mathisen AS v Council* [2002] ECR II–2905.

Case C–556/07 *Commission v France* [2009] OJ C102/8.

Case T–277/08 *Bayer Healthcare v OHMI—Uriach Aquilea OTC* (CFI, 11 November 2009).

When pinpointing, use 'para' or 'paras' after a comma. When citing an opinion of an Advocate General, add the words 'Opinion of AG [name]' after the case citation and a comma, and before any pinpoint.

Case C–176/03 *Commission v Council* [2005] ECR I–7879, paras 47–48.

Case C–411/05 *Palacios de la Villa v Cortefiel Servicios SA* [2007] ECR I–8531, Opinion of AG Mazák, paras 79–100.

### 1.3 Decisions of the European Commission

Decisions of the European Commission in relation to competition law and mergers are to be treated as cases. Give the names of the parties (or the commonly used short name) in italics, the case number in brackets, the Commission Decision number (where available), and the OJ report.

*Alcatel/Telettra* (Case IV/M.042) Commission Decision 91/251/EEC [1991] OJ L122/48.

*Georg Verkehrsorgani v Ferrovie dello Stato* (Case COMP/37.685) Commission Decision 2004/33/EC [2004] OJ L11/17.

### 1.4 European Commission documents

When citing European Commission documents (such as proposals and action plans), give the body that produced the document, followed by the title in quotation marks, and the COM number. Describe the document type in brackets after the title if appropriate. In subsequent citations give only the COM number.

Commission, ‘Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol on the Implementation of the Alpine Convention in the Field of Transport (Transport Protocol)’ COM (2008) 895 final, ch I art 3.

Commission, ‘Action Plan on consumer access to justice and the settlement of disputes in the internal market’ (Communication) COM (96) 13 final.

Commission, ‘Proposal for a Council Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters’ COM (99) 348 final.

(OSCOLA 3.4.5)

## 2 The European Court of Human Rights

Judgments and decisions published in the *Reports of Judgments and Decisions* of the European Court of Human Rights from 1 November 1998 should be cited according to the following pattern: name of case (in italics), application number, paragraph number (for judgments), abbreviation of the European Court of Human Rights (ECHR), year and number of volume.

In the absence of any indication to the contrary, the cited text is a judgment on the merits delivered by a Chamber of the Court. Any variation from that is added in round brackets after the name of the case: ‘(dec.)’ for a decision on admissibility, ‘(preliminary objections)’ for a judgment concerning only preliminary objections, ‘(just satisfaction)’ for a judgment concerning only just satisfaction, ‘(revision)’ for a judgment concerning revision, ‘(interpretation)’ for a judgment

concerning interpretation, '(striking out)' for a judgment striking the case out, or '(friendly settlement)' for a judgment concerning a friendly settlement. '[GC]' is added if the judgment or decision has been given by the Grand Chamber of the Court.

For unreported judgments and decisions of the new Court: name of case (in italics), application number, paragraph number (for judgments), date (without full stops).

*Campbell v. Ireland*, no. 45678/98, § 24, ECHR 1999-II.

*Campbell v. Ireland* (dec.) [GC], no. 45678/98, ECHR 1999-II.

*Durand v. France* (striking out), no. 45678/98, § 24, 5 September 1999.

Judgments and decisions of the old Court, if published in the *Reports*, should be cited in the following way: name of case (in italics), date, application number, paragraph number (for judgments), '*Reports of Judgments and Decisions*', year and number of volume.

For judgments and decisions published in Series A, the series and the number of the case should be indicated.

*Alenet de Ribemont v. France* (interpretation), 7 August 1996, § 17, *Reports of Judgments and Decisions* 1996-III.

*Plattform "Ärzte für das Leben" v. Austria*, 21 June 1988, § 31, Series A no. 139.

Citations of the decisions of the Commission should follow the following pattern:

Name of case (in italics), application number, 'Commission decision of [full date without full stops], '*Decisions and Reports*' and number of volume, page number preceded by 'p.' (with full stop). If a case is unreported, this should be indicated.

*Moreira de Azevedo v. Portugal*, no. 11296/84, Commission decision of 14 April 1988, *Decisions and Reports* 56, p. 126.

*Garnieri v. Italy*, no. 22256/88, Commission decision of 18 May 1992, unreported.

Based on the 'Mode of citation' as recommended by the court:

[http://www.echr.coe.int/NR/rdonlyres/0D5B9647-A83F-43CD-88E1-44B7312A29D6/0/COURT\\_n2316817\\_v2\\_Note\\_explaining\\_the\\_mode\\_of\\_citation.pdf](http://www.echr.coe.int/NR/rdonlyres/0D5B9647-A83F-43CD-88E1-44B7312A29D6/0/COURT_n2316817_v2_Note_explaining_the_mode_of_citation.pdf)

### **3 International Treaties and Documents**

#### **3.1 International Treaties**

International treaties should be cited according to the following pattern: treaty title (in italics), name of parties, date of opening for signature/date of signature, treaty series, date of entry into force, pinpoint.

