

THE  
JOHN H. JACKSON  
MOOT COURT COMPETITION



The European Law Students' Association

# RULES

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## THE JOHN H. JACKSON MOOT COURT COMPETITION

2023/2024  
22nd Edition

TECHNICAL SUPPORTER



WORLD TRADE  
ORGANIZATION

## PREFACE

*The World Trade Organization (WTO) is the only global international organisation dealing with the rules of trade between nations. At its heart are the WTO Agreements, negotiated and signed by the majority of the world's trading nations, and ratified by their parliaments. The WTO Agreements cover nearly 98 % of all global trade. The goal of the WTO is to develop trade rules in order to help Members' producers of goods and services, exporters, and importers conduct their business in a facilitated way.*

*The European Law Students' Association (ELSA) is the world's largest independent, non-profit, non-political association run by and for law students and young lawyers. The ELSA Vision is: "A just world in which there is respect for human dignity and cultural diversity." Contributing to legal education and promoting Human Rights awareness are among the central aims of the association. Through various academically focused projects and events, ELSA provides opportunities for law students and young lawyers to apply theory in practice and to learn about other legal systems. The John H. Jackson Moot Court Competition is the annually held international moot court competition in WTO law owned by ELSA.*

*In view of these goals, ELSA International seeks to combine its role in ongoing action to contribute to Clinical Legal Education globally and the need to support and enhance the development of trade between nations. That is why since 2001, ELSA annually organises the John H. Jackson Moot Court Competition (formerly known as the ELSA Moot Court Competition on WTO Law). This Competition seeks to educate law students from all over the world to develop their legal and oral presentation skills and to educate the new generation of lawyers in the field of international trade law. This event brings together the brightest students from four corners of the world, WTO experts from legal academia, the WTO Secretariat, and international trade law practitioners.*

*The aims of the John H. Jackson Moot Court Competition are:*

- 1. To encourage law students to develop their legal skills;*
- 2. To enhance knowledge of international trade law and WTO dispute settlement procedures*
- 3. Enhance the capacity for meaningful engagement in multilateral trade in the long term.*

*We wish the best of luck to all participating teams,*

**Maciej Łodziński**

Vice President in charge of Competitions  
International Board of ELSA 2023/2024

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## Definitions and Abbreviations

Academic Board	has the meaning given to it in Rule 1.2.5
The Competition	Refers to the John H Jackson Moot Court Competition
ELSA	European Law Students' Association
ELSA International	The International Board of ELSA and the ELSA International Team
FOR	The Final Oral Round in Geneva
JHJMCC	John H. Jackson Moot Court Competition
OP	Oral Pleading
Panellist	has the meaning given to it in Rule 2.1.1
Rules	Refers to the official rules of the John H. Jackson Moot Court Competition
RR	Regional Round
“Website”	means the website <a href="http://Johnhacksonmoot.elsa.org">Johnhacksonmoot.elsa.org</a> , maintained by ELSA International for the purposes of the Competition
WTO	The World Trade Organization
WS	Written submission

## 1. General remarks

### 1.1 Introduction

- 1.1.1 These Rules govern the Competition. The Rules may be revised or updated at any time, and modifications shall be applicable as soon as they are published on the website. The Vice President in charge of Competitions of the International Board of ELSA has the power to interpret the existing rules, in cooperation with the Academic Board.
- 1.1.2 The International Board of ELSA has the right to develop and interpret the existing Rules as well as to issue additional Rules and updates, which will be applicable immediately. All Rules come into force once they are published on the website.
- 1.1.3 The International Board of ELSA will define a timeline for the Competition, which will be binding.
- 1.1.4 The International Board of ELSA owns the intellectual property rights of all the documents of the Competition.

### 1.2 Responsible Organs

- 1.2.1 ELSA International is responsible for the organisation of the Competition. The World Trade Organisation offers organisational and academic support to the Competition.
- 1.2.2 The Vice President in charge of Competitions, acting on behalf of the International Board of ELSA, shall be the Head of the organisation of the John H. Jackson Moot Court Competition and, in this role, the person responsible overall for the Competition.
- 1.2.3 Regional Rounds are organised by Hosting Groups that are appointed by the International Board of ELSA. They shall have a Head of Organisation that shall be responsible for the overall organisation of the Regional Round. ELSA International shall assist in the organisation of the Regional Rounds.
- 1.2.4 The Vice President in charge of Competitions, acting on behalf of the International Board of ELSA, will be overall responsible for organising the Final Oral Round in cooperation with an International Organising Committee.
- 1.2.5 The International Board of ELSA will be responsible for the decision whether to organise any regional round or the Final Oral Round in either person or virtual after consultation with the Academic Board, and for the Final Oral Round, the WTO.
- 1.2.6 The Academic Board is appointed by the International Board of ELSA and shall be in charge of ensuring the high quality of the Competition as well as advising the

