

CENTRAL AND EASTERN EUROPEAN
MOOT COURT COMPETITION (CEEMC)

26th -29th April 2013

COMPETITION RULES 2013

1. Competition

This is the nineteenth year of this annual competition, this year to be held in Brno, Czech Republic.

This competition was originally designed to assist countries from the region which were associated with or trading with the European Union, to better understand its law and structure. In recognition of the enlargements in 2004 and 2007 the competition has widened its eligibility requirements. It will continue to include those countries who have joined the EU in 2004 and 2007 as well as those which are associated countries in the region of Central and Eastern Europe, but will be extended to allow entries from interested teams from Malta, Cyprus and Turkey.

IMPORTANT: To be eligible to participate written registration and acknowledgement is required by e-mail to the British Centre on or before the **28th February 2013** and written pleadings are to be submitted by e-mail attachment on or before the **26th March 2013** (address and contact details at end)

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 Court of Justice to the European Union. The case is based upon an area of European Union Law and has been prepared by a writing committee of the organisers and external experts.

The organisers are aware that access of the competing teams to European Union law materials will vary greatly. Therefore a full bundle of supporting materials and authorities is included and 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 shall be English

3. Participation

The competition is open to all students, nationals of Central and East European states including southern states who have applied for entry or have recently entered the EU (specifically Turkey, Cyprus and Malta) , who are enrolled on a course at a participating University and:

- are not older than 30 years
- are not practising as a lawyer and
- have not previously participated in the oral rounds of this competition.

Although it is possible for any university (with participants who are nationals from the regions mentioned) to enter more than one team (of 3-4 members accompanied by one academic/ coach) in the written round of the competition, only one team per University may be selected to proceed to the oral rounds. The choice of team will be based upon the best written pleading submitted. In cases of doubt, please e-mail the organizers directly at the address below.

4. The Case

This will be a problem based upon an area of European Union substantive and/or procedural law, containing a referral to the Court of Justice to the European Union from a Member State national court under Article 267 TFEU. Both written and oral pleadings on the part of applicant and respondent will be required from each competing team.

5. Scoring

The competition will be held over four rounds.

INITIAL ROUND

1. Submission of written pleadings

There are a maximum of 20 marks available from this round, where more than one team submits written pleadings then the team with the highest written pleading mark will be invited to participate in the oral 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 the sides of the case. This will require members from the team to represent the appellant'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 appellant. It is required that all members of the team speak as either respondent or applicant but it is not required that all members speak both as respondent and applicant during

the first round. During this part of the competition, the courts will hear arguments on 3 or 4 of the questions referred by the fictitious EU Member State for a ruling by the Court to the European Union under the Article 267 TFEU procedure. 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:-

<u>Criteria</u>	<u>Maximum Points Awarded</u>
Form and content of written pleadings (only in first round)	20
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 problem questions, referred by the fictitious EU Member State national court for ruling by the CJEU. 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. During this round, it is necessary for all members of the team to speak both as applicant and 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 of course permissible for one member of the team to do the reply or rejoinder at this stage. 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.

Three judges will sit in the first and second round. A plenary court will be convened for the final.

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

A special prize of a short stage in the CJEU at Luxembourg will be awarded to the individual deemed to be the best speaker to be selected only from persons whose teams have participated in the Second and Third Oral rounds (i.e. semi-finalists or finalists).

Individual speaker book prizes will also be awarded

Written and oral pleadings

Written pleadings

ALL participating teams must prepare written pleadings for both applicant and defendant. This should be an outline of your case for both applicant and defendant, not exceeding 10 typed sides of argument on A4 paper each for the applicant and respondent respectively (no specific requirements for font or spacing are prescribed and an attached list of authorities is not included in the 10 pages allowance). Arguments should be set out in numbered paragraphs, which should be supported and cross-referenced to a separate list of the authorities on which it is intended to rely (this 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 22.00 on the **26th March 2013** and should be submitted to d.ashmore@uw.edu.pl. Due receipt of written pleadings will be confirmed by the organizers by **1st April 2013**. No printed copies of the pleadings will be required.

The written pleadings should be accompanied by a completed copy of the team registration form as well as evidence of payment of the team registration fee of 150 euros.

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

In the event that more than one team sends written pleadings from one university, the team to participate will be that submitting the written pleadings awarded the highest mark.

A prize for the best written pleadings will be awarded by our main sponsors Clifford Chance.

Oral Argument

This argument need not be limited to the scope of the participant's written pleadings, but strict time limitations are to be maintained. Teams will be advised of the schedule of courts at registration on arrival in Brno.

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 may have up to four 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.

However the rules do require that the judges will 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 however judges will expect to hear from each of the team members in their presentations on behalf of both the applicant and respondent.

Please note a guidance video on how to moot is available for downloading from the ceemc site link how to moot, with guidance tips from the CEEMC President AG Eleanor Sharpston.

7. Fees

Fees are split into two parts:-

1. A registration fee of 150 euros to be paid at the submission of the written pleadings.

This may only be paid by bank transfer, bank details are provided below.

2. Oral round participation fee of 650 euros.

Each participating team is responsible for their return travel and any administrative or visa charges to Brno (details of consulates for visa applications and teams requiring visas are available on website) and any additional costs incurred due to earlier arrival or later departures. Organisers are also happy to provide team invitations for visa and any supporting sponsorship/ financial applications on request.

The oral round registration fee is required to participate in the first oral round in Brno.

This fee will allow the participation of a one team to include their accommodation and basic subsistence costs during the competition dates (a team may include up to 3/4 team members and one accompanying coach).

The oral round participation fee may be paid by bank transfer in which case it MUST be received by the organizers and confirmation of payment sent by e-mail no later than the 12th April 2013 (the original copy of the payment confirmation is to be produced at registration). Any team not able to provide evidence of bank payment by 12th April will be required to pay the due fee in euros at registration in Brno.

The oral round participation fee may also be paid by cash payment on the 26th April 2013 at the registration of the team in Brno.

PLEASE NOTE THAT ALL FEES DUE OR EXTRA MONIES PAYABLE MUST BE RECEIVED NO LATER THAN CLOSURE OF REGISTRATION ON 26th APRIL 2013.

8. Bank Details and Local Organisers details will be available shortly

Local Organiser contact for Brno: JUDr. David Sehnálek Ph.D. david.sehnalek@gmail.com

Bank details

Account name: Juris Angliae Scientia Ltd (10 West Road Cambridge England)

Account no: PL95 1750 0009 0000 0000 2125 6129 (Euro currency)

BIC/SWIFT code: RCBWPLPW

Bank : Raiffeisen Bank Polska SA

(Please ensure that payments received are net of any bank fees)