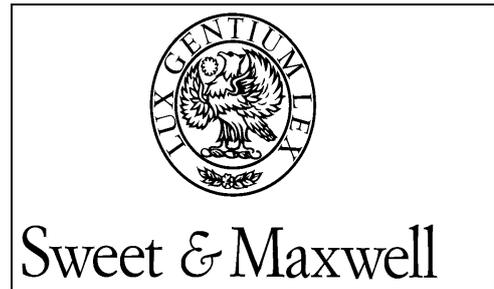


PUBLIC
PROCUREMENT
LAW REVIEW



GUIDE TO STYLE FOR CONTRIBUTORS

July 2010

General Points

The **Public Procurement Law Review** follows **Sweet & Maxwell House Style**. The House Style lays down a set of rules to standardise the way editors and typesetters work on our journals and to make articles as clear and comprehensible as possible.

All contributions to the Review are edited by the General and House Editors for style and sense. At present, this process is frequently held up by the number of inconsistencies in both text and references. When preparing articles for publication, therefore, contributors are asked, as far as possible, to follow the rules set out below. This should speed up the publication process and minimise the number of points which are queried on proofs. **Where a contribution clearly does not conform to this guide, it may be returned to you by the General Editor for revision.**

Manuscripts

Manuscripts should be typewritten on one side of the paper only, and double spaced, (including footnotes) with wide margins. As far as possible the text and all references should be **complete** when the manuscript is submitted - if this is impossible and gaps or queries remain then it is the contributor's responsibility to supply the missing material on return of proofs.

Headings

Articles should contain short, useful headings. There should be preferably at least two but not more than four levels of heading.

Explanation

Contributors should always provide **background information** to their topic for readers who may not be familiar with the history of a particular case or piece of legislation. This is particularly important where discussion is of one particular country's approach. References to previous relevant articles in the P.P.L.R. and other journals should be inserted, but this should not replace necessary explanation.

Footnotes

All citations of cases, legislation and other authorities (books, articles, reports) should be made in the footnotes. **Do not include citations in the text itself.** These should be kept to a minimum and numbered consecutively throughout the text 1-99. Where there are more than 99 footnotes in an article please start again at 1. Footnotes may either be at the bottom of the page to which they refer or collected at the end of each chapter; however, in print the footnotes will appear at the bottom of the appropriate page. Footnote numbers in the text should appear after a comma or full point, but before a colon or semi-colon.

e.g. That point is not in dispute.¹
The following points were quoted²:

ibid. meaning *ibidem* "the same" should be used only when a citation to the same authority (book, report, case, etc.) immediately follows a previous footnote.

e.g. ³ S. Arrowsmith, *The Law of Public and Utilities Procurement* (1996), p.32.
⁴ *ibid.*, p.134.

ibid. should not be used to refer back to a previous page. *Op. cit.* meaning *opere citato* “in the work cited” is used to refer to a work when the full citation and author’s name has been given earlier, *e.g.*

⁵ ...

⁶ Arrowsmith, *op.cit.* p.78.

If there is a chance of confusion as to the work referred to do not use these abbreviations.

Quotations

Quotations should be clearly indicated and accurately copied, including punctuation. House style does not apply to quotations; they should be reproduced exactly from the original.

Where the quotation will run to more than five lines it should be typed as a separate paragraph and indented. **Double** quote marks “ ” should be inserted at the beginning and end of every quotation, but not at the beginning of every new paragraph within the quotation. Single quote marks ‘ ’ should be used at the beginning and end of quotations within quotations.

Where a quotation is made from a source written other than in English a translation should be provided in the text itself (marked as “(author’s translation)”) and the original given in a footnote.

Cross References

Use of “see above, p.36” and “see below, fn.2” is strongly recommended.

Changes following the entry into force of the Treaty of Lisbon on December 1, 2009

On December 1, 2009, the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community 2007 (Treaty of Lisbon) entered into force. Below are listed some of the main changes that will impact on House Style.

General

Following the entry into force of the Treaty of Lisbon, the European Union now has legal personality in its own right and absorbs what used to be known as the European Community/European Communities.