Vice President in charge of Competitions on matters of Rules, Management, and Finances. Their responsibilities include, but are not limited to, the following:

1. Academic responsibilities:
    - a. Review the responses to the call for Case authors and provide the International Board of ELSA with advice on the selection of the Case author and the topic of the Case of the John H. Jackson Moot Court Competition;
    - b. Provide support to the Case author by reviewing the Case for legal and stylistic improvement, including reviewing the bench memo, score sheet, and clarification responses.
    - c. Select panellists for scoring the written submissions for the Regional Round and the Final Oral Round, and for the oral pleadings of the various RRs and the FOR.
    - d. Manage the distribution of written submissions for judging and the receipt of the scores.
  2. Rules:
    - a. Annually make recommendations on changes in the Rules.
    - b. Give advisory opinions to the International Board of ELSA in response to questions from participants (teams, coaches, regional round organisers) on the interpretation of the existing Rules or requests for waivers of the Rules.
    - c. Advise and review any guidelines issued by the International Board of ELSA as an interpretation or guidance based on the Rules – such as guidelines for panellists or participants.
  3. Provide guidance and advice to the Vice President in charge of Competitions, upon request, with respect to the selection of regional round hosts, logistical arrangements, fee structures and financial aid packages, and fundraising.
  4. Receive feedback from sponsors on compliance with contractual and financial transparency obligations.
- 1.2.7 The International Board of ELSA has the right to develop and interpret the existing rules as well as to issue additional Rules and updates which will be applicable immediately. All Rules come into force once they are published on the website.

### **1.3 Structure of the Competition**

- 1.3.1 The Competition will be held entirely in the English language.
- 1.3.2 The Competition comprises three phases; the Written Round, the Regional Rounds, and the Final Oral Round.
- 1.3.3 Teams are obliged to submit two (2) Written Submissions; one on behalf of the Complainant and one on behalf of the Respondent.
- 1.3.4 Teams are obliged to participate in their assigned Regional Round. In the Preliminary Rounds thereof they shall plead at least once on behalf of the Complainant and once on behalf of the Respondent.

## 1.4 The Case and the Timeline

- 1.4.1 The International Board of ELSA, upon recommendation of the Academic Board, will appoint one or multiple international trade law experts to be the Case author(s). The Case will reflect one or more international trade law issues. The Case authors must maintain his/her independence and impartiality and not engage in any conduct giving rise to a conflict of interest.
- 1.4.2 The Case will be posted on the website according to the timeline. The same Case shall be used throughout the entire Competition.
- 1.4.3 The International Board of ELSA will issue a binding timeline of the Competition in accordance with these Rules. The timeline will be published on the website.
- 1.4.4 Teams may submit a maximum of five (5) clarification questions to the Case author(s) within the indicated clarifications deadline.

## 2. Organisers

### 2.1 The Panel

- 2.1.1 The Competition relies on international trade law experts appointed by the International Board of ELSA upon selection by the Academic Board to score the written submissions and the oral pleadings. These individuals are referred to as panellists.
- 2.1.2 In selecting panellists, for both the written submissions and oral pleadings, the International Board of ELSA and the Academic Board will bear in mind the desire to have diversity based on gender, race, and national origin. In composing panels for the oral pleadings, the International Board of ELSA will work to ensure a diverse panel composition.
- 2.1.3 Panellists will examine and score the WS according to set scoring and marking guidelines. The scores received for the complainant and respondent submission will be averaged to determine the total score for the WS.
- 2.1.4 For the Oral Pleadings, the panel should always have an odd number of persons sitting on it as follows:
1. Preliminary Rounds three (3) panellists
  2. Quarter-Finals three (3) panellists
  3. Semi-Finals
    - a. Regional Rounds: three (3) or five (5) panellists
    - b. Final Oral Round: five (5) or seven (7) panellists
  4. Grand Final

