



ELSA the Netherlands
Moot Court
Competition

NATIONAL MOOT COURT COMPETITION RULES

ELSA the Netherlands

2020-2021

Table of Contents

1. Definitions	3
2. General remarks	3
1.1 Introduction	3
1.2 Responsible organs	3
1.3 Language	3
3. Structure of the competition	3
4. Organizers and Participants	4
4.1 The Panel	4
4.2 Timekeepers	4
4.3 Teams	4
5. Case and general features	4
5.1 The case	4
5.2 Clarification Questions	5
5.3 Timeline	5
5.4 Registration	5
6. The Written Submissions	5
7. The Local Rounds	6
7.1 General	6
7.2 Structure	6
8. National Rounds	6
8.1 General	6
8.2 Semi-Final Rounds	7
8.3 Final Round	7
9. The Oral Pleadings	7
9.1 General features	7
9.2 Order	7
9.3 Team appearances	7
9.4 Main Oral Pleading, Rebuttal, and Sub-Rebuttal	8
10. Feedback	8
11. Devices	8
12. Scores	8
13. Awards	8
14. Expected Standards of Behaviour	9
14.1 Anonymity	9
14.2 Communication	9
14.3 Plagiarism	9

14.4 Judges	9
15. Penalties	9

The Board of ELSA the Netherlands has set out the following National Moot Court Competition Rules:

1. Definitions

1.1 Every “Team” is a group of two to four participants.

1.2 The “Organizing Committee” (OC) is the group of people responsible for the organisation of the competition. It consists of the Director of the National Moot Court Competition, the Vice President of the Moot Courts Competitions of ELSA the Netherlands, and the respective local VPs.

1.3 The “Local Rounds” are the preliminary pleading rounds offered by a local ELSA group.

1.4 The “National Rounds” are the rounds that are hosted by ELSA the Netherlands.

1.5 The “Oral Pleading” is the moment within the Local and National Rounds in which two Teams represent their parties orally in front of the Panel.

1.6 The “Panel” is the group of people selected by the Organising Committee to rule over a particular Oral Pleading session. The Panel contains either legal practitioners and/or law professors.

1.7 A “Local ELSA Group” is any of the following students’ associations: ELSA Groningen, ELSA Maastricht, ELSA Nijmegen, ELSA Amsterdam, ELSA Tilburg, ELSA Utrecht, ELSA Rotterdam and ELSA Leiden.

1.8 The “Academic Board” is formed by the academic partners of the National Moot Court Competition.

2. General remarks

1.1 Introduction

1.1.1 These rules govern the Competition. The Rules may be revised or updated at any time and modification will be applicable as soon as they are communicated to the Participants and Judges via email. The Director of the National Moot Court Competition, in cooperation with the Vice President in charge of the Moot Courts Competitions of the Board of ELSA the Netherlands, has the power to interpret the existing rules.

1.2 Responsible organs

1.2.1 ELSA the Netherlands is responsible for the organisation of the Competition. The responsibility is exercised by the Director of the National Moot Court Competition in collaboration with the Vice President of the Moot Court Competitions of the Board of ELSA the Netherlands. They are overall responsible for organising the National Rounds and ensure the technical and logistical aspects of the Competition, while maintaining academic quality and integrity.

1.2.2 The VPs of the local ELSA groups in collaboration with the Director of the National Moot Court Competition and the Vice President of the Moot Court Competitions of the Board of ELSA the Netherlands are responsible for the organisation of the Local Rounds and ensure the technical and logistic aspects of the Competition, while maintaining academic quality and integrity.

1.2.3 The Academic Board ensures the quality of the Competition by advising the Organising Committee.

1.3 Language

1.3.1 The Competition will be held entirely in English language.

3. Structure of the competition

3.1 The Competition is divided into three rounds: the Written Round, the Local Rounds and the National Rounds. The National Rounds shall have two stages: the Semi-Finals and the Final Round.

3.2 Teams shall submit two Written Submissions: one on behalf of the Applicant and one on behalf of the Respondent.

3.3 The Local Rounds shall aim at selecting one local team to represent their Local Group in the National Round. The Organising Committee in collaboration with the Panel reserves itself the right to select the team to qualify for the National Round in the case of an even score.

3.4 The National Rounds shall aim at selecting one winning team from the ones selected through the Local Rounds with the highest score. The Organisation Committee in collaboration with the Panel reserves itself the right to select the team to qualify for the Final Round or to win the Final Round in a case of an even score.

