

The Rules of the EMC² 2009-2010

Preamble

Bearing in mind that the International Council Meeting of ELSA has pledged to develop Regional Rounds within the ELSA Network as the most suitable form of organisation of the ELSA Moot Court Competition (EMC)² on the Law of the World Trade Organisation (WTO) and the promotion of moot court competitions as a popular tool of Clinical Legal Education in Europe;

In view of the development of the EMC² into a worldwide competition, the structure of which is based on Regional Rounds across the globe, ELSA International;

Acknowledges the need to accentuate the role that the EMC² performs in ELSA's ongoing action to contribute to Legal Education globally;

Promote the function that the EMC² plays in ELSA's ongoing contribution to the development of Clinical Legal Education globally;

Seek to produce mutual benefits for ELSA International as the founder of the EMC² and the academic institutions or student associations who act as the organisers of Regional Rounds and the Final Oral Round; and

Strive for greater involvement of WTO experts from legal academia, the WTO Secretariat and international trade law practitioners.

Set out the following as the EMC² Rules, aiming to provide the EMC² Regional Round Organisers and the International Organising Secretariat of the Final Oral Round with qualified organisational moot court and academic assistance.

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ABBREVIATIONS

AS	Academic Supervisor(s)
ASIA RR	Asia (non-ELSA) Regional Round
IWR	International Written Round
CA	Case Author
COLADIC-RD	El Consejo Latinoamericano de Estudiosos de Derecho Internacional y Comparado (COLADIC) Capitulo República Dominicana (COLADIC-RD)
CRB	Case Review Board
EI	ELSA International
ELSA	European Law Students' Association
ELSA RR	ELSA Regional Round
EMC ²	ELSA Moot Court Competition on WTO Law
ENG	ELSA National Group
ENR	ELSA National Round
FOR	Final Oral Round
IOS	International Organising Secretariat
LARR	Latin America (non-ELSA) Regional Round
MOA	Memorandum of Agreement
MERR	Middle East (non-ELSA) Regional Round
NARR	North America (non-ELSA) Regional Round
Non-ELSA RR	Non-ELSA Regional Round
PRR	Pacific (non-ELSA) Regional Round
RR	Regional Round(s)
ROR	Regional Oral Round(s)
RRO	Regional Round Organiser
SR	Selection Round(s)
WTO	World Trade Organization

PART I – Competition Organisation and Structure

1. Competition Organisation

1.1 General Organisation

The ELSA Moot Court Competition (EMC²) on the Law of the World Trade Organization (WTO) is the annually held international moot court competition owned by the European Law Students' Association (ELSA).

For the EMC² 2009-2010 competition ELSA International has engaged a number of entities to organise and host the Regional Round Organiser and the Final Oral Round. The responsibilities of each entity are listed below:

1.1.1 ELSA International is responsible for organising the drafting of The Case, The Clarifications and The Bench Memorandum as well as the EMC² Rules, The Competition Timeline, Scoring Methodologies, Marking Guidelines and Score Sheets for the Written Submissions and Oral Pleading Sessions, the Tips-4-Teams and the Panellist Policy, as well as, establishing the Team Registration Fee, maintaining the EMC² Website, identifying and appointing Academic Supervisors and Regional Round Organisers and Final Oral Round organiser.

1.1.2 ELSA International has appointed a number of entities as ELSA and non-ELSA Regional Round Organisers. All Regional Round Organisers shall be responsible for the organisation, administration, financing and hosting of its respective Regional Round.

Each Regional Round Organiser enters into a Memorandum of Agreement with ELSA International for hosting a specific Regional Round. Each individual Memorandum of Agreement shall determine all aspects of the organisation, administration, funding and hosting of an individual Regional Round.

1.1.3 ELSA International has selected and appointed El Consejo Latinoamericano de Estudiosos de Derecho Internacional y Comparado (COLADIC) Capitulo República Dominicana (COLADIC-RD) (hereinafter referred to as “the FOR Partner” or “COLADIC-RD”) to organise, administer, fund and host the EMC² Final Oral Round, which will be held in Santo Domingo 24th to 30th May

The FOR Partner 2010 (COLADIC-RD) will execute all its responsibility via its International Organising Secretariat. The International Organising Secretariat will organise and administer the entire Final Oral Round event, among other things, print (produce) the Final Oral Round materials and arrange '*Final Oral Round Invitation Letters*' for travel to Santo Domingo, the Dominican Republic.

1.1.3 ELSA International and COLADIC-RD are jointly responsible for marketing the Final Oral Round event, securing sponsors, providing the Final Oral Round prizes as well as coordinating regarding the nomination and appointment of the Final Oral Round Panellist in-conjunction with the Academic Supervisors.

- 1.1.4 In order to provide the Regional Round Organisers and the International Organising Secretariat with qualified organisational moot court and academic assistance, ELSA International shall appoint an Academic Supervisor for each Regional Round. Additionally, a FOR Academic Advisor will be appointed to aid the IOS with the academic programme of the FOR, including the moot court and the conference programmes.
- 1.1.5 An Academic Supervisor must perform within the scope assigned and the terms and conditions specified in an individual appointment letter. However, the ELSA International will maintain overall responsibility of ensuring organisational issues, including but not limited to the flow and exchange of information, decisions as required and other matters relating to the operation of the Regional Rounds.
- 1.1.6 The territory of each Academic Supervisor shall be the territory of the Regional Rounds as determined by the respective Memorandum of Agreement between ELSA International and a Regional Round Organiser.
- 1.1.7 One Academic Supervisor may be assigned to several EMC² Regional Rounds taking into consideration geographical, cultural and economic factors. For the 8th edition of the EMC² 2009-2010 the following Regional Rounds shall be grouped and assigned to one Academic Supervisor each:
- 1.1.7.1 Europe, Africa and the Middle East;
 - 1.1.7.2 Asia-Pacific; and
 - 1.1.7.3 The Americas
- 1.1.8 Functions of an AS include but are not limited to:
- 1.1.8.1 Liaising with the World Trade Organization (WTO) Secretariat to ascertain suitable topics for The Case of the EMC².
 - 1.1.8.2 Assisting the ELSA International to develop the Rules and Appendixes of the EMC², the Written Submissions and Oral Pleading Sessions Scoring Methodologies, Marking Guidelines and Score Sheets as well as selecting the Topic of The Case of the EMC²;
 - 1.1.8.3 Identifying and selecting candidates for the role of EMC² Case Author and members of the Case Review Board as well as advising ELSA International on such appointments;
 - 1.1.8.4 Obtaining the support of WTO/International Trade Law specialists to act as EMC² Panellist and liaising with the ELSA International on such appointments;

- 1.1.8.5 Managing the relationship between the Case Author and the Case Review Board members regarding The Case, The Clarifications and The Bench Memorandum;
- 1.1.8.6 Identifying and selecting candidates for the role of Regional Round Organisers as well as, advising ELSA International on such appointments;
- 1.1.8.7 Liaising between ELSA International, Regional Round Organisers and the International Organising Secretariat;
- 1.1.8.8 Identifying, selecting and appointing individuals as Regional Round Written Submission and Oral Pleading Session Panellist, as well as, allocating individual Panellist to the Panels of the Regional Rounds, pursuant to the consultations with ELSA and the International Organising Secretariat. In performing this function an Academic Supervisor shall ensure the independence and impartiality of each individual;
- 1.1.8.9 In co-operation with ELSA International, identifying, selecting and appointing individuals as Final Oral Round Written Submission and Oral Pleading Session Panellist, as well as, allocating individual Panellist to the Panels of the Final Oral Rounds. In performing this function an Academic Supervisor shall ensure the independence and impartiality of each individual. All selection, approval and appointment processes will be coordinated with the FOR Partner to ensure cost-effectiveness as per the FOR Budget;
- 1.1.8.10 Liaising between respective Regional Round Organisers and Panellist of a Regional Round;
- 1.1.8.11 Assisting ELSA and the International Organising Secretariat in identifying, individuals as Written Submission and Oral Pleading Session Panellist, as well as, allocating individual Panellist to the Panels of the International Written Round and the Final Oral Round;
- 1.1.8.12 Assisting all Panellists on how to mark the Written Submissions and Oral Pleadings Sessions;
- 1.1.8.13 Advising and interpreting the Rules of the EMC², issues relating to The Case and/or The Clarifications;
- 1.1.8.14 Advising on all publications created and distribution channels proposed by a Regional Round Organiser in relation to a Regional Round or the International Organising Secretariat in relation to the Final Oral Round.