The title should appear in the reference as it appears on the first page of the treaty, but without merely procedural elements, such as the date and place of signature. If parties' names are included in the treaty title, they should be reproduced in citations exactly as they appear in that title.

For multilateral treaties with more than three signatories, the names of states parties should not be included after the treaty title. If the names of states parties to a bilateral or trilateral treaty appear in the treaty title, they should not be repeated after the title. If they do not appear in the title, their conventional shortened forms should be included (unitalicised) after the treaty title, preceded and followed by a comma and joined by en-dashes. The full form of names should be used if necessary to avoid ambiguity (for example, to differentiate the 'Democratic Republic of the Congo' from the 'Republic of the Congo').

*Convention Relating to the Non-Fortification and Neutralisation of the Aaland Islands*, opened for signature 20 October 1921, 9 LNTS 211 (entered into force 6 April 1922).

*Agreement on Cultural and Educative Integration between the Republic of Venezuela and the Republic of Peru*, signed 12 January 1996, 2408 UNTS 125 (entered into force 13 March 1997) art 4.

*International Agreement on the Scheldt*, Belgium–France–Netherlands, signed 3 December 2002, 2351 UNTS 13 (entered into force 1 December 2005) art 3(1)(a).

References to multilateral treaties that are opened for signature to states generally should contain the date of conclusion preceded by the phrase 'opened for signature'. For treaties that are signed by all parties and are not opened for signature to others, the date of conclusion should be introduced with the word 'signed'. Where the date of conclusion and entry into force are the same, the date should follow the abbreviation of the treaty series, in the form 'signed and entered into force [full date]'. For treaties that are not yet in force, '(not yet in force)' should replace the date of entry into force.

*Convention Relating to the Non-Fortification and Neutralisation of the Aaland Islands*, opened for signature 20 October 1921, 9 LNTS 211 (entered into force 6 April 1922).

*Agreement on Cultural and Educative Integration between the Republic of Venezuela and the Republic of Peru*, signed 12 January 1996, 2408 UNTS 125 (entered into force 13 March 1997) art 4.

*Agreement Relating to Co-operation on Antitrust Matters*, Australia–United States of America, 1369 UNTS 43 (signed and entered into force 29 June 1982).

*Convention on Cluster Munitions*, opened for signature 3 December 2008, [2008] ATNIF 24 (not yet in force).

A citation of a treaty series should be included and the series name should be abbreviated. Where the treaty series is organised by volume, the volume number should precede the abbreviation. Where the treaty series is organised by year, the citation should contain the year in square

brackets. Where the treaty series is organised by sequential order of deposit independent of year, the sequential number (introduced by 'No') should follow the abbreviation.

*Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980).

*Agreement between the Government of Australia and the Government of Samoa Relating to Air Services*, signed 11 August 2000, [2001] ATS 18 (entered into force 29 October 2001).

*Convention on Cybercrime*, opened for signature 23 November 2001, ETS No 185 (entered into force 1 July 2004) art 4(1).

For treaties between members of the European Union that do not appear in the UNTS or an official treaty series of a member, the Official Journal of the European Union should be cited. If a treaty is not published in a treaty series, other sources containing the treaty, such as International Legal Materials (abbreviated 'ILM'), should be cited.

A pinpoint reference should follow the date of entry into force, preceded by a space. A pinpoint reference should not be preceded by any punctuation. Pinpoint references should be to the articles, paragraphs, sections, etc, of a treaty. They should not be to the pages of the treaty series. The form of pinpoint reference in the treaty cited should be used in citations.

### 3.2 United Nations Materials

References to UN documents should include the relevant elements (not all of them necessarily appear in a single document) from the following list, in the order shown here: author, title (in italics), resolution or decision number, Official Records, committee number, session (and part) number, meeting number, agenda item(s), supplement, UN document number(s), full date, annex, pinpoint.

Elements before the UN document number should be separated by (non-italic) commas. Elements after the UN document number should generally not be separated by any punctuation, but the full date should appear in round brackets.

The author's official position may be included if it is not evident from the document title. It should be included after their name, preceded by a comma.

Document numbers of General Assembly resolutions prior to the 31st session (1976) include the session number (and, for special and emergency special sessions, an abbreviation for the type of session) in round brackets after the document number. Examples are '(XXV)' for the 25th regular session, '(S-VI)' for the sixth special session, and '(ES-V)' for the fifth emergency special session.

Where the date of adoption differs from the document date and is important, it may be included after the full date.

Where an annex is included as a pinpoint reference, 'annex' should appear as the pinpoint. Where there are multiple annexes, a reference to one annex should include its number or other designation as it appears on the document.

Where a document is considered by or addressed to multiple UN organs (for example, both the General Assembly and Security Council), parallel citations of the Official Records of both organs should be included, separated by a semi-colon; and both document numbers should be included, separated by 'and'.