4. Organizers and Participants

4.1 The Panel

4.1.1 The Panel shall be formed of three Panellists.

4.1.2 The Panellists shall be judges, lawyers and/or legal researchers.

4.1.3 The Panellists will sit in benches. Each bench will have a President.

4.1.4 The Panel may direct questions or comments to the Teams at any time during the Oral Pleadings.

4.1.5 Each Panellist shall fill in an Oral Pleading scoring sheet.

4.2 Timekeepers

4.2.1 Timekeepers are responsible for recording the Time Allocations notified by the Teams and any extensions awarded by the President of the Panel. Each Team has thirty (30) minutes Oral Pleading time to be divided between the Orators in the main Pleading and the Rebuttal.

4.2.2 Timekeepers will indicate the elapsed time towards Judges and Teams where there are 10, 5 and 1 minutes left and when the end of the time allocated is reached.

4.3 Teams

4.3.1 To take part in the Competition, a team must be composed of law students enrolled in a law program at a University in the Netherlands where there is a local ELSA group.

4.3.2 All Team Members must be from the same university.

4.3.3 Students are eligible to participate in the Competition if they:

- a. Are enrolled in studies in law at an eligible university at the time of registration
- b. Are not and have not been engaged in the professional practice of law other than work experience
- c. Are not involved in the organisation of the current edition of the Competition

4.3.4 Teams shall consist of 2 to 4 law students. Participants may express preferences on their Team Members.

4.3.5 Teams may not change their composition after the registration deadline.

4.3.7 If a Participant, without giving a legitimate reason, drops out after having registered for a Local Round, he/she shall be, at the discretion of the board of ELSA The Netherlands, banned from all ELSA events of the year. This rule does not apply in case the Organising Committee evaluates the situation as sufficiently justified.

4.3.8 Each team will be assigned a team number.

5. Case and general features

5.1 The case

5.1.1 The Competition is based on a fictitious case prepared by ELSA the Netherlands and the Academic Board on European Competition Law.

5.1.2 The Case will be sent to each team after the registration deadline has expired. The same Case shall be used throughout the entire Competition.

5.1.3 In the Written Submissions and Oral Pleadings, the case must be referred to as it is titled, i.e. “[Applicant] v [Respondent]”.

5.2 Clarification Questions

5.2.1 Teams may submit a maximum of five (5) Clarification Questions to the Case Author within the deadline. The questions must be submitted via the relevant form.

5.2.2 The Case Author may refuse to answer clarification questions if they are deemed to be unrealistic or irrelevant or dealing with matters which teams may reasonably be expected to work out for themselves in the context of the Competition.

5.2.3 The answers to the Clarification Questions shall be made available to all participants and judges.

5.3 Timeline

5.3.1 The Organising Committee is responsible for communicating the Timeline when the Competition is launched. The Timeline shall contain all relevant deadlines for the Competition.

5.3.2 If the deadlines set out in the Timeline are not respected, the Teams will incur in penalties.

5.4 Registration

5.4.1 Each Local ELSA Group willing to host a Local Round shall fill in the Specification Form before the deadline, notifying ELSA the Netherlands of their willingness to participate and providing the relevant information.

5.4.2 Each Team wishing to participate in the Competition shall submit their application to their respective Local ELSA Group before the deadline.

5.4.3 Once the Team has registered to the respective Local Group, the Team composition shall not be changed after the registration deadline. However, the Organisation Committee may consider such a change in exceptional circumstances upon detailed request.

5.4.4 The Local ELSA Groups shall submit to ELSA the Netherlands only the winning Team composition via the relevant form.

6. The Written Submissions

6.1 Registered Teams must submit one Written Submission for the Applicant and one Written Submission for the Respondent (two separate Written Submissions in total) before the deadline.

6.2 The title of each Written Submissions shall comply with the following structure: NMCC_Team[Number]_[Party]. (e.g. NMCC_Team014_ComplainantWS).

6.3 If a team does not send in their WS within the deadline, fewer or no points will be awarded.

6.4 The Written Submissions must comply with the following formatting and page-limit instructions

- (1) A4 size paper;
- (2) Font: Times New Roman;
- (3) Font Size: 12;
- (4) Margins of 2.54 cm on top, bottom and both sides;
- (5) 1.5 interlinear space for the text;
- (6) Maximum pages: ten (10);
- (7) Footnotes font style and size: Times New Roman 10.

6.5 Footnotes shall be used for legal references only. They shall not contain any additional substantive parts of the pleadings.

6.6 The Written Submissions must include:

- a) A cover page; blue for the Applicant WS, red for the Respondent WS;
- b) A summary of the submissions (bullet points);
- c) A table of contents;
- d) A list of references;
- e) A list of any abbreviations used.

6.7 The page limit does not include the cover page, **the table of contents**, the list of references, and the list of abbreviations.

6.8 Each set of Written Submissions shall be saved and submitted as a single and separate Word document. Both Written Submissions must be sent as attachments in the same email.

6.9 Each set of Written Submissions must be accompanied by a declaration in a separate document signed by all members of the Team thus verifying that the Written Submission is a product of their own unaided work and not a result of plagiarism.