1.2 The Rules

- 1.2.1 The Rules of the EMC² shall consist of three parts describing: the Competition Organisation and Structure, the Competition Process and Appendixes.

- 1.2.2 The Rules shall apply to ELSA International, COLADIC-RD, the Academic Supervisors, Regional Round Organisers, the International Organising Secretariat, Panellist, as well as the registered Teams, Team Coaches and/or Academic Advisors.
- 1.2.3 The Rules and any subsequent updates shall apply *mutatis mutandis* to all EMC² rounds described in **Rule 2.1**.
- 1.3 Timeline for the EMC²
- 1.3.1 ELSA International will issue a Competition Timeline for the EMC² as Appendix A to these Rules.
- 1.3.2 The Competition Timeline will include all the relevant dates for the EMC² competition.
- 1.3.3 From time to time ELSA International will issue updates of the Appendix A – Competition Timeline and publish the details in the “News” and “Preparation” sections of the official EMC² Website (www.elsamootcourt.org). Such changes become an integral part of the Rules.
- 1.3.4 Participants are responsible for regularly checking the official EMC² Website www.elsamootcourt.org for updates.

2. Competition Structure

2.1 Competition Structure

The EMC² shall be divided into two principle rounds: Selection Rounds and the Final Oral Round:

2.1.1 Selection Rounds:

2.1.1.1 The Selection Rounds shall have the aim of selecting teams for the Final Oral Round. They shall take two forms: either a Regional Oral Round or the International Written Round.

2.1.1.2 To compete in the EMC², a Team must be from a university or law school in an ELSA Member State or a WTO Member or Observer State and may enter via only one (1) Selection Round of the EMC² as specified in **Rule 2.1.4**.

2.1.2 Regional Oral Rounds

The Regional Oral Rounds are divided into three principle rounds: ELSA National Rounds, ELSA Regional Rounds (ELSA RRs) and the non-ELSA Regional Rounds (non-ELSA RRs).

ELSA International will determine the number and location of all the Regional

Oral Rounds.

ELSA International, in-conjunction with the respective Regional Round Organiser, will determine the date and venue of the Regional Rounds and will publish these details, by the date listed in Appendix A – Competition Timeline, in the “News” and “Selection Rounds” sections of the official EMC² Website (www.elsamootcourt.org).

Each Regional Round Organiser shall publish details of its Regional Round on its own official website and maintain links to the EMC² website.

ELSA International will determine the location, date, venue and number of teams to progress to the Final Oral Round in-conjunction with COLADIC-RD and will publish these details, by the date listed in Appendix A – Competition Timeline, in the “News” and “Final Oral Round” sections of the official EMC² Website (www.elsamootcourt.org).

Both the Regional Oral Rounds and the Final Oral Round shall consist of sessions where teams are paired and will plead their arguments in sittings referred to as Oral Pleading Session, which will be conducted in accordance with **Part II – Section 7** of these Rules.

2.1.2.1 ELSA National Rounds

Teams from ELSA Member states or WTO Member or Observer states listed in Rule 2.1.4.1 shall enter the EMC² competition via either an ELSA RR or an ELSA National Round.

ELSA National Groups are permitted to organise an ELSA National Round for universities within their jurisdiction.

Where an ELSA National Group organises such a competition pursuant to a Memorandum of Agreement with ELSA International, at minimum the winning Team of that competition may participate in one of the nominated ELSA Regional Rounds.

An ELSA National Group shall publish all details of the ELSA National Round on its official website. ELSA International will maintain a web link to all ELSA National Round official websites and will publish basic details of the rounds in the “Selection Rounds” section of the official EMC² Website (www.elsamootcourt.org).

Where an ELSA National Round shall serve as a Selection Round for an ELSA Regional Round, the competition shall be regulated by the EMC² Rules, but excluding the Appendixes.

2.1.2.2 ELSA Regional Rounds (ELSA RR)

Teams from countries listed in **Rule 2.1.4.1** shall enter the EMC² via an ELSA Regional Round, if no ELSA National Round has been organised

in their country.

Where an ELSA National Group organises an ELSA Regional Round pursuant to a Memorandum of Agreement with ELSA International, that group will be known as an ELSA Regional Round Organiser.

ELSA International shall assign ELSA Member States to a particular ELSA Regional Round and shall include participants from the countries of not less than three (3) ELSA National Groups.

At minimum, the Semi Finalists from an ELSA Regional Round shall progress to the Final Oral Round.

ELSA International will determine the location, date, venue and number of ELSA Regional Rounds in-conjunction with the selected ELSA Regional Round Organisers.

An ELSA Regional Round Organiser shall publish all details of its competition on its official website. ELSA International will maintain a web link to the ELSA Regional Round Organisers official website and will publish basic details all ELSA Regional Rounds in the “Selection Rounds” section of the official EMC² Website (www.elsamootcourt.org).

2.1.2.3 Non-ELSA Regional Rounds (non-ELSA RR)

Teams from WTO Member or Observer states listed in **Rules 2.1.4.2 to 2.1.4.7** shall enter the EMC² via a non-ELSA Regional Round.

Where a university, law student NGO or other entity, based outside the ELSA member counties, organises a separate non-ELSA Regional Round pursuant to a Memorandum of Agreement with the ELSA International, that group will be known as a non-ELSA Regional Round Organiser.

At minimum, the winning Team of such a round shall participate in the Final Oral Round.

A non-ELSA Regional Round Organiser (RRO) shall publish all details of its competition on its official website. ELSA International will maintain a web link to the non-ELSA Regional Round Organisers official website and will publish basic details of the rounds and in the “Selection Rounds” section of the official EMC² Website (www.elsamootcourt.org).

ELSA International shall determine the number teams from each non-ELSA Regional Round who will progress to the Final Oral and publish details, by the date listed in Appendix A – Competition Timeline, in the “News” and “Final Oral Round” sections of the official EMC² Website (www.elsamootcourt.org).

2.1.3 International Written Round (IWR)

Teams from WTO Member or Observer states and listed in **Rule 2.1.4.7**, shall enter the EMC² via the International Written Round.

An International Written Round Team shall, on the date listed in Appendix A – Competition Timeline, email one (1) electronic copy of each Written Submission (i.e. one (1) for the Complainant and one (1) for the Respondent) to ELSA International.

The International Written Round will be conducted in accordance with Part II – Section 6 of the EMC² Rules.