*Prevention of Armed Conflict*, GA Res 57/337, UN GAOR, 57th sess, 93rd plen mtg, Agenda Item 10, Supp No 49, UN Doc A/RES/57/337 (18 July 2003).

SC Res 827, UN SCOR, 48th sess, 3217th mtg, UN Doc S/RES/827 (25 May 1993).

UN GAOR, 63rd sess, 55th plen mtg, UN Doc A/63/PV.55 (19 November 2008).

*Basic Program of Work of the Economic and Social Council for 2001*, ESC Dec 2001/203, UN ESCOR, 3rd plen mtg, Supp No 1, UN Doc E/2000/99 (4 February 2000).

*Report of the Economic and Social Council for 2005*, UN GAOR, 60th sess, UN Doc A/60/3/Rev.1 (11 July 2007).

Conference of the Parties, United Nations Framework Convention on Climate Change, *Report of the Conference of the Parties on Its Fifteenth Session, Held in Copenhagen from 7 to 19 December 2009 — Addendum — Part 2: Action Taken by the Conference of the Parties at Its Fifteenth Session*, UN Doc FCCC/CP/2009/11/Add.1 (30 March 2010).

*In Larger Freedom: Towards Development, Security and Human Rights for All — Report of the Secretary-General*, 59th sess, Agenda Items 45 and 55, UN Doc A/59/2005 (21 March 2005).

*Secretary-General's Bulletin — Organization of the Office of Central Support Services*, UN Doc ST/SGB/1998/11 (1 June 1998).

*Responsibility of States for Internationally Wrongful Acts*, GA Res 56/83, UN GAOR, 56th sess, 85th plen mtg, Supp No 49, UN Doc A/RES/56/83 (28 January 2002, adopted 12 December 2001) annex ('*Responsibility of States for Internationally Wrongful Acts*') art 4(2).

*Draft Resolution — International Cooperation in the Peaceful Uses of Outer Space*, 4th Comm, 62nd sess, Agenda Item 31, UN Doc A/C.4/62/L.2 (14 November 2007).

Where material in a UN yearbook is not otherwise available, the yearbook should be cited, according to the following pattern: title (between inverted commas), year, volume number (if applicable), yearbook title (in italics), starting page, pinpoint.

Where the yearbook is organised by volume, the year should be given in round brackets and followed by the volume number. Where a volume is split into multiple issues or parts, the issue number should be included immediately following the volume number in round brackets (for example, '34(I)').

Where the yearbook is organised by year, the year should be given in square brackets. Where there are multiple volumes for one year, the volume number should be included in Roman

numerals after the year (for example, '[2002] II'). Where a volume is split into parts, the part number should be included, enclosed in round brackets, immediately after the volume number (for example, '[1999] II(2)').

'Report of the International Law Commission on the Work of Its Fifty-Third Session (23 April – 1 June and 2 July – 10 August 2001)' [2001] II(2) *Yearbook of the International Law Commission* 1.

'Developments and Trends, 2007' (2007) 32(II) *United Nations Disarmament Yearbook* 3, 4.

### 3.3 International Court of Justice and Permanent Court of International Justice

A citation of a decision of the International Court of Justice ('ICJ') or Permanent Court of International Justice ('PCIJ') should include the following elements: case name (in italics), parties' names or 'Advisory Opinion' (italicised, in round brackets), phase (italicised, in round brackets), year of volume (in square brackets), report series and series letter (for decisions of the PCIJ), starting page or case number (for decisions of the PCIJ), pinpoint.

The names of the parties should be included as they appear on the first page of the report, and separated by 'v'. Where parties do not appear on the first page of the report, their names should be included in the conventional shortened form (unless the full form needs to be used to avoid ambiguity). Where multiple cases are joined together, only the names of the parties to the first-listed case should be included.

The 'phase' is the broad characterisation of the stage of the decision cited in the course of a case. The most common phases are: '*Provisional Measures*'; '*Preliminary Objections*'; '*Jurisdiction*'; '*Merits*'; and '*Judgment*'. A phase should always be included in a contentious case. Where there are not multiple phases in a particular contentious case, the phase '*Judgment*' will usually be appropriate.

The ICJ publishes its decisions in *Reports of Judgments, Advisory Opinions and Orders* (abbreviated 'ICJ Rep'). The PCIJ published its decisions in series A, series B and series A/B of *Publications of the Permanent Court of International Justice* (abbreviated 'PCIJ').

When citing pleadings and other material of parties and of the court, the document title (between inverted commas) should precede the case name. For material originating in proceedings before the ICJ, references should be to *Pleadings, Oral Arguments, Documents* (abbreviated 'ICJ Pleadings'). For PCIJ proceedings, references should be to PCIJ (ser C).

For ICJ Pleadings, where more than one volume is published for a case, the volume number should precede 'ICJ Pleadings'. It should appear in Roman numerals (for example, '[1985] II ICJ Pleadings'). For PCIJ (ser C), the 'number' and the starting page of the document should be included (for example, 'No 76, 12'). Where there are multiple parts within a 'number', the part should follow the number, preceded by 'pt'. The part should appear in Roman numerals (for example, 'No 17 pt II').