- a. Regional Round: five (5) or seven (7) panellists
  - b. Final Oral Round seven (7) or nine (9) panellists
5. In the event that, as a result of unforeseen circumstances or reasons of force majeure, a panel cannot be composed of an odd number of panellists, the International Board of ELSA has the discretion to let pleadings commence with an even number of panellists. Under no circumstances shall pleadings be considered valid where only one panellist is present.
  6. In the event that the panel consists of 2 panellists, the score will be determined based on the average score of the two scores of the panellists present.
- 2.1.5 The panellists shall pose questions to the teams at any time during the pleading.
- 2.1.6 Panellist's obligations
1. The panellists shall not provide any support or advice of any kind to any participating team or any coach before or during the Competition, and shall disclose the existence of a Conflict of Interest with any of the teams. Teams receiving support or advice from a panellist will be disqualified.
  2. Panellists must keep the contents of the bench memorandum strictly confidential and not share any aspects of it in any form with teams and coaches throughout the Competition.
  3. Panellists shall not score a written submission if it has become apparent to them which team they are scoring. If a team has identified itself in its written submission or a panellist knows the team number of a particular team, they shall inform the International Board of ELSA immediately and cease to score the submission.
  4. Panellists shall not participate in an oral pleading where it is considered they have a conflict of interest. This may mean that a panellist will not be permitted to judge a specific RR or at the FOR, if the team that gave rise to the conflict is competing.
- 2.1.7 A "Conflict of Interest" means an affiliation which would, in the eyes of a reasonable observer, create an inference that the affiliated panellist would be unable to be impartial as to the conduct or result of a RR or at the FOR. Affiliation means a personal or professional relationship between a panellist and a school, coach, or Team member that is participating in the Competition in which the panellist is participating.
- 2.1.8 A "Conflict of Interest" DOES NOT arise when:
1. The panellist are acquainted with one or both coaches, either because of professional or personal affiliation, prior participation in moot court Competitions, or other reasons;
  2. The panellist is an alumnus of one of the schools participating in the Regional Rounds or at the Final Oral Round:



3. The panellist is an employee of one of the schools participating in the Regional Rounds or at the Final Oral Round, where such employment is sufficiently remote from the activities of the team as to dispel any reasonable suspicion of partiality;
4. The panellist is from the same country as the team that he/she is scoring.

## 2.2 Timekeepers

- 2.2.1 Timekeepers are responsible for recording the time allocations notified by the Teams, and any extensions awarded by the panel Chair. Timekeepers will notify the time remaining for every individual orator, including extension times, both to the panel and to the two Teams.

## 3. Teams and Coaches

### 3.1 Team Eligibility and Composition

- 3.1.1 To take part in the Competition, a team must be composed of law students attending a university or law faculty located in a Member State of ELSA or a current or acceding Members or observers to the WTO. If the university has a campus in another country, the team representing the university is allowed to enter as well. If a university has more than one law faculties, each faculty may be represented by a team.
- 3.1.2 To participate in the European Regional Rounds, teams must be composed of law students attending a law faculty located in a Country that has a Member or Observer National Group of ELSA present.
- 3.1.3 The team shall consist of 2 to 4 law students. Students being on exchange in another country are eligible to participate as part of their foreign university.
- 3.1.4 Only students from a university or law faculty awarding a law degree, not a doctoral program, are allowed to participate.
- 3.1.5 There shall only be one (1) team per university or law faculty, because the team will be representing it. If different independent universities are located in the same city, each may send a separate team. However, all team members must be from the same university or law faculty. If more than one team per university or law faculty will register, the university or law faculty shall select the participating team. Under exceptional circumstances, and prior authorisation by the International Board of ELSA and the Academic Board, a national team might be composed of members from two different universities of the same country
- 3.1.6 The teams shall submit their team composition via the registration form.

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- 3.1.7 Students must do all the research for the written submissions themselves; without assistance from anyone who is not a student member of the team. Faculty, advisors, and coaches may, however, help identify the issues, comment on the persuasiveness of the arguments the students have made in drafts and, when necessary, suggest other arguments the students might consider employing, as well as assist in linguistic matters. The final product must be the students', not the coaches'. Teams not obeying this rule will be disqualified.
- 3.1.8 Registered Team Members from one team are permitted to engage in practice moots amongst themselves and within their own institutions. Any assistance given in this phase shall also be limited to a general discussion of the issues, linguistic help and training in presentation skills.
- 3.1.9 Students will be excluded or disqualified if:
1. The student is involved in the current organisation of the John H. Jackson Moot Court Competition;
  2. The student has previously participated in the John H. Jackson Moot Court Competition, unless the team was kept from participating because of external circumstances, such as force majeure or visa issues, or the student was a member of a registered team which withdrew or was disqualified from a previous edition with the exception of teams and team members which were caught cheating;
  3. The student is not enrolled in a law degree at the university;
  4. Students who have been/are engaged in the practice of law. The practice of law implies a significant amount of professional activity in functions such as judge, law professor or teacher, advocate lawyer, attorney, barrister, solicitor, notary, bailiff, or corporate legal officer. The practice of law entails activities such as pleadings before domestic or international courts, arbitral tribunals or other dispute resolution institutions, including those with a mediation or conciliation function.
    - (a) One, but not the sole indication of activities relevant for this rule is that the activity at issue is normally undertaken only by admitted legal practitioners, even if it can technically also be performed by non-admitted legal practitioners.
    - (b) Student employment during holiday periods or as part of the academic programme that is typically undertaken by law students (such as internships of duration in law firms and other legal institutions or legal assistance clinics run by law schools or volunteer work) shall normally not be regarded as having been or engaging in the practice of law. Particularly if the work required supervision by licensed lawyers. However, teams should consult the International Board of ELSA representative in case of any doubts, particularly in cases of professional activities outside of holiday periods, to avoid subsequent disqualification.