A Panel of competent Written Submission Panellists selected by ELSA International, in-conjunction with the Academic Supervisors, will assess both the Complainant and Respondent Written Submissions and apply the scoring system as specified in **Part II – Section 6**.

No more than four (4) teams shall progress from the International Written Round to the Final Oral Round. ELSA International will publish details, namely the “FOR Allocation List” by the date listed in Appendix A – Competition Timeline, in the “News” and “Final Oral Round” sections of the official EMC² Website (www.elsamootcourt.org).

2.1.4 Countries List for Selection Rounds

As specified in **Rule 2.1.1.2**, to compete in the EMC², a Team must be from an ELSA Member State or a WTO Member or Observer State.

ELSA International has geo-politically attributed countries to specific EMC² Selection Rounds as detailed below.

2.1.4.1 **ELSA Regional Rounds:**

Albania, Andorra, Armenia, Austria, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Former Yugoslav Republic of Macedonia, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Lithuania, Liechtenstein, Luxembourg, Malta, Moldova, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine and United Kingdom.

2.1.4.2 **Asia (non-ELSA) Regional Round:**

Bhutan, Brunei-Darussalam, Cambodia, Chinese Taipei (Taiwan), Hong Kong, India, Indonesia, Japan, Laos, Macau China, Malaysia, Mongolia, Myanmar, Nepal, Philippines, Republic of China, Republic of (South) Korea, Singapore, Thailand and Vietnam.

- 2.1.4.3 **Pacific (non-ELSA) Regional Round:**
Australia, Fiji, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu.
- 2.1.4.4 **Latin America and the Caribbean (non-ELSA) Regional Round:**
Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, México, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent & the Grenadines, Suriname, Trinidad and Tobago, Uruguay and Venezuela.
- 2.1.4.5 **North America (non-ELSA) Regional Round:**
Canada and the United States of America.
- 2.1.4.6 **Middle East Regional Round:**
Afghanistan, Azerbaijan, Kingdom of Bahrain, Bangladesh, Egypt, Iran, Iraq, Jordan, Kuwait, Kyrgyz Republic, Lebanese Republic, Maldives, Mauritius, Oman, Pakistan, Qatar, Saudi Arabia, Seychelles, Sri Lanka, Tajikistan, United Arab Emirates, Uzbekistan and Yemen.
- 2.1.4.7 **International Written Round**
Cyprus, Israel, Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Cape Verde, Chad, Comoros, Democratic Republic of Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Republic of Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tomé Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Tonga, Tunisia, Uganda, Zambia and Zimbabwe.

In the event that a Regional Round does not proceed due to lack of registered Teams, is cancelled or an MOA is not concluded as per estimations at the launch of the Competition, ELSA International will redirect a Team to either a 'Written Regional Round, another Regional Round or to the International Written Round.

2.1.5 Final Oral Round (FOR)

- 2.1.5.1 Subject to the EMC² Rules and the Memorandum of Agreement with each Regional Round Organiser, teams which are finalists or the winners of the Selection Rounds, are entitled to progress to the Final Oral Round, to be held in Santo Domingo, the Dominican Republic, 24th-30th May 2010.
- 2.1.5.2 ELSA International and COLADIC-RD shall determine the actual number of teams to progress to the Final Oral Round, and will publish these details, by the date listed in Appendix A – Competition Timeline, in the “News” and “Final Oral Round” sections of the official EMC² Website (www.elsamootcourt.org).

2.2 The Case and Clarifications

ELSA International, in-conjunction with the Academic Supervisors, shall identify, select and invite a WTO Law academic to be the Case Author of the EMC² 2009-2010.

The Case and The Clarifications of the EMC² shall be used throughout the Selection Rounds and the Final Oral Round.

2.2.1 The Case

The appointed Case Author will develop The Case of the EMC², which will reflect one or more highly topical WTO law issues.

The Case Author will include a list of relevant WTO documents and jurisprudence which are applicable to The Case of the EMC². The WTO documents shall form the applicable law of the EMC².

Teams are permitted to go beyond the materials annexed to The Case and the list of relevant WTO documents; however the application of such additional material is for each Team to determine.

ELSA International will publish The Case by the date listed in Appendix A – Competition Timeline, in the “Preparation” section of the official EMC² Website (www.elsamootcourt.org).

2.2.2 The Clarifications

On publication of The Case and until the date listed in Appendix A – Competition Timeline, teams may, via ELSA International, request clarifications to The Case.

ELSA International will publish The Clarifications by the date listed in Appendix A – Competition Timeline, in the “Preparation” section of the official EMC² Website (www.elsamootcourt.org). Once published, The Clarifications become an integral part of The Case.

2.3 Panellists

The adjudicators in the WTO Dispute Settlement system are referred to individually as Panellist and collectively as The Panel. The EMC² Competition adopts the identical system of reference.

For all EMC² Oral Pleading Sessions a minimum of three (3) individual Panellists will act as The Panel.

For the marking of Written Submissions in all Selection Rounds and Final Oral Round a maximum of two (2) individual Panellists will act as The Panel.

For an individual to be selected as a Panellist, he/she must complete and submit an online ***Panellist Application Form*** to ELSA International by the date listed in Appendix A – Competition Timeline. The ***Panellist Application Form*** can also be downloaded from the “Competition” section of the official EMC² Website (www.elsamootcourt.org).

An individual selected to be a Panellist for either the Selection or the Final Oral Round shall not judge a Team from a university to which he or she is directly affiliated. The Case Author is exempt from this rule in the Grand Final of the Final Oral Round.

2.3.1 Oral Pleading Sessions

The individuals selected as Panellist in an Oral Pleading Session of both the Selection Rounds and the Final Oral Rounds shall be WTO/International Trade Law experts identified, nominated and appointed by the Academic Supervisors as per ***Rules 1.1.8.8 and 1.1.8.9***.

2.3.2 Written Submissions

The Panellists forming The Panel for marking the Written Submissions of both the Selection Rounds and Final Oral Round shall be WTO/International Trade Law experts identified, nominated and appointed by the Academic Supervisors as per ***Rules 1.1.8.8 and 1.1.8.9***.

2.4 Participants

Any Team composed in accordance with Part II - Section 3 of the EMC² Rules which outlines Team composition, eligibility requirements and registration requirements may participate in the EMC².

2.5 Language

ELSA Internationals official working language is “***English***”. Therefore, the EMC² competition shall be conducted entirely in the English language. This applies to all Selection Rounds, the Final Oral Round and Written Submissions.

2.6 Scoring Methodologies and Competition Scores

As specified in ***Rule 1.1.8.2***, the Scoring Methodologies and Marking Guidelines are developed by ELSA International, in-conjunction with the Academic Supervisors. Details of the Scoring Methodologies are listed in Part II – Section 6 Written Submissions and Part II - Section 7 Oral Pleading Sessions.

The scores of all Selection Rounds and the Final Oral Round become the property of ELSA International. Only the final scores of each individual Team will be revealed, after the conclusion of the Final Oral Round.

The scores of the Final Oral Round shall be published in the “Report of the EMC²” by the date listed in Appendix A – Competition Timeline in the “News” section of the website (www.elsamootcourt.org).

Part II - The Competition Process

3. Team Composition and Registration

3.1 Team Composition

There shall not be more than one (1) Team per university or law school, this includes all campuses of a university located in its home country.

If a university operates a campus in a foreign country, then the foreign campus is permitted to enter one (1) Team per university law faculty/school or business faculties awarding law degrees, in a RR as specified in **Rule 2.1.4**.