As a result, all references should now be to the **European Union**. The terms European Communities/European Community should only be used for historical purposes.

All references should now be to **EU law**. The terms EC law/Community law should only be used for historical purposes.

In addition, all references to, *e.g.* Community nationals, Community driving licences, now become EU nationals, EU driving licences.

EU Courts

The Court of Justice of the European Communities (ECJ) has been renamed the **Court of Justice of the European Union (ECJ)**

The Court of First Instance (CFI) has been renamed the **General Court (GC)**.

The Commission of the European Communities has been renamed the **European Commission**.

EU Primary law

The Treaty of Lisbon amends the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty) without replacing them.

The EC Treaty has been amended and renamed the **Treaty on the Functioning of the European Union (TFEU)**.

The **Treaty on European Union (TEU)** retains its name but has been amended.

Both treaties have been renumbered. A full table of equivalences for both treaties can be found here:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0361:0388:EN:PDF>

In general, when citing the new TFEU and new version of the TEU, only the new renumbered provisions should be cited:

art.2 TFEU
art.10 TEU.

Historical provisions can be included in parentheses if the context requires or for the sake of clarity:

art.32 TFEU (ex art.27 EC)
art.3 TEU (ex art.2 TEU).

If historical provisions are specifically referred to, the new provisions should be included in parentheses:

art.286 EC (now art.16 TFEU)
art.27 EC (now art.32 TFEU)
art.11 TEU (now art.24 TEU).

When citing historical provisions which have been repealed following the entry into force of the Treaty of Lisbon, the word repealed should be included in parentheses

art.293 EC (repealed)

art.3 TEU (repealed).

Citation of Authorities

Books

Full form of citation: Author (first name abbreviated + surname); title in italics; edition (if more than one) and date, both enclosed in round brackets; volume number (if applicable); page number.

e.g. S. Pollock and T. Maitland, *The History of English Law* (2nd edn., 1911), Vol.1, pp.518.

If publisher's details (publisher's name and place of publication) are available, the form is:

C.J. Smitskam, *Employment Relationships* (2nd edn., Kluwer, Arnham, 1989), pp.56, 58–67.

Articles in Journals

Full form of citation: Author, title in double quotes; journal citation (abbreviated if standard abbreviation is known, otherwise in italics) and first page of article.

e.g. M. Trybus, "An Overview of Defence Procurement in the Federal Republic of Germany" (1996) 5 P.P.L.R. 217.

For newspapers: *e.g.* *The Times*, August 5, 1994, p.5.

Cases

European Union

A citation should always be provided, (usually in the footnote). ECJ and GC cases should have both a *European Court Reports* (E.C.R.) reference and a *Common Market Law Reports* (C.M.L.R) reference, if C.M.L.R. has reported it. The full citation is as follows:

Case C-175/88 *Biehl v Administration des Contributions du Grand-Duke de Luxembourg* [1990] E.C.R. I-1779; [1990] 3 C.M.L.R 143

Case T-31/89 *Sabbatucci v E.C. Commission* [1990] E.C.R. II-265; [1990] 4 C.M.L.R. 164

Unreported cases

Case C-42/94 *Hidemij Adries Bv v European Parliament*, judgment of June 1, 1995, not yet reported in E.C.R.

Commission Decisions

These should be treated as cases, as opposed to Council Decisions (see below):

Napier Brown & Co Ltd v British Sugar plc (88/518/EEC), July 18, 1988 [1988] O.J. L284/41; [1990] 4 C.M.L.R.196

Legislation

European

Treaties, Directives, Council Decisions

These should be quoted with their official reference or citation—a date on its own is not acceptable. **Correct citation and number should be provided for all Directives, including the Procurement Directives.**

e.g. Regulation 151/83 (*not* 151/83/EEC)

Directive 79/7 (*not* 79/7/EEC)

Council Decision 94/554/E.C. of June 3, 1994

Commission Notice of August 14, 1990 on ancillary restrictions to mergers

The official citation for all the above, with a few exceptions, is the *Official Journal*. This citation should be set in the footnotes:

e.g. Regulation 1679/79 [1979] O.J. L197/1

Articles of the above always take an upper case **A**. The abbreviation is **Art**.