Where cases are paginated, pinpoint references should be to pages; and where a report has both page numbers and paragraph numbers, page numbers should always be included in a pinpoint reference and paragraph numbers may be included in addition.

*Railway Traffic between Lithuania and Poland (Advisory Opinion)* [1931] PCIJ (ser A/B) No 42, 109.

*Corfu Channel (United Kingdom v Albania) (Preliminary Objection)* [1948] ICJ Rep 15, 26–7.

*Certain Property (Liechtenstein v Germany) (Judgment)* [2005] ICJ Rep 6, 19 [26], 20 [31]–[32], 21–5 [34]–[45].

‘Written Statement of the Government of the Kingdom of Denmark’, *Certain Expenses of the United Nations (Advisory Opinion)* [1962] ICJ Pleadings 137.

‘Speech by Dr Budding’, *Rights of Minorities in Upper Silesia (Germany v Poland)* [1928] PCIJ (ser C) No 14 pt II, 20, 25–7.

Where a separate or dissenting opinion or a declaration is referred to, the name(s) of the relevant judge(s) (if not otherwise apparent) may be included in round brackets after the pinpoint reference. ‘Separate Opinion’, ‘Dissenting Opinion’ and ‘Declaration’ (and any abbreviations of these terms) should *not* be included with judges’ names.

When citing pleadings and other material of parties and of the court, a speaker’s name (if not otherwise apparent) may be included after a pinpoint reference.

*Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v Belgium) (Judgment)* [2002] ICJ Rep 3, 63–4 [2]–[3] (Judges Higgins, Kooijmans and Buergenthal).

‘Questions Put to Professor Glennon by Judge Schwebel’, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* [1986] V ICJ Pleadings 78, 78 (Judge Schwebel), 79 (Professor Glennon)

When citing unreported decisions, pleadings or other material, the reference should contain ‘International Court of Justice’, followed by the General List number, and the full date. In references to decisions, these elements should be in round brackets. For decisions, pinpoint references should be to paragraphs. For pleadings or other material, pinpoint references should be to paragraph numbers where available (and where these are continuous across an entire document). Pinpoint references to verbatim proceedings (and other transcripts) should be to page numbers.

*Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia v Singapore) (Judgment)* (International Court of Justice, General List No 130, 23 May 2008) [8] (Judge Parra-Aranguren).

‘Application Instituting Proceedings’, *Aerial Herbicide Spraying (Ecuador v Colombia)*, International Court of Justice, General List No 138, 31 March 2008, 28 [41].



### 3.4 International Tribunal and Arbitral Decisions

State–state and individual–state arbitral and tribunal decisions published in a report series should be cited according to the following pattern: case name (in italics), parties’ names (for state–state decisions, italicized, in round brackets), phase (italicized, in round brackets), year (in round brackets), volume and report series, starting page, pinpoint.

States parties’ names should appear in the conventional shortened form, not the full elaborate form, regardless of how they appear on the decision.

The phase should appear as it does on the decision cited, except that any date should be omitted from the phase unless it is necessary to unambiguously identify the decision.

Judges’ or arbitrators’ names should appear only after pinpoint references to separate or dissenting opinions or declarations. Tribunal members may be referred to by a title other than ‘Mr’ or ‘Ms’ (such as ‘Dr’, ‘Prof’, etc).

*Cordillera of the Andes Boundary (Argentina v Chile) (Report of the Tribunal Appointed by the Arbitrator) (1902) 9 RIAA 39.*

*Responsibility for the Death of Letelier and Moffitt (United States of America v Chile) (Decision) (2005) 25 RIAA 1, 12–13 (Prof Orrego Vicuña).*

*Southern Pacific Properties (Middle East) Ltd v Egypt (Decision on Jurisdiction of 27 November 1985) (1983) 3 ICSID Rep 112, 129–30.*

Where an otherwise unreported case is published in the International Legal Materials (abbreviated ‘ILM’), the ILM should be cited.

Unreported state–state and individual–state arbitral and tribunal decisions should be cited according to the following pattern: case name (in italics), parties’ names (for state–state decisions, italicized, in round brackets), phase (italicized, in round brackets), name of arbitral body or tribunal, case number, full date (the last three in round brackets), pinpoint.

The name of the arbitral body or tribunal should appear as it does on the title page of the decision (or, where cumbersome, in a conventional shortened form). A case number should be included only if it appears in the decision. It should appear as it does on the title page, preceded by ‘Case No’. If there is no full date, as much of the full date as appears should be included.

Where a decision has paragraph numbers, pinpoints should be to paragraph numbers. Where a decision has only page numbers, pinpoints should be to page numbers.