All Team Members shall be enrolled at the same law faculty/school or a business faculty which awards law degrees.

3.1.1 Number of Student Participants per Team

Each Team shall be composed of a minimum two (2) to maximum four (4) students per team.

Only eligible students as specified in **Rule 3.2** who are listed on the **online Registration Form** will be permitted to compete in a Selection Round and the Final Oral Round.

3.1.2 Team Coach/Academic Advisor

In addition, each Team may be supported by either an official Team Coach and/or an Academic Advisor.

Both the Team Coach and/or Academic Advisor are subject to the Team Assistance requirements as specified in **Rule 3.4**.

3.2 Eligible Students

3.2.1 Any student enrolled in a university law faculty/school or business faculty, accredited under national law, and which awards a degree that permits its graduates to enter any legal profession, is eligible for Team membership.

3.2.2 A student is deemed to be enrolled in a university program as per the Team Registration Deadline detailed in Appendix A – Competition Timeline and published in the “Preparation” section of the official EMC² website (www.elsamootcourt.org).

3.2.3 Notwithstanding a student is subject to the Grounds of Exclusion or Disqualification for Team Membership as specified in **Rule 3.3**.

3.3 Grounds of Exclusion or Disqualification for Team Membership

A student is excluded or disqualified if ELSA International deems that individual to have acquired significant unfair advantage as per any of the following rules.

- 3.3.1 Student is involved in the organisation of the 2009-2010 EMC²; or
- 3.3.2 Student who has previously participated in the EMC² competition via any form of Selection Round; or
- 3.3.3 Student who is a non practicing but admitted legal practitioner under a national legal system; or
- 3.3.4 Student who was/is engaged in any WTO policy or WTO law work;
- 3.3.5 Student who was/is engaged in the ‘practice of law,’ (including judges, advocates, lawyers, attorneys, barristers, candidates for the bar, solicitors, notaries, bailiffs, legal officers, paralegals or law clerks) that undertakes the following work:
 - 3.3.5.1 Any WTO/International trade law related work; or
 - 3.3.5.2 Any pleadings in courts, arbitrations or other dispute resolution institutions (e.g. mediations or conciliations); or
 - 3.3.5.3 Any legal work that is justified by jurisdictional law (for example if a law in a jurisdiction permits a legal officer/paralegal/legal/law clerk to perform legal work that is usually undertaken by an admitted legal practitioner); or
 - 3.3.5.4 A seasonal legal internship (longer than 4 months) or legal experience (vocational training, practice etc.) that is not part of a university’s legal education program.
- 3.3.6 A student who is engaged in any activity outlined in **Rules 3.3.1 through to 3.3.5**, is not subject to such rules if the activity occurs after the Commencement of Rounds date listed in Appendix A – Competition Timeline and published in the “Preparation” section of the official EMC² Website (www.elsamootcourt.org).
- 3.3.7 A student, or Team Coach/Academic Advisor on behalf of a student, **may apply for an exemption** from **Rules 3.3.3 through to 3.3.5** by email, to ELSA International or the relevant Academic Supervisor by the Team Registration Deadline specified in Appendix A – Competition Timeline. Such an exemption request letter/email should include:
 - 3.3.7.1 The type of work the student has undertaken or is currently engaged in; and
 - 3.3.7.2 Details if the student has pleaded in a court or tribunal.

3.4 Team Assistance

- 3.4.1 Teams may be supported by either a Team Coach and/or an Academic Advisor. In addition, Registered Teams may also receive outside assistance.
- 3.4.2 Any assistance shall be limited to a general discussion of the issues, suggestions as to research resources, linguistic help and training in presentational skills. Such assistance shall not interfere with the substance of the final product and shall not provide significant advantage to a Team.
- 3.4.3 Teams progressing to the Final Oral Round shall also be restricted from receiving any assistance in the form of practice rounds with other EMC² competitors. Registered Teams Members from one Team are permitted to engage in practice moots amongst themselves and within their own institutions. Any assistance given in this phase will also be limited to a general discussion of the issues, linguistic help and training in presentation skills. Such assistance shall not interfere with the substance of the final product and shall not provide significant advantages to a Team.
- 3.4.4 Team Members, Team Coaches and/or Academic Advisors are prohibited in engaging in communication with a Regional Round or Final Oral Round Panellist on the issues of the EMC² Case, as this will be deemed to be providing a significant advantage to a Team.
- 3.4.5 Communication with a Regional Round or Final Oral Round Panellist regarding the issues of the EMC² Case after the conclusion of the Final Oral Round is permitted.

3.5 Team Registration

A Team shall be considered as registered only after the online ***Team Registration Form*** is submitted and Registration Fee is transferred to ELSA International, and, where applicable, the Participation Fee is transferred to the respective Regional Round Organiser as per the ***Competition Fee Information*** document published in the “Competition” section of the official EMC² Website (www.elsamootcourt.org).

ELSA International will provide a copy of the ***Team Registration Form*** submitted online to the respective Regional Round Organiser as well as confirm a Team’s Registration by email, to the nominated Team Contact Person by the date listed in Appendix A – Competition Timeline for the EMC².

Once a completed ***Team Registration Form*** is submitted to ELSA International, no change in the composition of the Team Membership is permitted. Please note that this rule does not include either a Team Coach or Academic Advisor. However acceptance of such last minute changes will be subject to additional costs as imposed by the specific Regional Round Organiser and/or Final Oral Round Organiser.

3.6 Team Identification and Anonymity

- 3.6.1 Once a Team has registered online and paid its Competition Fees, ELSA International shall by email, to the nominated Team Contact Person as per Appendix A – Competition Timeline, communicate a Team Number.
- 3.6.2 Upon issuance of Team Numbers all communications between the Competition organisers and participants must be by reference to the assigned Team Number.
- 3.6.3 All Regional Round Organisers as well as ELSA International shall take all necessary measures in order to ensure the anonymity of participants to the extent that the Panellists shall not receive any information on the registered and competing teams until the Final Oral Round has concluded.
- 3.6.4 Participants, Team Coaches and/or Academic Advisors, when engaging in communication with a Regional Round or Final Oral Round Panellist are prohibited from revealing their Team's institution; however they are permitted to disclose their individual name and their Team Number.
- 3.6.5 For breaches of the Anonymity Rule that occur outside of the Oral Pleading Session (i.e. a participant reveals his/her institution to a Panellist during a conversation), the penalty will be at the discretion of the ELSA International or relevant Academic Supervisor.
- 3.6.6 For breaches of the Anonymity Rule that occur in an Oral Pleading Session (i.e. a participant's folder with the name of his/her institution is placed on the table in view of a Panellist), the penalty will be at the discretion of the Panel.
- 3.6.7 Participants, coaches and Academic Advisors are permitted to reveal their names and universities to other participants, coaches and Academic Advisors.

4. Competition Fees

4.1 Competition Fees

The Competition Fees shall bear the following structure: Registration Fee(s) and Participation Fee:

4.1.1 Selection Rounds - Registration and Participation Fees

4.1.1.1 ELSA RR Registration Fees

Each Team entering an ELSA RR will be required to pay a non-refundable Registration Fee which covers admission into the competition only. The Registration Fee deadline is detailed in Appendix A – Competition Timeline.

The ELSA Regional Round Team Registration Fee is 250 EUR per team.

Registration Fees must be paid directly to ELSA International as per the details listed in the *Competition Fee Information* document published in the “Competition” section of the official EMC² Website (www.elsamootcourt.org).