3.1.10 A student who would be excluded or disqualified because of any of the criteria above, is not subject to such exclusion or disqualification if the situation arises after the commencement of Rounds.

### 3.2 Coaches

3.2.1 Each team is allowed to register two (2) coaches. Two teams cannot share a coach.

3.2.2 A team coach may only assist in general discussions concerning the Case, linguistic matters and presentational skills. They should provide no substantive advice on the legal issues arising in the Case and should not participate in the preparation of the Written Submissions or the Oral Pleadings.

3.2.3 Team coaches may not simultaneously hold the position of team captain.

3.2.4 The team coaches may attend the Oral Pleadings of their Team, but may not communicate with their Team, other Teams, timekeepers or Panellists during the pleadings.

3.2.5 During the Oral Pleadings of their Teams, team coaches may not be seated with or near their Teams.

3.2.6 The Teams and team coaches may not attend the Oral Pleadings of other Teams.

### 3.3 Exemptions

3.3.1 Students or team coaches/administrators may apply for an exemption from the aforementioned rules under sections 3.1 and 3.2 by email to the International Board of ELSA and the Academic Board before the stated registration deadline. Team Members and Team Coaches are prohibited from engaging in communication with a panellist or individual members of the Academic Board on such requests.

### 3.4 Registration

3.4.1 Teams must fill in a team registration form and have to pay the registration fee before the beginning of actual pleading rounds in order to be fully registered for the Competition. The International Board of ELSA will provide the teams with a confirmation of their registration.

3.4.2 After submitting the registration form, the International Board of ELSA will issue a team number. All communication must be made with this team number. The name of the university shall not be mentioned.

- 3.4.3 Once the team has filled in the registration form, the team composition shall not be changed after the registration deadline. However, the International Board of ELSA may consider such a change in exceptional circumstances upon detailed request. The team composition does not include the Team Coach(es) who are subject to different rules.
- 3.4.4 Contact details may be provided to the John H. Jackson Moot Court Competition Sponsors. Registered team members can expect to receive communications from the JHJMCC Sponsors, regarding their career opportunities. Contact details of registered teams will be treated according to the Privacy Policy. The International Board of ELSA undertakes to handle all information provided to it under the applicable rules of the European Union (i.e., GDPR). Teams may consult the privacy policy set forth on the registration form in terms of who their data may be shared with and for what purpose.

### 3.5 Anonymity rule

- 3.5.1 During the Competition, the registered teams and their coaches shall not disclose to the panellists (not including other teams, coaches or self-marketing on social media platforms) any details or information regarding their universities, law faculties or countries of origin. They are only allowed to reveal to the panellists their team numbers.
- 3.5.2 For breaches of the Anonymity Rule that occur in or outside of the Oral Pleading Session, the International Board of ELSA will impose a penalty ranging from the reduction of points from the team's Overall Score to disqualifying the team, as appropriate to the circumstances.

### 3.6 Fees

- 3.6.1 The registered teams must pay a competition fee which consists of the registration and the participation fee. The competition fee must be paid to the International Board of ELSA. The teams must bear the costs for any bank transfers.
- 3.6.2 Each team completing the full registration will have to pay a non-refundable registration fee for admission to enter the Competition. The registration fee is 250 Euros for one team.
- 3.6.3 The teams taking part in the Final Oral Round will have to pay a participation fee for each team member. This fee covers: items such as the social program, and administration costs. The amount of the fee will be announced on the website of the John H. Jackson Moot Court Competition. The teams also bear the cost of any bank transfer fees. Cancellations must be in writing to the International Board of

ELSA and it is at the discretion of the International Board of ELSA whether to refund these fees.

- 3.6.4 Team coaches will have to pay the participation fee. Only two (2) coaches can attend the Regional Rounds and the Final Oral Round with their team.
- 3.6.5 This participation fee will be paid only in case of an in-person Final Oral Round.
- 3.6.6 The teams can apply for financial help from the International Board of ELSA that will cover the totality or half of the 250 euros of the registration fee.
- 3.6.7 To apply for this help, the teams need to communicate to the International board of ELSA when registering:
  1. A letter explaining the reason for their application to the help;
  2. A recommendation letter attesting to their academic value;
  3. A curriculum vitae for each of the participants.
- 3.6.8 The date of the application period will be stated in the timeline of the Competition.
- 3.6.9 The International Board of ELSA will promote the diversity of teams to which this help will be granted, considering the geographical location of the teams.