6.10 The Written Submissions will be scored by Panellists and/or the Academic Board selected by the Organisation Committee. In the Local Round, the Written Submissions shall be scored by the Panel.

6.11 Both in the Local Rounds and in the National Round the written submission scores will be part of the calculation for the Team ranking.

7. The Local Rounds

7.1 General

7.1.1 There shall be a Local Round of the Competition wherever an ELSA local group applies to host one through the Specification Form.

7.1.2 Each local ELSA group may accept for their Local Rounds any even number of participants that is greater than four (2). It is up to the Local ELSA Groups to form the Teams.

7.1.3 Each Team will participate in the Local Round organised by their Local ELSA Group.

7.2 Structure

7.2.1 In the Local Round each Team shall plead once, either on behalf of the Applicant or on behalf of the Respondent.

7.2.2 Each Local ELSA Group is responsible for deciding and communicating to the Teams which party they will represent in their Oral Pleadings no less than two weeks before the Oral Pleading session.

7.2.3 The composition of the teams will be decided upon by the respective Local ELSA Group.

7.2.4 The Team ranking will be formed by adding the Written Submission scores plus the total Oral Pleading scores given by the Panel.

7.2.5 The best Team will qualify for the National Rounds.

8. National Rounds

8.1 General

8.1.1 The National Rounds shall have two stages: the Semi-final rounds and the Final Round.

8.1.2 The National Round shall be held on a date decided upon by the National Board.

8.2 Semi-Final Rounds

8.2.1 The best Teams of each Local Round will qualify for the Semi-Final Round.

8.2.2 Each qualified Team shall plead twice, once on behalf of the Applicant and once on behalf of the Respondent.

8.2.3 The match-up of the Teams in the Local Rounds will be randomly selected by the Organisation Committee.

8.2.4 The Team ranking shall result from the sum of the Written Submission scores and overall sum of the Oral Pleadings scores from both Oral Pleadings sessions.

8.2.5 The two best Teams of Semi-Final Rounds will advance to the Final Round.

8.3 Final Round

8.3.1 The two best Teams of the Semi-Final Round will qualify for the Final Round.

8.3.2 Each Team shall plead only once, either for the Applicant or for the Defendant.

8.3.3 The party represented by each Team will be randomly selected by the Organisation Committee.

8.3.4 Teams shall be scored solely on their Oral Pleadings. The Semi-Final Rounds scores shall not be taken into consideration, unless there is a tie between teams. In this case, the Semi-Final Round score shall be added to the Final Round scores.

8.3.5 The best Team shall win the National Moot Court Competition.

9. The Oral Pleadings

9.1 General features

9.1.1 Each Team shall present their Oral Pleadings either for the Applicant or for the Respondent, as it has been assigned by the Organisation Committee.

9.1.2 The Oral Pleadings shall be held in standing, unless a participant is unable to do so for health reasons.

9.1.3 During the Oral Pleadings, the Teams must emphasise the most important elements of their argument(s) and respond to the arguments of the opposing party.

9.1.4 The role of the Teams in the Local Rounds and in the National Rounds will be randomly selected by the Organising Committee. If the teams have pleaded against each other before, they will plead for the opposite party.

9.2 Order

9.2.1 The order of the Oral Pleadings is:

- a) Applicant: Team Appearances;
- b) Respondent: Team Appearances;
- c) Applicant: Main Oral Pleadings;
- d) Respondent: Main Oral Pleadings;
- e) Applicant: Rebuttal;
- f) Respondent: Sur-Rebuttal.

9.3 Team appearances

9.3.1 Team Appearances shall be done at the beginning of each pleading session by Teams following the instructions of the President of the Panel.

9.3.2 One Team member shall introduce all the Team members, the nominated Orators and the structure of their Main Oral Pleadings. Each Team must indicate to the Timekeepers how it wishes to allocate its Oral Pleading time among its Orators and for the Rebuttal and Sur -Rebuttal.

9.3.3 The Team Appearances shall not exceed three (3) minutes and must follow the instructions provided by the President of the Panel.

9.4 Main Oral Pleading, Rebuttal, and Sub-Rebuttal

9.4.1 Each Team is granted a total of thirty (30) minutes, during which they present their Main Oral Pleading, address the questions asked by the Panel, and for the Rebuttal and Sub-Rebuttal. The Team Appearance is not included in this time.

9.4.2 Time allocated for, but not used by one Orator, may not be used by another Orator during their Oral Pleadings, or in the Rebuttal and Sub-Rebuttal.

9.4.3 A minimum of two (2) team members shall present the Main Oral Pleadings.

9.4.4 Only the nominated Orators may answer questions from the Panel during the Main Oral Pleading, the Rebuttal and the Sub-Rebuttal. This needs to be done during the allocated speaking time.