*Hoshinmaru (Japan v Russia) (Judgment) (International Tribunal for the Law of the Sea, Case No 14, 6 August 2007) [1].*

*Tokelés v Ukraine (Jurisdiction) (ICSID Arbitral Tribunal, Case No ARB/02/18, 29 April 2004) [27] (President Weil).*

### 3.5 International Criminal Tribunals and Courts

International criminal cases should be cited according to the following pattern: parties' names (in italics), phase (italicized, in round brackets), name of court, chamber, case number, full date (the last four in round brackets), pinpoint.

Parties' names should appear in the form '[*Prosecutor*] v [*Surname of Defendant*]'. The order of the names should be reversed for appeals (if they are on the decision itself). Where there are multiple defendants or appellants, only the name of the first defendant or appellant should be included.

The phase should be included as it appears on the judgment (including any date in the name of the phase). However, the defendant's name should be omitted from the phase if the name is included at the beginning of the reference.

The name of the court should be included in its commonly used shortened form (if any exists), not its full elaborate form.

The name of the chamber should include both the type of chamber (where an international criminal tribunal or court has multiple types of chambers), and any numerical designation given to the chamber, which should appear in Roman numerals.

The International Criminal Court has three types of chambers: Pre-Trial Chambers, Trial Chambers and Appeals Chambers. Other international criminal tribunals and courts often have one or several Trial Chambers and an Appeals Chamber. Such chambers are typically numbered using Roman numerals (for example, 'Trial Chamber II').

The case number should be preceded by the words 'Case No'. The case number should appear as it does on the judgment cited (including any component specific to that document, where available); full stops should not be used in abbreviations, but should be reproduced if they are used within a case number; and where there are multiple case numbers, all should be included (preceded by 'Case Nos').

Judges' names should be included after pinpoint references to separate or dissenting opinions. 'Judge' should be written out in full before a judge's name.

*Prosecutor v Kambanda (Decision Ordering Continued Detention)* (International Criminal Tribunal for Rwanda, Trial Chamber I, Case No ICTR-97-23-T, 1 May 1998).

*Prosecutor v Erdemović (Judgement)* (International Criminal Tribunal for the Former Yugoslavia, Appeals Chamber, Case No IT-96-22-A, 7 October 1997) [6] (Judge Stephen).

Based on Australian Guide to Legal Citation (AGLC) pt. IV.

## D Citing Secondary Sources

### 1 General Remarks

For citing secondary sources please follow the instructions given in this submission guide. Although we rely on OSCOLA in most citing issues, there might be slight differences due to the profile of ELJ.

#### 1.1 Authors' names

Give the author's name exactly as it appears in the publication. If there are more than three authors, give the name of the first author followed by 'and others'. If there are more authors but not more than three, separate their names with commas. If no individual author is identified, but an organisation or institution claims editorial responsibility for the work then cite it as the author. If no person, organisation or institution claims responsibility for the work, begin the citation with the title. In footnotes, the author's first name or initial(s) precede their surname. (Partly OSCOLA 3.1.1.)

#### 1.2 Titles

Italicise titles of books and similar publications, including all publications with ISBNs. All other titles should be within single quotation marks and in roman. Use capitalisation as it is used in the title itself. (Partly OSCOLA 3.1.2.)

#### 1.3 Parts, chapters, pages and paragraphs

Pinpoints to parts, chapters, pages and paragraphs come at the end of the citation. Use 'pt' for part, 'ch' for chapter, and 'para' for paragraph. Page numbers stand alone, without 'p' or 'pp'. If citing a chapter or part and page number, insert a comma before the page number. Where possible, give a specific range of pages (8–18) with a dash between them but if you must refer to an initial page and several unspecified following pages, give the initial page number followed immediately by 'ff' (e.g. '167ff'). References to non-consecutive page or other numbers (note, para) should be separated by a comma followed by a space. There is no full stop after the page numbers but close all your footnotes with a full stop. (Partly OSCOLA 3.1.3.)

#### 1.4 Electronic sources

If you source a publication online which is also available in hard copy, cite the hard copy version. There is no need to cite an electronic source for such a publication. Citations of publications that are available only electronically should end with the web address (also known as the uniform resource locator, or 'url') in angled brackets (< >), followed by the date of most recent access, expressed in the form 'accessed 1 January 2010'. (Partly OSCOLA 3.1.4.)

## 2 Further Guidelines and Citing Samples

### 2.1 Books

Cite all publications with an ISBN as if they were books, whether read online or in hard copy. Older books do not have ISBNs, but should be cited as books even if read online.

Cite the author's name first, followed by a comma, and then the title of the book in italics. Where a book has a title and subtitle not separated with punctuation, insert a colon. Publication information follows the title within round brackets. Publication elements should always include the publisher and the year of publication with a space but no punctuation between them. After the year of publication insert a comma and the place of publication needs to be given. If there are more places, insert a dash between them. If any of the publication information is missing in the book itself, you do not have to indicate it either.