## 4. Written Submissions

### 4.1 General

- 4.1.1 Registered teams must send one Written Submission on behalf of the Complainant and one Written Submission on behalf of the Respondent (two separate Written Submissions in total). Guidelines for WS can be found on the John H. Jackson Moot Court Competition website.
- 4.1.2 The WS must be submitted as electronic copies only in WORD document format. The 'protect document' function may be used. The title of this electronic document shall include the party and team number. (e.g. JHJMCC\_Team014\_ComplainantWS\_20162017.doc)
- 4.1.3 Properties that would reveal the author of the document should be removed before transmitting it to ELSA International.
- 4.1.4 If a team does not send in their WS within the deadline, penalty points will be given in accordance with the Penalty System found in Annex A. If they are not sent in a maximum of three (3) days after the deadline, the team will be disqualified.
- 4.1.5 Any modification of the WS after submitting them to the International Board of ELSA is not permitted.

4.1.6 The International Board of ELSA will own the copyright on the WS after it is submitted.

## 4.2 Content and formatting

4.2.1 The WS shall be written under the following instructions:

1. A4 size paper
2. Font: Times New Roman
3. Font Size: 12
4. Kerning is not permitted
5. Margins of 2.54 cm on the top, bottom and both sides
6. 1.5 interlinear space for the text

4.2.2 Footnotes shall be in Times New Roman, font 10 points and used for legal references only. They shall not contain any additional substantive parts of the pleadings.

4.2.3 The WS shall contain the following:

1. A cover page (with the given team number, the name of the Case and type of document. An Example can be found on the John H. Jackson website);
2. General Part;
3. A table of contents;
4. A list of references;
5. Substantive Part:
  - a. A summary;
  - b. A statement of the facts (brief description);
  - c. Identification of the measures at issue;
  - d. Legal Pleadings (detailed explanation);
  - e. Request for Findings (specific request what the panel should find).

4.2.4 Each submission shall not exceed 35 pages, not including the cover page. The following lengths of each part must be obeyed:

1. Table of Contents, List of References and List of Abbreviations: maximum nine (9) pages;
2. Statements of Facts: maximum two (2) pages;
3. Summary: maximum two (2) pages;
4. Identification of the Measures at Issue and Legal Pleadings: maximum twenty (20) pages;
5. Request for Findings: maximum two (2) pages.

4.2.5 The Academic Board and the International Board of ELSA will oversee the scoring of the WS by the selected panellists. Each of the WS shall be assessed at least once

for all the Teams, and a second time for the Teams taking part in the Final Oral Round.

4.2.6 The WS will be scored on the following criteria:

1. Analysis of legal issues (60%)
2. Argumentation and writing style (40%)

4.2.7 The maximum score per WS is fifty (50) points.

4.2.8 40 % of the total scores of both WS will be used for the team ranking in the preliminary rounds.

4.2.9 The scores of the Regional Rounds and the Final Oral Round are in the sole possession of the International Board of ELSA. The final scores will be published after the FOR has been concluded. If Teams who have been eliminated during the Regional Rounds need their scores prior to that date to satisfy academic requirements, they can make a request directly to the Vice President in charge of Competitions of the ELSA International Board to receive their scores.

## 5. Regional Rounds

### 5.1 Team Allocation

5.1.1 The teams will be allocated to a Regional Round according to the following list:

#### 1. European Regional Rounds

Albania, Armenia, Austria, Azerbaijan, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, and the United Kingdom.

#### 2. All-American Regional Round

##### a) Anglophone America

Antigua and Barbuda, Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent & the Grenadines, Trinidad and Tobago and the United States of America.

##### b) Latin America

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela.

### 3. East Asia and Oceania Regional Round

Australia, Bhutan, Brunei-Darussalam, Cambodia, Chinese Taipei (Taiwan), Fiji, Hong Kong, Indonesia, Japan, Laos, Macau China, Malaysia, Mongolia, Myanmar, New Zealand, Papua New Guinea, Philippines, People's Republic of China, Republic of (South) Korea, Singapore, Solomon Islands, Thailand, Tonga, Vanuatu and Vietnam.

### 4. West and South Asia Regional Round

Afghanistan, Kingdom of Bahrain, Bangladesh, India, Iran, Iraq, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyz Republic, Lebanese Republic, Maldives, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syria, Tajikistan, United Arab Emirates, Uzbekistan, and Yemen.

### 5. African Regional Round

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Cape Verde, Chad, Comoros, Democratic Republic of Congo, Republic of the Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tomé Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe.

## 5.2 Stages

- 5.2.1 The Regional Rounds shall consist of at least three stages: Preliminary Rounds, Semi-Finals, and a Grand Final. The International Board of ELSA reserves the right to add additional elimination rounds, based on the number of teams in the round.
- 5.2.2 The teams will be ranked according to the total score of their OP (60 %) and their WS (40 %) in the Preliminary Rounds. In case of a tie in the ranking, the team with the higher WS score will advance to the elimination rounds (Semi-Finals). In case of a tie in an elimination round, the team that was ranked higher by a majority of the panellists will advance.
- 5.2.3 The winner of each Semi-Final is the team with the higher score following the system in rule 5.2.2. The winner of each Semi-Final will participate in the Grand Final.