Teams are also responsible for any bank fees when transferring the Registration Fee to ELSA International.

ELSA International shall confirm a team’s payment of the Registration Fee, Team Registration and communicate a Team Number, by email, to the nominated Team Contact Person by the date listed in Appendix A – Competition Timeline.

All cancellations must be in writing to the ELSA International.

4.1.1.2 ELSA RR Participation Fees

It is the discretion of each Regional Round Organiser if a Participation Fee will be charged for a specific Regional Round. Full details of individual Regional Rounds including the Participation Fee, inclusions and transfer details are listed in the *Competition Fee Information* document published in the “Competition” section of the official EMC² Website (www.elsamootcourt.org).

Teams are also responsible for any bank fees when transferring the Participation Fee to a Regional Round Organiser.

Each Regional Round Organiser shall confirm a team’s payment of the Participation Fee, by e-mail, to the nominated Team Contact Person by a date listed in Appendix A – Competition Timeline.

All cancellations must also be in writing to the Regional Round Organiser. A Regional Round Organiser has the discretion to refund a Participation Fee if a Registered Team cancels.

4.1.1.3 Non-ELSA RR Registration Fee

Each Team entering a non-ELSA RR will be required to pay a non-refundable Registration Fee which covers admission into the competition only. Registration deadlines are detailed in Appendix A – Competition Timeline.

The non-ELSA Regional Round Team Registration Fee is 300 EUR per team.

Registration Fees must be paid directly to ELSA International as per the details listed in the *Competition Fee Information* document published in the “Competition” section of the official EMC² Website (www.elsamootcourt.org).

Teams are also responsible for any bank fees when transferring the Registration Fee to ELSA International

ELSA International shall confirm a team's payment of the Registration Fee, registration and provide a Team Number, by email, to the nominated Team Contact Person by the date listed in Appendix A – Competition Timeline.

All cancellations must be in writing to the ELSA International.

4.1.1.4 Non-ELSA RR Participation Fees

It is the discretion of each Regional Round Organiser if a Participation Fee will be charged for a specific Regional Round. Full details of individual Regional Rounds including the Participation Fee, inclusions and transfer details are listed in the *Competition Fee Information* document published in the “Competition” section of the official EMC² website (www.elsamootcourt.org).

Teams are also responsible for any bank fees when transferring the Participation Fee to a Regional Round Organiser.

The Regional Round Organiser shall confirm a team's payment of the Participation Fee, by email, to the nominated Team Contact Person as per Appendix A – Competition Timeline.

All cancellations must also be in writing to the Regional Round Organiser. A Regional Round Organiser has the discretion to refund a Participation Fee if a Registered Team cancels.

4.1.1.5 International Written Round Registration Fees

A Team entering via the IWR will be required to pay a non-refundable Registration Fee which covers admission into the competition only. Registration deadlines are detailed in Appendix A – Competition Timeline.

The International Written Round Team Registration Fee is 400 EUR per team.

Registration Fees must be paid directly to ELSA International as per the details listed in the *Competition Fee Information* document published in the “Competition” section of the official EMC² Website (www.elsamootcourt.org).

Teams are also responsible for any bank fees when transferring the Registration Fee to ELSA International.

ELSA International shall confirm a team's payment of the Participation Fee, by e-mail, to the nominated Team Contact Person as per Appendix A – Competition Timeline.

All cancellations must be in writing to the ELSA International.

4.2.1 Final Oral Round – Participation Fee

The teams participating in the Final Oral Round shall also pay a Participation Fee. The Participation Fee shall include accommodation, transfers, meals, social program, and administration costs. ELSA International and COLADIC-RD will publish the details of the Participation Fee by the date listed in Appendix A – Competition Timeline, in the “News” and “Final Oral Round” sections of the official EMC² Website (www.elsamootcourt.org).

4.2.2 Competition Fee Coverage

4.2.3.1 The Competition Fees quoted for the Selection Rounds and Final Oral Round in Part II – Section 4 are formulated on the basis of a total of five (5) persons: four (4) student participants and one (1) Team Coach *or* one (1) Academic Advisor nominated on the Team Registration Form, attending the competition and participating in the academic and social programme as well as certain meals.

4.2.3.2 In order for other Team supporters to attend either a Regional Oral Round or the Final Oral Round, application must be made to the relevant Regional Round Organiser or COLADIC-RD. Participation will be subject to availability and additional charges, referred to as the *Additional Person Participation Fee*, will be listed with the Competition Fees.

5. EMC² Rules

5.1 Interpretation of the Rules

5.1.1 ELSA International in-conjunction with the Academic Supervisors develops the EMC² Rules and Appendixes.

5.1.2 Only ELSA International or the Academic Supervisors shall interpret the EMC² Rules and Appendixes.

5.2 Interpretation and/or Clarification of the EMC² Rules

5.2.1 Participants may request from the ELSA International or the Academic Supervisors, an Interpretation and/or Clarification of the EMC² Rules.

5.2.2 All questions from non-ELSA Regional Round teams relating to the EMC² Rules must be directed to the nominated Academic Supervisor for the respective Regional Round. Contact details can be found in the “Contact” section of the

official EMC² Website (www.elsamootcourt.org).

5.2.3 ELSA International and the Academic Supervisors will discuss each question posed and post a formal response in the “News” and “Preparation” sections of the official EMC² Website (www.elsamootcourt.org), within one week of receipt of such request. Such formal responses become part of the EMC² Rules as Appendix B – Official Interpretations of the EMC² Rules.

5.3 Additional Rules

5.3.1 ELSA International in-conjunction with the Academic Supervisors may issue additional Rules if it is deemed necessary.

5.3.2 Official Interpretations from the past seven (7) EMC² editions have been incorporated into the 8th edition EMC² Rules.

5.3.3 Any additional Rules will be applied from the moment of their publication in the “News” and “Preparation” sections of the official EMC² Website (www.elsamootcourt.org).

5.3.4 ELSA International will determine if such additional Rules will be valid for the 2009-2010 competition only or will be applicable to future EMC² competitions.

5.4 Special Regional Round Rules

5.4.1 Where necessary, an Academic Supervisor will develop special Regional Round Rules upon consultation with the relevant Regional Round Organiser. Such rules shall be binding upon ELSA International, the relevant Regional Round Organiser, Academic Supervisors, Panellists and the Teams participating in the applicable Regional Round.

5.4.2 Such Rules shall be published on the official website of the respective Regional Round Organiser and Participants will, by email, be advised of such changes by the relevant Academic Supervisor or respective Regional Round Organiser, to the nominated Team Contact Person.