If you are citing an edition other than the first edition the indicate that, using the form '2nd edn' (or 'rev edn' for a revised edition), before the name of the publisher. Additional information should be of a clarifying nature: it may include the editor, the translator or other descriptive information about the work.

If a book consists of more than one volume, the volume number precedes the publication information and is separated from the title by a comma.

Pinpoint to paragraphs rather than pages if the paragraphs are numbered. (Partly OSCOLA 3.2.)

Christian von Bar, *The Common European Law of Torts*, vol 2 (CH Beck 2000, München) para 76.

Andrew Burrows, *Remedies for Torts and Breach of Contract* (3rd edn, Oxford University Press 2004, Oxford) 317–318.

Allen M. Linden, Bruce Feldthusen, *Canadian Tort Law* (9th edn, LexisNexis Canada 2011, Markham) 306–311.

Hermann Lange, Gottfried Schiemann, *Schadensersatz* (Handbuch des Schuldrechts in Einzeldarstellungen, Band 1, 3rd rev edn, Mohr Siebeck 2003, Tübingen) 228ff.

Barbara Dauner-Lieb and others, *Das neue Schuldrecht: Ein Lehrbuch* (Müller 2002, Heidelberg) 118–119.

Nagy Éva, Pecze Dóra, *Polgári Jog I* (Jogi szakvizsga segédkönyvek, Dialóg Campus 2003, Budapest-Pécs) 138–139.

If there is no author, cite the editor or translator as you would an author, adding in round brackets after their name '(ed)' or '(tr)', or '(eds)' or '(trs)' if there is more than one. If the work has an author, but an editor or translator is also acknowledged on the front cover, cite the author in the usual way and attribute the editor or translator at the beginning of the publication information, within the round brackets.

HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (John Gardner ed, 2nd edn, Oxford University Press 2008, Oxford) 113.

Konrad Zweigert, Hein Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3rd edn, Oxford University Press 1998, Oxford) 456–461.

## 2.2 Contributions to edited books

When citing a chapter or essay in an edited book, give the author's name first, followed by a comma. Then give the title of the article within single quotation marks, followed by the editor's name, the title of the book in italics, and the publication information. It is also necessary to give the first and last page of the contribution with a dash between them. (Partly OSCOLA 3.2.3.)

Jean-Louis Baudouin, 'The Impact of the Common Law on the Civilian System of Louisiana and Quebec' in Joseph Dainow (ed), *The Role of Judicial Decisions and Doctrine in Civil Law and in Mixed Jurisdictions* (Louisiana State University 1974, Baton Rouge, 1–22) 13.

Stéphane Beaulac, 'A Comparative Look at Punitive Damages in Canada' in Stéphane Beaulac, Stephen G. Pitel, Jennifer L. Schulz (eds), *The joy of torts: Essays in Honour of Mr. Justice Allen M. Linden* (LexisNexis Canada, 2003, Markham, 351–373) 352ff.

Menyhárd Attila, 'Punitive Damages in Hungary' in Helmut Koziol, Vanessa Wilcox (eds), *Punitive Damages: Common Law and Civil Law Perspectives* (Tort and Insurance Law Vol. 25, Springer 2009, Wien–New-York, 87–102) 87–89.

## 2.3 Articles

### a) Hard copy journals

When citing articles, give the author's name first, followed by a comma. Then give the title of the article, in roman within single quotation marks. Treat case notes with titles as if they were journal articles. Where there is no title, use the name of the case in italics instead, and add '(note)' at the end of the citation. Cite forthcoming articles in the same way as published articles, following the citation with '(forthcoming)'. If volume and/or page numbers are not yet known, simply omit that information. After the title, give the publication information in the following order:

- year of publication, in square brackets if it identifies the volume, in round brackets if there is a separate volume number;
- the volume number if there is one (include an issue number only if the page numbers begin again for each issue within a volume, in which case put the issue number in round brackets immediately after the volume number);
- the name of the journal in roman, in full (please avoid abbreviations) with no full stops;
- and the first and the last page of the article with a dash between them. (Put a comma after the indication of first and last pages if there is a pinpoint.) (Partly based on OSCOLA 3.3.)

Paul Craig, 'Theory, "Pure Theory" and Values in Public Law' [2005] Public Law 440–447, 441ff.

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Alison L Young, 'In Defence of Due Deference' (2009) 72 Modern Law Review 554–580, 555–557.

Jeremy Waldron, 'The Core of the Case against Judicial Review' (2006) 115 Yale Law Journal 1346–1406, 1372.

Gerhard Wagner, 'Prävention und Verhaltenssteuerung durch Privatrecht: Anmaßung oder legitime Aufgabe?' (2006) 206 Archiv für die civilistische Praxis 355–476, 357.

Wellmann György, 'A hibás teljesítés egyes jogértelmezési kérdései I.' (2004) 12 (11) Gazdaság és Jog 10–14, 11.