## 5.3 Qualification to the Final Oral Round



- 5.3.1 The International Board of ELSA will determine the number of teams qualifying for the Final Oral Round from each Regional Round. However, At least the winning team and runner-up from each Regional Round will progress.
- 5.3.2 In the case of an uneven number of teams qualifying to the Final Oral Round, the International Board of ELSA reserves the right to select the team with the next highest score among all teams from any Regional Round to qualify to the Final Oral Round.

#### 5.4 **Financial Responsibilities**

- 5.4.1 Teams shall bear all financial costs assessed by ELSA International in the form of a participation fee for the Regional Round. Accommodation and travel costs to the Regional Round shall not be covered by the participation fee.
- 5.4.2 The participation fee shall be determined by the International Board of ELSA and the Regional Round Organisers and shall be published on the website well in advance of each RR.
- 5.4.3 Upon registration, a Team binds itself to the financial obligations connected with its assigned Regional Round.

### 6. Final Oral Round

#### 6.1 **General**

- 6.1.1 The Final Oral Round shall take place in Geneva, Switzerland.
- 6.1.2 The 24 best teams from the Regional Rounds qualify to participate in the Final Oral Round.
- 6.1.3 The Preliminary Round is composed of 24 separate Moots. Each team pleads twice, once as Complainant and once as Respondent. The pleading schedule is determined by the drawing of lots at the opening ceremony by the Vice President in charge of Competitions of the International Board of ELSA.

#### 6.2 **Stages**

- 6.2.1 The Final Oral Round shall consist of Preliminary Rounds, Quarter-Finals, Semi-Finals, and the Grand Final. The International Board of ELSA reserves the right to add additional elimination rounds, based on the number of teams in the round.
- 6.2.2 The teams will be ranked according to the total score of their OP (60 %) and their WS (40 %) in the Preliminary Rounds. In case of a tie in the ranking, the team with the higher WS score will advance to the elimination rounds (Quarter Finals and

Semi-Finals). In case of a tie in an elimination round, the team that was ranked higher by a majority of the panellists will advance.

- 6.2.3 In the stages following the Preliminary Rounds of the Final Oral Round (Quarter-Finals, Semi-Finals, the Grand Final) the WS score will not be taken into account when calculating team scores. Instead, the OP score alone will determine which team proceeds to the next stage of the Final Oral Round. In case of a tie between the team scores in either Quarter-Finals, Semi-Finals, or the Grand Final, the team with a higher score from the Preliminary Rounds will advance.
- 6.2.4 The WS of the teams qualifying for the Final Oral Round will be scored a second time. The score used for the FOR shall be the average score of the first and second round of scoring.

### 6.3 **Financial Responsibilities**

- 6.3.1 Teams shall bear all financial costs assessed by ELSA International in the form of a participation fee for the Final Oral Round. Accommodation and travel costs to the Final Oral Round shall not be covered by the participation fee.
- 6.3.2 The participation fee shall be determined by the International Board of ELSA and shall be published on the website well in advance of the Final Oral Round.
- 6.3.3 Upon registration, a Team binds itself to the financial obligations connected with the Final Oral Round, if selected.

## 7. Oral Pleadings

### 7.1 **General**

- 7.1.1 Each team shall present their oral pleadings for the Complainant and the Respondent. The pleadings shall be held in sitting. The scope of the OP of a team does not depend on the scope of the WS.
- 7.1.2 The Vice President in charge of Competitions shall establish the pairings for the Preliminary Rounds by a random draw. The Vice President in charge of Competitions may modify this random draw to ensure geographic and competitive diversity and balance.
- 7.1.3 The role of the teams in the Preliminary Rounds and in the Elimination Rounds will be determined randomly. If the teams have pleaded against each other before, they will plead for the opposite party.

7.1.4 The order of the presentations during the OP can be found in the guidelines for the OP on the website. The teams are free to address the issues raised in the Case in any order.

7.1.5 The structure of the Oral Pleadings is as follows:

1. Complainant: Team Appearances
2. Respondent: Team Appearances
3. Complainant: Main Pleading
4. Respondent: Main Pleading
5. Complainant: Rebuttal
6. Respondent: Sur-rebuttal

## 7.2 **Team Appearances**

7.2.1 The team captain shall introduce all the team members and the nominated Orators within the Team Appearance. This time is not included in the main oral pleading time. However, the Team Appearance should not exceed more than 3 minutes.

7.2.2 During the presentation of the Team Appearances, each team must indicate to the timekeepers how it wishes to allocate its forty-five (45) minutes of main pleading time among its orators. In addition, the Complainant Team must indicate how it wishes to allocate its five (5) minutes of rebuttal, and the Respondent Team must indicate how it wishes to allocate its five (5) minutes of sur-rebuttal. Only one person can present the rebuttal/sur-rebuttal.