9.4.5 An Applicant Orator may ask for an extension at the end of his/her Oral Pleading time. The President of the Panel will decide whether to award an extension, in consultation with the other Panellists. A maximum of two (2) minutes may be awarded to any given orator.

9.4.6 If an Applicant Orator seeks and is granted extra time during its Main Oral Pleadings, that time will also be added automatically to the time allowed to the Respondent for its Main Oral Pleading.

9.4.7 If a Respondent Orator seeks and is granted extra time during its Main Oral Pleadings, that time will also be added automatically to the time allowed to the Applicant for its Rebuttal.

9.4.8 A Team may not ask for additional time during its Rebuttal or Sur-Rebuttal.

9.4.9 The scope of the Applicant's Rebuttal is limited to the issues raised in the Respondent's main oral pleadings and Respondent's Sur-Rebuttal is limited to the issues raised in the Applicant's rebuttal.

10. Feedback

10.1 The Judges may provide direct feedback to Teams at the conclusion of each Ora Pleading session. Such feedback must comply with the following conditions:

- a) it must not concern the substantive aspects of the case;
- b) it must not reveal individual scores;
- c) it must not reveal the result of the Round.

11. Devices

11.1 Teams may use electronic devices for inquiry of information and timekeeping purposes only.

11.2 Teams may not use electronic devices for communication purposes.

11.3 All electronic devices must be in silent mode.

12. Scores

12.1 The Organisation Committee will publish the scores of both the Written Submissions and the Oral Pleadings in a final report after the Competition is finished.

12.2 The Local Round Score comprises the sum of the Written Submission Score and the Oral Pleading Score.

12.3 The National Semi-Final Round score comprises the sum of the Written Submission score and the sum of the two Oral Pleading scores.

12.4 The Nation Final Round score comprises only the Oral Pleading scores.

13. Awards

13.1 The Awards of the National Moot Court Competition are the following:

- The Winner of the ELSA the Netherlands National Moot Court Competition
- The Best Oralist Award
- The Best Overall Written Submission Award

14. Expected Standards of Behaviour

14.1 Anonymity

14.1.1 It is prohibited to disclose information regarding a Team's respective Local ELSA Group to the Judges in the Written Submission, Local Rounds and National Rounds.

14.1.2 Teams are allowed to announce their participation in the Competition; however, they must keep their Team number confidential.

14.1.3 These rules apply as long as the Team is still in the Competition; no such prohibition applies to Teams which have been eliminated.

14.2 Communication

14.2.1 Teams are prohibited from engaging in communication with any Judge on the issue of the Case before the end of the National Rounds.

14.3 Plagiarism

14.3.1 Teams shall not commit plagiarism. Plagiarism constitutes the dishonest presentation of non-original work or ideas as one's original work or ideas, regardless of whether it is intentional or unintentional. A Team has committed plagiarism if they include direct or indirect references to the work or ideas of another without giving due acknowledgment such as using quotation marks and proper citation of sources.

14.4 Judges

14.4.1 The Judges shall not provide support or advice concerning the Case or the Competition to any Team during any phase of the Competition.

15. Penalties

15.1 Participants shall be aware of the following penalties:

Change of member composition after registration without prior authorisation of the Vice President for Moot Court Competitions	Disqualification and ban from all ELSA events of the year
Receiving undue support or advice from a Judge	Disqualification
One day delay past the given deadline in the dispatch of documents	5 point per WS
Two days delay past the given deadline in the dispatch of documents	Disqualification
Plagiarism	10-100 points per WS or disqualification depending on the severity and extent of plagiarism
Failure to include a one-page summary	10 point per WS
Failure to include a table of contents	5 per WS
Failure to include a list of references	5 per WS
Failure to include a list of abbreviations used	5 per WS
Exceeds the maximum length of the Written Submission	10 point per page
The electronic copy of Written Submissions dispatched in the wrong format (i.e. if NOT as a Word document and NOT as a single file)	15 point per WS
Failure to use the correct font (Times New Roman)	5 point per WS
Failure to use correct font size (12 points)	5 point per WS
Failure to use correct line spacing (1.5)	5 point per WS
Failure to use correct font and font size for footnotes (Times New Roman, 10 points)	5 point per WS

Failure to correctly identify party (e.g. putting “Written Submission for Applicant” on the WS for Respondent)	5 point per WS
Failure to correctly title the document	5 point per WS
Failure to use A4 electronic page with 2.54 cm margins	5 point per WS
Incomplete Title of Word Document	5 point per WS
Violation of rules on anonymity requirement	Disqualification

15.2 Where reference is made in the above table to disqualification, the Director of the National Moot Court Competition and the Vice President in charge of the Moot Court Competitions of ELSA the Netherlands has discretion in exceptional circumstances to allow a Team to continue to participate and to substitute, if appropriate, a lesser penalty.