Vékás Lajos, 'Javaslat a szerződések általános szabályainak korszerűsítésére: Vitaindító tézisek az új Ptk. koncepciójához, II. rész' (2001) 3 (4-5) 3–14, 7.

## b) Online journals

When citing journal articles which have been published only electronically, give publication details as for articles in hard copy journals, but note that online journals may lack some of the publication elements (for example, many do not include page numbers). If citation advice is provided by the online journal, follow it. Follow the citation with the web address (in angled brackets) and the date you most recently accessed the article. Pinpoints follow the citation and come before the web address.

Graham Greenleaf, 'The Global Development of Free Access to Legal Information' (2010) 1 (1) European Journal of Law and Technology, ch 2 <<http://ejlt.org/article/view/17>> accessed 27 July 2010.

Bodzási Balázs, 'A fogyasztói hitelezés jogi és közgazdasági háttere, különös tekintettel az előtörlesztés intézményére' (2010) 8 (1) 4–29 Themis: Az ELTE Állam- és Jogtudományi Doktori Iskola elektronikus folyóirata, 13 <<http://ajkold.elte.hu/TudomanyosProfil/kiadvanyok/elektronikus/themis/Themis%20-%202010.%20J%C3%BAnius.pdf>> accessed 18 August 2011.

Sylvette Guillemard, 'Liberté contractuelle et rattachement juridictionell : le droit québécois face aux droits français et européen' (2004) 8 (2) Electronic Journal of Comparative Law, ch 1.1.2 <<http://www.ejcl.org/82/art82-1.PDF>> accessed 18 August 2011 .

## c) Working papers

Working papers may be available online on institution websites and on sites such as the Social Science Research Network ([www.ssrn.com](http://www.ssrn.com)). They should be cited in a similar fashion to electronic journal articles. Because the content of working papers is subject to change, the date of access is particularly important. If a working paper is subsequently published in a journal, cite that in preference to the working paper.

John M Finnis, 'On Public Reason' (2006) Oxford Legal Studies Research Paper 1/2007, 8 <<http://ssrn.com/abstract=955815>> accessed 18 November 2009 (citation proposed on the homepage)

Bódig Mátyás, 'Legal Theory and Legal Doctrinal Scholarship' (2008) 5-6 <[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1263946](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1263946)> accessed 18 August 2011

## 2.4 Unpublished theses

When citing an unpublished thesis, give the author, the title and then in round brackets the type of thesis, university and year of completion. (OSCOLA 3.4.7.)

Javan Herberg, 'Injunctive Relief for Wrongful Termination of Employment' (DPhil thesis, University of Oxford 1989), 84–86.

Johanna Henriëtte Van Hedel, 'Towards a European ius commune - what lessons can we learn from Quebec's mixed legal system?' (LL.M. thesis, McGill University 2004) 67.

For further sorts of secondary sources cf. OSCOLA ch 3.4.

## Appendix: Citing Hungarian Cases and Legislation

### A Legislative Materials

#### 1 Primary Legislation

References to Acts of Parliament should contain the number and the title of the Act (in italics), followed by an English translation (in round brackets) and a pinpoint. The form of pinpoint reference in the Act cited should be used.

**NB** Pinpoints should *not* be italicised in the reference, even if they are in the Act.

Frequently used forms of pinpointing include:

rész	part	pt
fejezet	chapter	ch
paragrafus (§)	section	s
bekezdés	paragraph	para
pont	item	item

*1996. évi LVII. törvény a tisztességtelen piaci magatartás és a versenykorlátozás tilalmáról* (Act LVII of 1996 on the Prohibition of Unfair Market Practices and of the Restriction of Competition) pt I ch III s 8 para (2) item b).

References to the Constitution of the Republic of Hungary should follow the above pattern.

*1949. évi XX. törvény, A Magyar Köztársaság Alkotmánya* (Act XX of 1949, The Constitution of the Republic of Hungary) ch III s 32/A para (2).

From 1 January 2012, the Constitution was replaced by the Fundamental Law, which has no number. References to the Fundamental Law of Hungary should contain the name of the Fundamental Law (in italics), followed by the date of publication (italicized, in round brackets), English translation (in round brackets) and a pinpoint.

**NB** Chapters of the Fundamental Law have names, not numbers. The name of the relevant chapter should be given between inverted commas. Forms of pinpointing also differ between chapters.

*Magyarország Alaptörvénye (2011. április 25)* (The Fundamental Law of Hungary of 25 April 2011) ch 'Alapvetés' (Foundation) art G para (1).

In subsequent references, the number of the Act may be used.

Act LVII of 1996, pt I ch II.



## 2 Delegated Legislation and Other Means of State Control

References to Decrees and Orders should contain the number and the name of the piece of legislation (in italics), followed by an English translation (in round brackets) and a pinpoint. The form of pinpoint reference in the piece of legislation cited should be used.

*Az Országgyűlés 46/1994 (IX. 30.) OGY határozata a Magyar Köztársaság Országgyűlésének Házszabályáról* (Resolution of the National Assembly 46/1994 (IX. 30.) OGY on the Standing Orders of the Parliament of the Republic of Hungary) pt I s 5 para (1) item b).