7.2.3 A Team may not allocate more than twenty-five (25) minutes of their main pleading time to any orator. Time allocated for, but not used by one orator, may not be used by another orator during their pleading, or in the rebuttal or sur- rebuttal.

## 7.3 **Main oral pleading**

7.3.1 Each team is granted a total of forty-five (45) minutes, during which time they present their main oral pleading and address the questions asked by the panel. The Team Appearance is not included in this time and shall be done at the beginning of each pleading session by teams following the instructions of the panel chair. In addition, each team is granted five (5) minutes to present their rebuttal/sur-rebuttal.

7.3.2 Besides the Team Appearance, Team members can only speak once per oral pleading and indicate its duration in the time allocation sheet. This restriction does not apply to the Team Appearance and the rebuttal/sur-rebuttal.

7.3.3 A Complainant orator may ask for an extension before the end of his/her pleading time. The panel Chair 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.

- 7.3.4 The Respondent Team has a right to ask for an extension time equal to that asked by the Complainant Team. This time, however, is NOT automatically awarded to the Respondent Team but only upon request before the end of a Respondent orator's allocated time. This extension time can be freely divided between the Respondent orators, without the 2 minutes per person restriction. However, each orator can ask for an extension only once. If all the extended time is used up, Respondent orators are not entitled to any other extensions.
- 7.3.5 No extensions are permitted during rebuttal or sur-rebuttal.
- 7.3.6 A minimum of two (2) and a maximum of three (3) team members shall present the main oral pleading. Each orator must at least speak for seven (7) minutes during the main OP. Each orator must present oral pleadings for the Complainant and the Respondent in the Preliminary Rounds, to be eligible for the Best Orator's award.
- 7.3.7 Only the nominated Orators may answer questions from the panel during the main oral pleading. This needs to be done during the allocated speaking time.

#### 7.4 **Rebuttal and Sur-rebuttal**

- 7.4.1 Each team shall be given a maximum of five (5) minutes to present its rebuttal or sur-rebuttal, including the time to address the panel's questions.
- 7.4.2 Only one team member, nominated during the team appearance, shall present the rebuttal or sur-rebuttal and answer the panels' questions. The scope of the Complainant's rebuttal is limited to the issues raised in the Respondent's main oral pleadings, and the Respondent's sur-rebuttal is limited to the issues raised in the Complainant's rebuttal.

#### 7.5 **Force Majeure**

- 7.5.1 In case of force majeure where a team cannot be present physically for a pleading, the team will be given the opportunity to plead virtually with the other team present in the room with the panellists, or to forfeit the round and only have their WS scores be used for that round.

#### 7.6 **Scoring**

- 7.6.1 The scores of the Oral Pleadings will be made on the following criteria:

1. Legal Analysis (60%)
2. Argumentation and Style (40%)

7.6.2 The maximum score is 50 points divided accordingly:

1. Legal Analysis:
  - a. 1-6 Poor
  - b. 7-12 Fair
  - c. 13-18 Good
  - d. 19-24 Very Good
  - e. 25-30 Excellent
2. Argumentation and Style:
  - a. 1-4 Poor
  - b. 5-8 Fair
  - c. 9-12 Good
  - d. 13-16 Very good
  - e. 17-20 Excellent

7.6.3 During the preliminary rounds and the Quarter-Finals, only the panel and other panellists, the timekeepers, the teams, the team coaches, the organisers and the International Board of ELSA are allowed to be present in the pleading rooms. The Semi-Finals and the Grand Finals are open to the public.

7.6.4 Teams shall not present any visual aids or presentations or documents, treaties, other legislation, amicus curia briefs, or handouts to the other teams and the panel.

7.6.5 Teams may use one (1) device for the inquiry of information only. One (1) additional device may be used for timekeeping. Notes on the laptops, during the OPs, are prohibited. All electronic devices must be in silent mode. The panel has the right to issue penalty points in case of disturbance due to the use of additional devices.

## 7.7 Qualifying Rounds

7.7.1 The Quarter Final Rounds will be held as follows:

1. The teams ranked as the eight (8) best teams out of the Preliminary Rounds will qualify for the Quarter Finals.
2. The match-up of the teams in the Quarter Finals will be based on their rankings by Overall Score. The teams shall be assigned as follows:
  - a) In Quarter Final 1, the team with the highest overall score will plead against the team with the eighth highest overall score.
  - b) In Quarter Final 2, the team with the second-highest overall score will plead against the team with the seventh-highest overall score.

