

ESA MOOT COMPETITION STANDARD RULES

1. Competition

IMPORTANT: Registration in an EEA Moot Court course or credited project at a participating University is required on or before [DATE] and written pleadings are to be submitted by e-mail attachment on or before [DATE].

A moot is an argument (and not a debate) between students acting as advocates representing different parties in a legal action (a case). The facts and history together with supporting material and authorities are given in advance to the students. The aim is to reproduce, as closely as possible, the discussion and argument of a genuine hearing in the EFTA Court. The case is based upon an area of EEA Law.

The organisers are aware that access of the competing teams to EU/EEA law materials may vary. Therefore a full bundle of supporting materials and authorities will be published at the same time as the moot problem. This bundle encompasses all the authorities which teams are permitted to refer to in this case, to ensure that no unfair advantage is gained from those with less facilities.

2. Language

This official language of this competition is English.

3. Participation

The competition is open to all students, who:

- are enrolled on a course at a participating University
- are not practising (and who have not previously practised) as a lawyer
- have not previously participated in the oral rounds of the EEA Moot competition.

Universities may enter more than one team.

Teams shall be composed of 3 members. This number may in *exceptional circumstances* be lower or higher with the express agreement of ESA and [the LOCAL ORGANISER].

Teams shall be assisted by [a coach or coaches – to be agreed by [LOCAL ORGANISER/ESA]. Coaches can be academics, practising lawyers, fellow students, and former participants in the competition.

4. The Case

This will be a problem based upon an area of EEA substantive and/or procedural law. The problem will be in the form of a case which has been referred by a national court to the EFTA Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice. Both written and oral pleadings on the part of applicant and respondent will be required from each competing team.

5. Scoring

The competition will consist of a written round and three oral rounds.

INITIAL ROUND

1. Submission of written pleadings

There are a maximum of 20 marks available from this round. Written pleadings should cover submissions on all questions unless teams are notified differently.

ORAL ROUNDS

First Round

In this round all teams will be invited to argue both sides of the case. This will require members from the team to represent the applicant's case against another team arguing on behalf of the respondent, and then represent the respondent's case against a different team arguing on behalf of the applicant. All members of the team must speak for either the respondent or the applicant but it is *not* required that all members speak both for the respondent and the applicant during the first round.

During this part of the competition, the courts will hear arguments on questions [X] and [X] of the questions referred.

Scores will be allocated at the conclusion of this round on the basis of both the written and oral pleadings.

The following scoring criteria will be applied throughout by the judges:-

Criteria	Maximum Points Awarded
Style and quality of presentation in oral arguments	30
Effective and accurate use of provided materials	30
Team-work	10
Effectiveness of reply/rejoinder	20
Ability to respond effectively to judges' questions.	10

To this mark will be added the mark for the written pleadings 20

Second Round (Semi-Finals)

In this round, the best teams from the first round will be invited to plead both sides of the case against other teams.

This round will focus on the remaining questions set out in the moot problem (ie questions [X] and [X]) as well as any additional questions required by the judging panel. Teams proceeding to the second round will be notified of any additional questions when they are informed that they will be pleading in the second round.

Marks will be awarded for the same criteria as apply to the first round, with the exception that marks from written pleadings are no longer counted. It is necessary for all members of the team to speak both for the applicant and for the respondent in the semi-finals.

Third Round (Final)

In the third round (final) each team will represent one side of the case (to be chosen by lot) and the judges will indicate which questions they wish to hear.

Each member of the team is expected to speak in the final and so the team must be prepared to re-allocate those questions covered to ensure that each team member speaks. It is permissible

for one member of the team to only speak in the reply or rejoinder part of the pleadings.

The time allowed for the main argument of each party will be a maximum of 45 minutes and will not be extendable. Teams are expected at this stage to have the experience to ensure that their main arguments are fitted into the time allowed.

Judging panels for the first and second round will be composed of 2 or 3 judges. All judges will participate in judging the final: a bench of 5 to 7 judges will be convened, with the remaining judges sitting off-bench.

The decision of the judges will be conclusive in selecting the semi-finalists, finalists and eventual winning team and best speaker.

The winning team will receive the prize of a VIP trip to the EEA, EFTA and EU institutions in Brussels and Luxembourg, including flights, accommodation and meals.

An individual prize will also be awarded to the best speaker in the competition.

Written and oral pleadings

Written pleadings

ALL participating teams must prepare written pleadings for both applicant and respondent.

The written pleadings may take up a TOTAL of 20 typed sides of A4 paper, and may not exceed 10 sides for each party. There are no specific requirements for font or spacing.

Arguments should be set out in numbered paragraphs, and should be supported by the authorities in the bundle. The team may also set out a written list of the authorities on which they are relying, and may attach these to their written pleadings. Such a list will not be taken into account for the 10-page limit. Authorities may also be cross referenced to the relevant page of the bundle.

One copy of each of your written pleadings for the respondent and applicant must be submitted and received by the organisers prior to [TIME] on [DATE] and should be submitted to [LOCAL ORGANISER EMAIL ADDRESS]. Due receipt of written pleadings will be confirmed by [LOCAL ORGANISER RESPONSIBLE PERSON] by [DATE+1] at the latest. No printed copies of the pleadings will be required.

ONLY teams lodging these pleadings in due time will be eligible to be invited to participate in the oral rounds of the competition.

Oral Argument

Teams will be advised of the schedule of courts at registration on arrival at the moot competition.

The oral argument need not be limited to the scope of the participant's written pleadings, but strict time limitations are to be maintained. The main argument of each party shall be presented within 20 minutes (in the final this will be 45 minutes).

The applicant then has 5 minutes to reply, but is limited in this reply to the matters raised in the defendant's oral pleadings.

The defendant then has 5 minutes to reply in rejoinder and is also limited to matters raised in the

applicant's reply.

Permission must be sought of the President of the Court, if any time limit is to be exceeded. Only a further 5 minutes can be allowed at his/ her discretion.

6. Roles

Each team will consist of 3 members. Teams should be in a position to argue both sides and can divide in which manner they wish to achieve that either as a full group or by dividing their teams so not all members of the teams will speak on each side.

The judges must have heard from each member of the team individually at least once during the first oral round of the competition.

In the second and third rounds of the competition the judges will expect to hear from each of the team members in their presentations on behalf of both the applicant and respondent.

GOOD LUCK TO ALL PARTICIPATING TEAMS