6. Procedures for the Written Submissions

6.1 Type of Written Submission

6.1.1 A registered Team must prepare and submit one (1) Complainant and one (1) Respondent WS document.

6.1.2 Failure to follow the Rules will result in penalties as specified in Rule 6.10.

6.2 Content of Written Submissions

Each WS shall contain the following sections:

- 6.2.1 Part A. General (for examples of above, please see the “General Information – Previous Edition” section of the official EMC² Website: www.elsamootcourt.org).
- 6.2.1.1 Cover Page;
 - 6.2.1.2 Table of Contents;
 - 6.2.1.3 List of References; and
 - 6.2.1.4 List of Abbreviations.
- 6.2.2 Part B. Substantive to include:
- 6.2.2.1 Summary - *a bullet point summary of the entire Written Submission.*
 - 6.2.2.2 Statement of Facts - *a brief description of the facts.*
 - 6.2.2.3 Identification of the Measures at Issue - *the factual case measures which are being referred to either as a complaint that violates a WTO Agreement or as a defence that is justified by a WTO Agreement.*
 - 6.2.2.4 Legal Pleadings - *explanation of why those provisions have been violated or not violated.*
 - 6.2.2.5 Request for Findings - *the parties’ specific requests as to what the Panel should suggest to the DSB is the appropriate recommendation to bring the questionable measures in conformity with WTO Law.*

6.3 Length of Written Submissions

The total length of each WS, excluding the cover page, shall not exceed 30 pages. Exceeding the maximum lengths shall result in penalties:

- 6.3.1 Table of Contents, List of References and List of Abbreviations - maximum ten (10) pages;
- 6.3.2 Statement of Facts –one (1) page;
- 6.3.3 Summary - two (2) pages;
- 6.3.4 Identification of the Measures at Issue and Legal Pleadings – maximum sixteen (16) pages; and

Example of a ‘Measure at Issue’ taken from the 2008-2009 EMC² Case:

The Ecoland Labelling Regulation as proscribed in the Ecoland Protection Act, mandates labelling of all products according to the type of fuel used in their production. The Labelling Regulation is inconsistent with TBT Articles 2.1, 2.2 and 2.4; GATT Articles I and III:4 and is not justified under GATT Article XX.

6.3.5 Request for Findings – one (1) page.

6.4 Form Requirements

6.4.1 Typed on A4 size electronic page;

6.4.2 Font shall be in Times New Roman;

6.4.3 Font size shall be 12 points **and kerning is not permitted** – that is the Character Space shall be set as follows: Scale ‘100%’ - Spacing ‘normal’ – Position ‘normal’;

6.4.4 1.5 interlinear space for only the text of the Statement of Facts, Summary, Identification of Measures at Issue, Legal Pleadings and Request for Findings. See Rule 6.7.2 for instructions on footnotes; and

6.4.5 Margins of 2.54 cm on top, bottom and both sides

6.5 Cover of the Written Submissions

6.5.1 Teams may not be identified by name or in any other way in the Written Submissions, except by the Team Number designated to them after Team Registration. The Team Number must appear clearly on the cover of the Written Submissions on the top right corner, for example, Team 001C or Team 001R.

6.5.2 The name of The Case as well as the type of the document (e.g. ‘Submission of the Complainant’) shall be featured on the external cover as per Appendix B – Example of Written Submission cover.

6.6 Numbering of the Written Submissions

6.6.1 General Section of the Written Submissions shall be numbered consecutively in Roman numbers (*i.e. I, II, III etc.*). Such numbering may be in the main text or in the footer/header; and

6.6.2 Substantive Section of the Written Submissions shall be numbered consecutively in Arabic numbers (*i.e. 1, 2, 3 etc.*). Such numbering may be in the main text or in the footer/header.

6.7 Citations

Teams may use any recognised style of referencing system and this must be consistently used through the Written Submissions.

6.7.1 List of References - ***shall include all cited texts throughout the Written Submissions.***

6.7.2 Footnotes

6.7.2.1 Footnotes shall be in Times New Roman, 10 point font only and shall be single spaced.

6.7.2.2 Footnotes shall not contain additional pleadings which have not appeared in the Legal Pleadings. Footnotes shall only be used for supporting points in written pleadings.

Example of a correct footnote taken from a 2008-2009 EMC² Written Submission:

¹ Marceau and Trachtman (2002), 822–3; Tamiotti (2007), 217.

¹ Howse and Regan (2000); Hudec (2000), 198; Hudec (1998), 635.

¹ ABR, *EC–Bananas III*, [233]; ABR, *Canada–Autos*, [140]; VCLT, Art 31(1).

¹ PR, *Canada—Autos*, [10.23].PR, *EC—Biotech*, [7.2514]; ABR, *DR—Cigarettes*, [96].

Example of an incorrect footnote taken from a 2008-2009 EMC² Written Submission:

¹The TBT does not contain provisions that exude its compatibility with the GATT. Therefore, if the EA is found to be TBT consistent, said finding, does not exclude the application of the GATT. (Marceau and Trachtman 2002, 875).

6.7.2.3 Authorities in footnotes may be referred to in an abbreviated form if the full reference is stated in the General Section – List of Reference and List of Abbreviations.

6.7.2.4 National legislation and cases should be cited as generally done in that particular jurisdiction.

6.8 Dispatching of Written Submission Documents

6.8.1 Only electronic copies of the Written Submission documents shall be submitted to ELSA International according to the Submission Deadline date listed in Appendix A – Competition Timeline.

6.8.2 ELSA International will in-turn forward the Written Submission documents to the relevant Regional Round Organiser.

6.8.3 The electronic copies must be submitted in Word (.doc) format only in order for ELSA International and/or the Academic Supervisors to assess the Form Requirements. *You are required to use the ‘Protect Document’ function*, so that the formatting does not unravel during electronic transmission to ELSA International.

6.8.4 The title of each electronic document will clearly indicate the Team Number, whether the Written Submission is for the Complainant or the Respondent, for example:

EMC2_Team 001_Complainant WS_2009-2010.doc ; or

EMC2_Team 999_Respondent WS_2009-2010.doc.

6.8.5 The deadline for the electronic dispatch of the WS documents shall be 1700 hours (5:00 pm) local time (for each individual jurisdiction) according to the Submission Deadline date listed in Appendix A – Competition Timeline.

6.8.6 Delayed dispatch and dispatch of each Written Submission shall result in penalties as specified in **Rule 6.10**.

6.8.7 Should a Team fail to dispatch electronic copies of each Written Submission after the sixth (6) day according to the Deadline date listed in Appendix A – Competition Timeline, it shall be disqualified.

6.8.8 No Team shall alter their Written Submissions after they have been dispatched to ELSA International. Any such alteration shall result in a disqualification.

6.8.9 Upon dispatch, the copyright of the Written Submissions vests with ELSA International.

6.9 Scoring of Written Submissions

6.9.1 The Academic Supervisors and/or ELSA International will allocate individual Panellists to the Written Submission Panels of the Regional Rounds and the International Written Round.

6.9.2 Each WS will be assessed by two (2) Panellists, individually and independently for the purposes of the **Selection Rounds only**.

6.9.3 The main part of the Written Submission Score Sheet provides that four (4) criteria will be used in assessing the documents:

6.9.3.1 Command of the Issues – 25% weighting;

- Recognition of legal issues;
- Display of general knowledge related to the legal issues; and
- Weighting of the legal issues.

6.9.3.2 Argumentation – 25% weighting;

- Logic of argument;
- Reasoning of argument;
- Ingenuity of argument; and
- Persuasiveness of arguments.

- 6.9.3.3 Legal Analysis – 25% weighting;
- Identification of the applicable treaties/law;
 - Identification of the applicable jurisprudence;
 - Application of the treaties/law to the facts; and
 - Analysis of the applicable treaties/law to the facts.

- 6.9.3.4 Style - 25% weighting
- Organisation of legal arguments; and
 - Grammar, spelling and referencing authorities.

6.9.4 Each WS Panellist can assign a maximum score of 100 points per WS. The points are allocated as follow:

6.9.4.1 Poor (0-49)

- Superficial knowledge of the WTO Agreements, relevant WTO jurisprudence and The Case facts;
- Pleadings are not organised and are both confusing and illogical;
- Conveyed no belief in the position presented; and
- Failed to cite authorities and did not provide a legend for abbreviations.

