



Rules of the 6th Edition

National Moot Court Competition

competitions@nl.elsa.org

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

1. Definitions

- a. Every “Team” is a group of two to four participants.
- b. The “Organising Committee” is the group of people responsible for the organisation of the competition. It consists of the Vice President in charge of Competitions of the Board of ELSA the Netherlands, the Director for the National Moot Court Competition, and the respective Local Round Organisers of Local ELSA Groups.
- c. The “Local Rounds” are the preliminary pleading rounds offered by a local ELSA group.
- d. The “National Rounds” are the rounds hosted by ELSA the Netherlands.
- e. The “Oral Pleading” is the moment within the Local and National Rounds in which two Teams represent their parties orally in front of the Bench.
- f. The “Bench” is a group of people selected by the Organising Committee to rule over a particular Oral Pleading session. The Bench contains either legal practitioners and/or law professors.
- g. A “Local ELSA Group” is any of the following students’ associations: ELSA Amsterdam, ELSA Groningen, ELSA Leiden, ELSA Maastricht, ELSA Nijmegen, ELSA Rotterdam, ELSA Tilburg, ELSA Utrecht.
- h. The “Local Round Organiser” is the person in charge of the organisation of a Local Round of the Competition.
- i. The “Academic Board” is formed by the academic partners of the National Moot Court Competition.

2. General remarks

2.1 Introduction

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

2.2 Responsible organs

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

2.2.2 The Local Round Organisers of Local ELSA groups in collaboration with the Vice President in charge of Competitions of the Board of ELSA the Netherlands, in cooperation with the Director for the National Moot Court Competition are responsible for organising of the Local Rounds and ensure the technical and logistical aspects of the Competition, while maintaining academic quality and integrity.

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

2.3 Language

2.3.1 The Competition will be held entirely in the 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 Round 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 Bench, reserves the right to select the qualifying Team for the National Round in the case of an even score.

3.4 The National Round shall aim at selecting one winning Team from the winners of each Local Round. The Organising Committee, in collaboration with the Bench, reserves itself the right to select the Team to qualify for the Final Round or to win the Final Round in the case of an even score.

4. Organisers and Participants

4.1 The Bench

4.1.1 The Bench shall be comprised of three Judges.

4.1.2 The Judges of the Bench shall be judges, lawyers, professors and/or PhD candidates. Only in case of emergency due to a last-minute cancellation by a Judge may a Master's student act as a Judge.

4.1.3 The Judges of the Bench will sit in benches. Each bench shall have a President.

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

4.1.5 Each Judge 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 Bench. Each Team has thirty-five (35) minutes of Oral Pleading time to be divided between the Orators in the main Pleading and the (Sur-)Rebuttal.

4.2.2 Timekeepers will indicate the elapsed time towards Judges and Teams at intervals of five minutes and where there are three, two and one minutes left, and when the end of the time allocated is reached.

4.2.3 Timekeepers shall not pause the time while Judges ask questions to the Teams.

4.2.4 Timekeepers shall intervene orally if a Case Oralist exceeds the time allocated for their presentation.

4.3 Teams

4.3.1 To participate 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:

- i. Are enrolled in studies in law at an eligible university at the time of registration;
- ii. Are not and have not been engaged in the professional practice of law other than work experience;
- iii. Are not involved in the organisation of the current edition of the Competition, and;
- iv. Have not participated in the National Round in previous editions of the Competition.

4.3.4 Teams shall consist of two to four law students. Participants may express preferences for their Team members.

4.3.5 Teams may not change their composition after the registration deadline unless explicitly discussed with and approved by the Organising Committee.

4.3.6 If a participant, without giving a legitimate reason, pulls out of the Competition after having registered for a Local Round, they shall be, at the discretion of the Board of ELSA The Netherlands and in cooperation with the respective Local Board, banned from all ELSA events for the remainder of the academic year. This rule does not apply in case the Organising Committee evaluates the situation as sufficiently justified.

4.3.7 Each Team will be assigned a Team number.

4.3.8 If the winning Team of a Local Round cannot participate in the National Round, the second-best Team of that Local Round will advance in their stead.

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 Union Competition Law. The same Case shall be used throughout the entire Competition.

5.1.2 The Case shall be published on the website and social media of ELSA the Netherlands on the day the Competition is launched and registrations open.

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 Clarification Questions to the Case Author or the Organising Committee before the deadline. The questions must be submitted via the relevant form.

5.2.2 The Case Author or the Organising Committee may refuse to answer clarification questions if they are deemed to be unrealistic, 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 within the relevant Timeline.