In subsequent references, the number of the piece of legislation may be used.

37/2007. (XII. 13.) ÖTM.

46/1994 (IX. 30.) OGY, pt I s 5 para (1) item c).

## B Cases

### 1 Constitutional Court

Cases of the Constitutional Court of Hungary should be cited according to the following pattern: number and date of decision, report series and volume, starting page, pinpoint.

Decisions of the Court are published in yearly volumes of the official reports *Az Alkotmánybíróság határozatai* (ABH, to be preferred in citations). For decisions not yet published in these volumes, references should be made to the monthly issues of the official reports (published under the same title, abbreviated as ABK).

Decision 143/2010. (VII. 14.) AB of the Constitutional Court of the Republic of Hungary, ABH 2010, 698, 699–700.

Decision 52/2011. (VI. 24.) AB of the Constitutional Court of the Republic of Hungary, ABK June 2011, 561, 562.

Where a dissenting opinion or concurring reasoning is referred to, the name(s) of the relevant judge(s) (if not otherwise apparent) may be included in round brackets after the pinpoint reference. ‘Dissenting Opinion’ or ‘Concurring Reasoning’ (and any abbreviations of these terms) should *not* be included with judges’ names.

Decision 23/1990. (X. 31.) AB of the Constitutional Court of the Republic of Hungary, ABH 1990, 88, 94–95 (Judge Schmidt), 95–96 (Judges Lábady and Tersztyánszky).

## 2 Other Courts

Names of Hungarian Courts should be used as shown in the following examples:

### Names before the renaming (2012)

Legfelsőbb Bíróság	Supreme Court	
Fővárosi Ítéltábla:	Budapest-Capital Regional Court of Appeal	
Ítéltábla	Regional Court of Appeal	e.g. Győr Regional Court of Appeal
Megyei Bíróság	County Court	e.g. Nógrád County Court
Fővárosi Bíróság	Municipal Court of Budapest	
Helyi Bíróság	Local Court	e.g. Szekszárd City Court
Kerületi Bíróság	District Court	e.g. Budapest 2nd and 3rd District Court
Munkaügyi Bíróság	Labour Court	

### Names after the renaming (2012)

Kúria:	Curia of Hungary
Fővárosi Ítéltábla:	Budapest-Capital Regional Court of Appeal
Debreceni stb. Ítéltábla:	Debrecen Regional Court of Appeal
Fővárosi Törvényszék:	Budapest-Capital Regional Court
Budapest Környéki Törvényszék:	Budapest Environs Regional Court
Balassagyarmati stb., Törvényszék:	Balassagyarmat Regional Court
Járásbíróság:	(Székhely +) District court
Balassagyarmati Törvényszék Cégbírósága:	Company Court of Balassagyarmat Regional Court
Budapest Környéki Törvényszék Cégbírósága:	Company Court of Budapest Environs Regional Court
Egri Törvényszék Cégbírósága:	Company Court of Eger Regional Court
Fővárosi Törvényszék Cégbírósága :	Company Court of Budapest–Capital Regional Court

Cases of the Supreme Court (Legfelsőbb Bíróság) / Curia reported in the series *Bírósági Határozatok* should be cited according to the following pattern: report series name ('BH'), year (with full stop), number.

BH 2009. 62.

Cases of Regional Courts of Appeal (Ítéltábla) reported in the series *Ítéltáblai Határozatok* should be cited according to the following pattern: name of court, report series name ('ÍH'), year, issue, number (separated by slashes).

Budapest-Capital Regional Court of Appeal ÍH 2009/1/5.

Cases of Regional Courts of Appeal (not reported in ÍH) and County Courts reported in the series *Bírósági Döntések Tára* should be cited according to the following pattern: name of court, report series name ('BDT'), year (with full stop), number.

Győr Regional Court BDT 2009. 195.

References to unreported cases should contain the name of the court and the case number.

Balassagyarmat Regional Court 1.Bf.442/2004/11.

In subsequent references, the number of decision may be used, preceded by the abbreviation of the report series name.

If an otherwise unreported case has been published in a journal, the publication details (year, volume, name of journal, page numbers) should be added to the reference and page numbers of the publication should be referred to in subsequent references.

Balassagyarmat Regional Court  
1.Bf.442/2004/11, published in (2004) 4 Fundamentum 73–76.

### 3 Other Authorities

Decisions of other authorities should be cited according to the following pattern: name of authority in English, Hungarian name (in round brackets), case number, full date (in round brackets).

Injunction of Competition Council of the Hungarian Competition Authority (Versenytanács)  
Vj-088-037/2010 (7 September 2011).

In subsequent references, the case number may be used.

If an otherwise unreported case has been published in a journal, the publication details (name of journal, volume, year, page numbers) should be added to the reference and page numbers of the publication should be referred to in subsequent references.