6.9.4.2 Average (50-64)

- Adequate understanding of the WTO Agreements and relevant WTO jurisprudence and The Case facts;
- Pleadings are basically organised;
- Conveyed some belief in the position presented; and
- Cited some authorities and provides a legend for abbreviations.

6.9.4.3 Good (65-84)

- Good understanding of WTO Agreements, relevant WTO jurisprudence but missed fine distinctions;
- Good understanding of The Case facts;
- Pleadings are well organised;
- Conveyed belief in the position presented; and
- Cited all relevant authorities and provides a legend for abbreviations.

6.9.4.4 Excellent (85-100)

- Full understanding of WTO Agreements, relevant WTO jurisprudence, as well as the associated negotiating history or policy;
- Understands the fine distinction and subtleties associated with WTO law and jurisprudence;
- Full understanding of facts;
- Extremely well organised and presents persuasive arguments;
- Highly persuasive in the position presented; and
- Cited all relevant authorities and provides a legend for abbreviations.

6.9.4.5 ELSA International shall issue a Panellist Handbook to aid Panellist in

the marking and scoring of the Written Submissions.

6.9.10 Thirty percent (30%) of the Total Scores of the Complainant and the Respondent Written Submissions, as determined by the appointed Panellist, shall be utilised in the Regional Rounds to rank teams at the conclusion of the Preliminary Rounds of a Regional Round.

6.9.11 Teams who progress to the Final Oral Round will have their Written Submissions reassessed. ELSA International will appoint a Team of new Panellists to individually and independently assess the documents for the purpose of the Final Oral Round - Total Score and Best Written Submissions Awards.

6.9.12 Thirty percent (30%) of the reassessed Total Scores shall be utilised in the FOR *only* to rank teams at the conclusion of the Preliminary Rounds for the Final Oral Round.

6.10 Penalties for Written Submission

Rule	Action	Penalty
Rule 6.3	Exceeds the maximum length of the Written Submission (i.e. 30 pages)	3 points per page
Rule 6.3.1	Exceeds the maximum length of Table of Contents, List of References and list of Abbreviations (i.e. 10 pages)	1 point per page
Rule 6.3.2	Exceeds the maximum length of Statement of Facts (i.e. 1 page)	1 point per page
Rule 6.3.3	Exceeds the maximum length of Summary (i.e. 2 pages)	1 point per page
Rule 6.3.4	Exceeds the maximum length of Identification of WTO Measures at Issue and Legal Pleadings (i.e. 16 pages)	1 point per page
Rule 6.3.5	Exceeds the maximum length of Request for Findings (i.e. 1 page)	1 point per page
Rule 6.4.1	Failure to use A4 electronic page	1 point
Rule 6.4.2	Failure to use correct Font (Times New Roman)	1 point
Rule 6.4.3	Failure to use correct Font size (12 points)	1 point
Rule 6.4.3	Applied 'kearning' to the document	1 point
Rule 6.4.4	Failure to use correct Interliner Spacing (1.5 points)	1 point
Rule 6.4.5	Failure to use correct Page Margin (2.54 cm each side)	1 point
Rule 6.5.1	Failure to use Team Number or Team identifies itself by name	2 points
Rule 6.5.2	Failure to use the name of The Case	1 point
Rule 6.5.2	Failure to correctly identify document (e.g. Complainant WS)	1 point
Rule 6.6.1	Failure to use correct Page Numbering – General Section	1 point

Rule 6.6.2	Failure to use correct Page Numbering – Substantive Section	1 point
Rule 6.7.2.1	Failure to meet the Form Requirements of the Footnotes	1 point per infraction
Rule 6.7.2.1	Includes pleadings in the footnotes	1 point per infraction
Rule 6.8.2	Electronic copy of Written Submissions dispatched in wrong format	3 points per WS
Rule 6.8.5	One (1) day delay in dispatch of documents	1 points
Rule 6.8.5	Two (2) days delay in dispatch of documents	3 points
Rule 6.8.5	Three (3) days delay in dispatch of documents	5 points
Rule 6.8.5	Four (4) days delay in dispatch of documents	7 points
Rule 6.8.5	Five (5) days delay in dispatch of documents	9 points
Rule 6.8.6	Six (6) days delay or more in dispatch of documents	Team Disqualified

7. Procedures for the Oral Pleading Sessions

7.1 Structure of Regional Oral Rounds and Final Oral Rounds

Both the Regional Oral Rounds and the Final Oral Round shall consist of sessions where teams are paired and will plead their arguments in front of individuals, collectively referred to as The Panel.

All Regional Oral Rounds shall consist of Preliminary Rounds, Semi Final Rounds and a Grand Final Round, provided that five (5) or more teams are registered. If four (4) or less teams are registered for a specific Regional Round, then the Regional Round Organiser may dispense with the Semi Final Rounds.

7.2 Structure of Oral Pleading Sessions

The following rules will apply to all Oral Pleading Sessions for both the Regional Oral Rounds and Final Oral Round, unless specified to the contrary.

7.3 Location and Dates of Oral Pleading Sessions

7.3.1 As specified in **Rule 2.1.2**, ELSA International will determine the location, date, venue and number of all Regional Oral Rounds in-conjunction with the relevant Academic Supervisor and Regional Round Organiser.

7.3.2 Furthermore, each Regional Round Organiser shall publish details of its Regional Round on its official website. ELSA International will maintain a link to the all Regional Round Organisers websites and will publish basic details in the “Selection Rounds” section of the official EMC² Website

www.elsamootcourt.org).

7.4 Preliminary Rounds

Each Team shall plead twice in the Preliminary Rounds: once as Complainant and once as Respondent.

7.4.1 Drawing of Oral Pleading Schedule for Preliminary Rounds

7.4.1.1 Teams shall be assigned their positions of Complainant and Respondent and their specific Oral Pleading Sessions, following the drawing of a lot, by the Academic Supervisor or Regional Round Organiser of a Regional Oral Round and the Academic Supervisors, COLADIC-RD or ELSA International for the FOR.

7.4.1.2 The Academic Supervisors will make any necessary adjustments to the drawing of the Oral Pleading Sessions to ensure compliance with the EMC² Rules.

7.4.1.3 The drawing of the lot will take place at the Welcome Ceremony of both the Regional Oral Round and the Final Oral Round.

7.4.2 Scores and Rankings of the Regional Oral Round Preliminary Rounds

7.4.2.1 For the Regional Oral Round, teams shall be ranked according to the average of the Total Score attained for all their Oral Pleading Sessions in the Preliminary Rounds together with the Total Score of their Written Submissions

7.4.2.2 The ratio of the Total Score to formulate a team's Overall Score for the Preliminary Rounds shall be 70% Oral Pleading Sessions and 30% Written Submissions respectively as specified in **Rule 6.9.10**.

7.4.2.3 Ties in the ranking will be determined by the Academic Supervisor comparing the average Total Score of the Written Submissions for the teams.

7.4.3 Scores and Rankings of the Final Oral Round Preliminary Rounds

7.4.3.1 For the Final Oral Round, teams shall be ranked according to the Total Score attained for all their Oral Pleading Sessions in the Preliminary Rounds together with the reassessed Total Score of their Written Submissions as specified in **Rule 6.9.11**.

7.4.3.2 The ratio of the Total Score to formulate a team's Overall Score for the Preliminary Rounds shall be 70% Oral Pleading Sessions and 30% Written Submissions respectively as specified in **Rule 6.9.12**.