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 by the Teams, the Teams will incur 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 registration to their respective Local ELSA Group before the deadline.

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

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

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 Submission shall comply with the following format: NMCC_Team[Number]_[Party]. For example, NMCC_Team014_Applicant.

6.3 If a Team does not submit their Written Submissions within the deadline, fewer or no points will be awarded according to Penalties under Section 15 of these Rules.

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. 1.5cm interlinear space for the text;

6. Maximum pages: ten (10);
7. Footnotes font style and size: Times New Roman, 10.

N.B. There is no word limit. There is only a page limit.

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

6.6 Footnotes shall be formatted according to the Oxford Standard of Citations for Legal Authorities (OSCOLA).

6.7 The Written Submissions must include:

1. A cover page; blue for the Applicant, red for the Respondent;
2. A table of contents;
3. A list of any abbreviations used;
4. A summary of the submissions (these may be in bullet points);
5. A list of references.

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

6.9 Each set of Written Submissions shall be saved and submitted as a single and separate PDF Document. Both Written Submissions must be sent as attachments in the same email.

6.10 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 or prohibited use of prohibited AI. Teams must fill in a form with explanation for the use of permitted AI, if they used AI in formulating their Written Submissions.

6.11 The Written Submissions will be scored by the Local Round and National Round Judges and/or the Academic Board selected by the Organising Committee.

6.12 In both the Local Rounds and the National Round, the Written Submission scores will form 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 a Local ELSA Group applies to host one through the Specification Form. ELSA Netherlands may also organise a Local Round where a Local ELSA Group does not do so.

7.1.2 Each Local ELSA Group may accept any even number of Teams that is greater than two for their Local Rounds. It is up to the Local ELSA Group to form 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 shall be determined by the sum of the Written Submission scores and the overall sum of the Oral Pleading scores. The Written Submission scores shall weigh 25% and the Oral Pleading scores shall weigh 75%.

7.2.5 The Team with the highest overall score will qualify for the National Round.

8. National Rounds

8.1 General

8.1.1 The National Round 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 ELSA the Netherlands.

8.1.3 If there is an uneven number of Teams participating in the National Round, the Organising Committee may invite the second-best Team from one of the Local Rounds.

8.2 Semi-Final Rounds

8.2.1 The Teams with the highest overall scores in 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 Semi-Final Rounds will be randomly selected by the Organising Committee and shall be communicated to the Teams one week before the Semi-Final Rounds.

8.2.4 The Team ranking shall be determined by the sum of the Written Submission scores and the overall sum of the Oral Pleadings scores from both Oral Pleadings sessions. The Written Submission scores shall weigh 20%, and the Oral Pleading scores shall weigh 80%.

8.2.5 The two Teams with the highest overall scores in the Semi-Final Rounds will advance to the Final Round.

8.3. Final Round

8.3.1 The two Teams with the highest overall scores 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 Respondent.

8.3.3 The party represented by each Team will be randomly selected by the Organising 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 Team with the highest overall score 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 Organising Committee.

9.1.2 The Oral Pleadings shall be held in standing, unless a participant is unable to do so for health or other sufficiently justified 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:

1. Applicant: Team Appearances;
2. Respondent: Team Appearances;
3. Applicant: Main Oral Pleadings;
4. Respondent: Main Oral Pleadings;
5. Applicant: Rebuttal;
6. 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 Bench and following the filling out of the Team Appearance sheets before the session starts.

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 they wish to allocate their time for the Main Oral Pleading and for the Rebuttal (or Sur-Rebuttal) amongst its Orators.

9.3.3 The Team Appearances shall not exceed three minutes and must follow the instructions provided by the President of the Bench.

9.4 Main Oral Pleading, Rebuttal, or Sur-Rebuttal

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

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

9.4.3 A minimum of two Team members shall present the Main Oral Pleadings.

9.4.4 Only the nominated Orators may answer questions from the Bench during the Main Oral Pleading and the Rebuttal (or Sur-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 their Main Oral Pleading time. The President of the Bench will decide whether to award an extension in consultation with the other Judges of the Bench. A maximum of two minutes may be awarded to any given orator.

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

9.4.7 If a Respondent Orator seeks and is granted extra time during their Main Oral Pleading, that time will also be added automatically to the Applicant for their 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 Pleading. The scope of the 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 Oral Pleading session. Such feedback must comply with the following conditions:

1. It must not concern the substantive aspects of the case;
2. It must not reveal individual scores;
3. 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.