It is acceptable to use the following to describe the procurement directives, *provided the term is stated in your contribution when the directive is first cited in full*. Do not use any other terms for these or other procurement directives *e.g. do not use* Classical Directive, Excluded Sectors Directive etc:

- Public Sector Directive (for Directive 2004/18)
- Utilities Directive (for Directive 2004/17)
- Remedies Directive (for Directive 89/665)
- Utilities Remedies Directive (for Directive 92/13/EC)

National Cases and Legislation

These should be given their official national citation. For cases, try to give the names of parties, the court and the date of judgment. However, some cases are referred to by their date and court only (typically French cases), some only by their citation (German) and this should be followed:

e.g. July 1, 1969 (Cass.) [1969] Dalloz Jur. 40
13 BErfGE 261

Style Points

Abbreviations and Full Stops

In general, abbreviations should be kept to a minimum in the text. Although common abbreviations such as ECJ and E.U. may be used, it is preferable to spell out the term in full in the main body of the text. Where abbreviations *are* used, the term should always be spelled out the first time it appears, with the abbreviation to be used in brackets and quote marks beside it,

e.g. The World Trade Organization (“WTO”)

In footnotes, however, use of the abbreviation is recommended.

In general no full stop is needed where the last letter of an abbreviation is the same as the last letter of the full word, *e.g.* Mr, Dr, Mrs, Mme, Ltd, St (for ‘saint’ or ‘street’), 1st, 2nd, 3rd. Note the following list of abbreviations:

app.	appendix	apps	appendices
ch.	chapter	chs	chapters
edn.	edition		
fig.	figure		
fn.	footnote	fnn.	footnotes/notes
no.	number	nos	numbers
para.	paragraph	paras	paragraphs
p.	page	pp.	pages
Pt	part	Pts	parts
s.	section	ss.	sections
Sched.	schedule	Scheds	schedules
Vol.	volume	Vols	volumes

Other rules on use of abbreviations

As a general rule, when an abbreviation consists of three or more letters, do not use full points.

So, E.U., U.S., U.K.

But USA, WTO, GATT, ECJ, GPA

Exceptions to this are law reports (*e.g.* C.M.L.R.)

Figures and Dates

- Spell out from **one** to **nine** only and use figures thereafter, However, a number starting a sentence should be spelt out in words, *e.g.* Thirty countries agreed to sign the Convention.
- Use a comma where there are four or more figures, *e.g.* 2,189 except for page numbers
- January 1, 1997; September 17, 1987. *Not* 5th January, December 14th, 6 March 1876
- 1890–1910: 1964–65 (*not* 1964–5)
- 1990s (*not* 1990’s)
- Names of months and days should be given in full in the text; they may be abbreviated in the footnotes

Latin Terms

Latin terms (*e.g.* *inter alia*, *sui generis*) should, in general, be italicised. Only those terms which are in common usage in English are excepted. These include:

bona fide	mala fide
ad hoc	certiorari
dictum (but <i>obiter dictum</i>)	nisi

per annum, per capita
status quo

prima facie

The same rule applies to all terms in languages other than English. If in doubt, use italics.

Miscellaneous

acknowledgment	(<i>not</i> acknowledgement)
anti-competitive	
antitrust	
BV	(abbr. foreign company)
case law	
DG IV	
Directorate-General	(abbr. D-G)
, e.g.	(no italics)
, etc.	(no italics)
E.U. Treaty	(Treaty on European Union)
TFEU	(Treaty on the Functioning of the European Union)
Euratom Treaty	(not EAEC Treaty)
GATT (General Agreement on Tariffs and Trade)	
GmbH	
, i.e.	(no italics)
inquiry	(<i>not</i> enquiry)
judgment	(<i>not</i> judgement)
multilateral	
NV	(abbr. foreign company)
<i>Re</i>	(<i>not In re</i>)
UN	(<i>not</i> U.N.)
£3 million	(<i>not</i> £3m)
Two per cent, 15 per cent	(<i>not</i> 15%, two percent)