- c) In Quarter Final 3, the team with the third-highest overall score will plead against the team with the sixth-highest overall score.
  - d) In Quarter Final 4, the team with the fourth-highest overall score will plead against the team with the fifth-highest overall score.
- 7.7.2 The winner of each Quarter-Final is the Team with the higher score.
- 7.7.3 At each Regional Round, the four best teams from the Preliminary Rounds will qualify to the Semi-Finals. At the Final Oral Round, the winner of each Quarter-Final will qualify for the Semi-Finals.
- 7.7.4 For the Semi-Finals, the teams shall be assigned as follows:
- 1. In Semi-Final #1 the team with the highest (1st) Overall Score will plead against the team with the fourth (4th) highest Overall Score.
  - 2. In Semi-Final #2 the team with the second (2nd) Overall score will plead against the team with the third (3rd) highest Overall score.
- 7.7.5 The winner of each Semi-Final is the team with the higher score. The winner of each Semi-Final will participate in the Grand Final.
- 7.7.6 The winners of the Quarter-Finals, the Semi-Finals, and the Grand Final shall be decided by the Bench applying the criteria set out in Rule 9.5.1 and 9.5.2.

## 7.8 Awards

- 7.8.1 The following awards will be given to the participating teams at every Regional Round and the Final Oral Round. Only the teams qualified for the Final Oral Round are eligible for the awards given during it. Additional awards may be added throughout the Competitions duration.
- 1. The Winner.
  - 2. The Runner-up.
  - 3. The Best Complainant's Written Submission – The Gabrielle Marceau Award.
  - 4. The Best Respondent's Written Submission – The Valerie Hughes Award.
  - 5. The Best Overall Written Submissions (combined scores of the Complainant and Respondent WS as well as the penalty points).
  - 6. The Best Orator of the Preliminary Rounds (each Orator must present oral pleadings for both the Complainant and the Respondent to be eligible for the prize).
  - 7. Best Orator of the Quarter-Finals.
  - 8. The Best Orator of the Semi-Finals.
  - 9. The Best Orator of the Grand Final of the FOR– The Werner Zdouc Award.

## 8. Appendixes

Appendix A: Penalty System

Appendix B: Written Submissions Cover Example (on website)

Appendix C: Guidelines for Written Submissions (on website)

Appendix D: Guidelines for Oral Pleadings (on website)

**Maciej Łodziński**



Vice President in charge of Competitions

International Board of ELSA 2023/2024

## Appendix A – Penalty System

Penalties shall be imposed in accordance with the following table

Action	Penalty
Team coach actively taking part in the drafting of Written Submissions	Disqualification
Team coach actively taking part in Oral Pleadings, including but not limited to the preparation stage	Disqualification
Change of member composition after registration without prior authorisation of the Vice President for Competitions	Disqualification
Change of coach after registration without prior authorisation of the Vice President for Competitions	Disqualification
Receiving support or advice from a Judge	Disqualification
One (1) day delay past the given deadline in the dispatch of documents	0.5 point per WS
Two (2) days delay past given deadline in the dispatch of documents	1 point per WS
Three (3) days delay past given deadline in the dispatch of documents	2 points per WS
More than three (3) days delay past given deadline in the dispatch of documents	Disqualification
Plagiarism in violation of Rule 10.3	1-10 points per WS or disqualification, depending on the severity and extent of plagiarism
Failure to include a two-page summary	1 point per WS



Failure to include a table of contents	0.5 point per WS
Failure to include a list of references	0.5 point per WS
Failure to include a list of abbreviations used	0.5 point per WS
Exceeds the maximum length of the two-page summary	0.5 point per page
Exceeds the maximum length of Table of Contents, List of References and List of Abbreviations	0.5 point per page
Exceeds the maximum length of the Statement of Facts	0.5 point per page
Exceeds the maximum length of Identification of WTO measures and Issue and Legal Pleadings	0.5 point per page
Exceeds the maximum length of Request for Findings	0.5 point per page
Failure to use A4 electronic page	0,5 point per WS
Failure to use correct font (Times New Roman)	0.5 point per WS
Failure to use correct font size (12 pt)	0.5 point per WS
Failure to use correct line spacing (1.5)	0.5 point per WS
Failure to use correct font and font size for footnotes (Times New Roman, 10 pt)	0.5 point per WS
Includes pleadings in the footnotes	0,5 point per infraction
Failure to use the correct font colour (#000000)	0.5 points per WS

Failure to use correct Page Numbering in the General Section	0,5 point per WS
Failure to use correct Page Numbering in the Substantive Section	0,5 point per WS
Failure to use correct Page margin	0.5 point per WS
Failure to use correct front cover	0,5 point per WS
Failure to use team Number or Team identifies itself by name(s)	1,5 point per WS
Failure to use the name of the Case	0.5 points per WS
Failure to correctly identify party (e.g. putting "Written Submission for Applicant" on the WS for Respondent)	0.5 points per WS
Failure to correctly title the document in accordance with Rule 4.1.2	0.5 points per WS
Applied "kerning" to the document  (Written submissions should be in standard letter spacing)	0.5 point per WS
Incomplete Title of Word Document	0.5 point per WS
Violation of Rules on anonymity requirement in Rule 3.5	Disqualification