11.1.1 "Inquiry of information" includes the access to and use of their own Written Submissions and other notes relevant to the Competition in the context of their Oral Pleadings.

11.2 Teams may not use electronic devices for communication purposes. Teams may use paper for communication purposes.

11.3 All electronic devices must be in silent mode.

12. Scores

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

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

12.3 The National 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 National Moot Court Competition
- The Best Oralist of the Preliminary Rounds Award
- The Best Oralist of the Final Round Award
- The Best Written Submission Award

14. Expected Standards of Behaviour

14.1 Anonymity

14.1. 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.

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

14.3 These rules apply as long as the Team is participating 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.

14.2.2 Participants must use only formal and professional language throughout the Competition.

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.

14.4 Deception

14.4.1 The following instances shall be regarded as attempts at deception and may be subject to penalties:

- a. If a Team withholds important facts mentioned in the case or falsifies information about the case in order to intentionally create a disadvantage for the opposing Team;

- b. If a Team member exchanges material facts with a Judge;
- c. Any act or omission of a Team that is evaluated by the Organising Committee and is concluded to be intentionally deceptive.

14.5 The use of Artificial Intelligence (AI)

14.5.1 Artificial Intelligence (AI) for the purposes of these rules shall be defined as any software or tool that generates text, analysis, or other content in response to user prompts, including but not limited to large language models (such as ChatGPT), generative text or image tools, and automated research assistants.

14.5.2 The use of Artificial Intelligence and tools relying on the use of such is expressly prohibited as part of the Competition in the following scenarios:

- a) Submitting any text in the Written Submissions that has been generated by an AI-based tool for the purposes of:
 - i) Drafting any content relating to the section(s) of or a full argument;
 - ii) Drafting ideas for legal analysis or legal reasoning;
 - iii) Paraphrasing sentences and sources including case law and citation;
- b) Using any documents issued by ELSA the Netherlands and the Organising Committee to train an AI-based tool, or to employ an AI-based tool that has been trained on the Case of the Competition in order to write and submit a Written Submission.

14.5.3 The use of Artificial Intelligence and tools relying on the use of such is expressly allowed as part of the Competition in the following scenarios:

- a) Proof reading;
- b) Grammar and style correction;
- c) Conducting preliminary legal research;
- d) Translation

14.5.4 ELSA the Netherlands and the Organising Committee reserve the right to test Written Submissions for the use of AI at its discretion. Teams which are found to be in violation of Section 14.5 will be disqualified or otherwise sanctioned.

14.6 Judges

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

14.6.2 The Judges shall score the Written Submissions submitted by the Teams.

15. Penalties

15.1 Participants shall be aware of the following penalties:

Reason for Penalty	Penalty/Number of Points to be Deducted
Change of Team composition after registration without prior authorisation by the Vice President in charge of Competitions of the Board of ELA the Netherlands. This includes discontinuing the competition	Disqualification and ban from all ELSA events for the remainder of the academic year
Receiving undue support or advice from a Judge	Disqualification
One day delay past the given deadline in the dispatch of documents	0.5 Points per Written Submission

Reason for Penalty	Penalty/Number of Points to be Deducted
Two days delay past the given deadline in the dispatch of documents	Disqualification
Plagiarism	1.0 - 10.0 Points per Written Submission or disqualification depending on the severity and extent of plagiarism
Failure to include a one-page summary	1.0 Points per Written Submission
Failure to include a table of contents	0.5 Points per Written Submission
Failure to include a list of references	0.5 Points per Written Submission
Failure to include a list of abbreviations used	0.5 Points per Written Submission
Exceeds the maximum length of the Written Submission	1.0 Points per page per Written Submission
The electronic copy of Written Submissions dispatched in the wrong format (i.e. if NOT as a PDF Document and NOT as a single file)	1.0 Points per Written Submission
Failure to use the correct font (Times New Roman)	0.5 Points per Written Submission
Failure to use correct font size (12 points)	0.5 Points per Written Submission
Failure to use correct line spacing (1.5cm)	0.5 Points per Written Submission

Reason for Penalty	Penalty/Number of Points to be Deducted
Failure to use correct font and font size for footnotes (Times New Roman, 10)	0.5 Points per Written Submission
Failure to correctly title the Document	0.5 Points per Written Submission
Failure to use A4 electronic page with 2.54 cm margin	0.5 Points per Written Submission
Violation of Rules on Anonymity Requirement	Disqualification
Violation of the Rules on Deception	Disqualification
Violation of the Rules on the use of Artificial Intelligence (AI)	Disqualification

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