7.4.3.4 Ties in the ranking will be determined by ELSA International and the Academic Supervisors comparing the average Total Score of the

reassessed Written Submissions for the teams.

7.5 Semi Final Rounds for Regional Oral Rounds and the Final Oral Round

7.5.1 Qualifying Teams

7.5.1.1 The four highest ranked teams from the Preliminary Rounds shall qualify for the Semi-Finals.

7.5.1.2 In both the Regional Oral Rounds or the Final Oral Round, the Team with the highest (1st) Overall Score in the Preliminary Rounds will plead against the Team with the third (3rd) highest Overall Score (SF 1).

7.5.1.3 In a Regional Oral Round or the Final Oral Round, the Team with the second (2nd) highest Overall Score in the Preliminary Rounds will plead against the Team with the fourth (4th) highest Overall Score (SF 2).

7.5.1.4 Where, in a Regional Oral Round, two (2) teams from the same country advance to the Semi Final Rounds, then, notwithstanding **Rules 7.5.1.2 and 7.5.1.3**, those two (2) teams shall be paired against one another in such Semi Final Rounds.

When three (3) or four (4) teams from the same country advance to the Semi Final Rounds, then **Rules 7.5.1.2 and 7.5.1.3** shall apply.

7.5.1.5 Where, in the Final Oral Round, two (2) teams from the same Selection Round advance to the Semi Final Rounds, then, notwithstanding **Rules 7.5.1.2 and 7.5.1.3**, those two (2) teams shall be paired against one another in such Semi Final Rounds.

When three (3) or four (4) teams from the same Selection Round advance to the Semi Final Rounds, then **Rules 7.5.1.2 and 7.5.1.3** shall apply.

7.5.2 Determination of Roles

7.5.2.1 If teams have pleaded against each other in a Preliminary Round, they will plead for the opposite party in the Semi Final Rounds.

7.5.2.2 If teams did not plead against one another in the Preliminary Rounds, the determination as to which Team will be Complainant and which Team will be Respondent will be determined by a coin toss supervised by an Academic Supervisor.

7.5.2.3 The highest ranked Team according to the average of the Total Scores will call the coin toss.

7.5.3 Scores and Rankings of the Regional Oral Rounds or Final Oral Round Semi Finals

7.5.3.1 Teams shall be scored according to the average of the Total Score attained for their oral pleading *only*. The Written Submissions scores as specified in **Rules 6.9.10 and 6.9.12** do not apply in the Semi Final Rounds.

7.5.3.2 The teams will be ranked according to the average of the Total Score attained during the oral pleadings of the Semi Final Round.

7.6 Grand Final Rounds for Regional Oral Rounds and Final Oral Round

7.6.1 Qualifying Teams

In a Regional Oral Round or the Final Oral Round, the winner of SF1 and winner of SF2 shall qualify for the Grand Final Round.

7.6.2 Determination of Roles

7.6.2.1 If teams have pleaded against each other in a Preliminary Round, they will plead for the opposite party in the Grand Final Round.

7.6.2.2 If teams did not plead against one another in the Preliminary Rounds, the determination as to which Team will be Complainant and which Team will be Respondent will be determined by a coin toss supervised by an Academic Supervisor.

7.6.2.3 The highest ranked Team according to the average of the Total Scores will call the coin toss.

7.6.3 Scores and Rankings of Grand Final Rounds

7.6.3.1 Teams shall be scored according to the average of the Total Score attained for their oral pleading *only*. The Written Submission scores as specified in **Rule 6.9.10 and 6.9.12** do not apply in the Grand Final Round.

7.6.3.2 The teams will be ranked according to the average of the Total Score attained in the Grand Final Round.

7.7 Panellists for Oral Pleading Sessions

7.7.1 The Oral Pleading Sessions for Preliminary Rounds and Semi Final Rounds of both the Regional Oral Rounds and the Final Oral Round will be assessed by a Panel consisting of no less than three (3) and no more than five (5) Panellists.

7.7.2 The Oral Pleading Session Grand Final Round of both a Regional Oral Rounds and the Final Oral Round will be assessed by a Panel consisting of no less than five (5) and no more than nine (9) Panellists.

7.7.3 Each Panellist shall adjudicate each oral pleading session, individually and

independently.

7.8 Scoring of Oral Pleadings

7.8.1 As specified in **Rules 1.1.8.8 and 1.1.8.9** the Academic Supervisors will allocate individual Panellists to the Oral Pleading Session Panels of the Regional Oral Rounds and the Final Oral Round.

7.8.2 The main part of the Oral Pleading Session Score Sheet provides that four (4) criteria will be used in assessing the presentations:

7.8.2.1 Command of the Issues – 25% weighting;

- Recognition of legal issues;
- Display of general knowledge related to the legal issues; and
- Proper analysis and weighting of the legal issues.

7.8.2.2 Argumentation – 25% weighting;

- Logic of arguments;
- Reasoning of arguments;
- Ingenuity of arguments;
- Ability to analogise with legal or general scenarios;
- Persuasiveness of arguments; and
- Rebuttal or Sur-rebuttal is correctly utilised.

7.8.2.3 Legal Analysis – 25% weighting;

- Identification of the applicable treaties/law;
- Identification of the applicable WTO jurisprudence;
- Knowledge and understanding of WTO law; and
- Analysis of the applicable treaties/law to the facts.

7.8.2.4 Style - 25% weighting

- Level of organisation and structure of arguments ;
- Manipulation of relevant authorities;
- Responses to Panellist questions;
- Eloquence and clarity of presentation;
- Teamwork; and
- Time Management.

7.8.3 Each Oral Pleading Session Panellist can assign a maximum score of 100 points per Team and per Orator in each individual session. The points are allocated as follows:

7.8.3.1 Poor (0-49)

- Superficial knowledge of the law and facts;
- No organization, confusing, illogical;
- Extremely evasive, fails to address questions, does not cite authority;
- Conveyed no real belief in the position argued, read monotonously from notes; and

- Very nervous or overly casual, ignores rule of decorum and is generally inarticulate.

7.8.3.2 Average (50-64)

- Adequate understanding of the law and the facts but seems hesitant;
- Organised but unable to follow outline or to present points;
- Attempts to address questions and ultimately gives some answer;
- Adequately persuasive but overly argumentative or conversational; and
- Shows some sign(s) of nervousness e.g. poor eye contact.

7.8.3.3 Good (65-84)

- Good understanding of law and facts but misses fine distinctions;
- Coherent and cohesive outline and presentation of points;
- Gives appropriate answer and possibly cites authority effectively, and makes a smooth transition back into argument;
- Persuasive, but fails to display a true sense of conviction; and
- Good eye contact, observant of decorum, confident, calm, respectful.

7.8.3.4 Excellent (85-100)

- Full understanding of law and facts including fine distinctions and subtleties;
- Concise and logical, cohesive outline and fluid presentation of points;
- Clear and concise answers to questions, used authority effectively, and made a smooth transition back to argument;
- Extremely persuasive and conveys a sincere belief in the position argued; and
- Confident, eloquent, articulate, exceptional eye contact, and extremely respectful.

7.8.3.5 ELSA International shall issue a Panellist Handbook to aid Panellists in the marking and scoring of the Oral Pleading Sessions.

7.9 Form and Content of all Oral Pleadings

7.9.1 Duration of Oral Pleadings

An entire pleading session, containing oral pleadings of the Complainant and Respondent as well as rebuttal and sur-rebuttal, shall last for no longer than eighty (80) minutes, *except* where The Panel executes' its discretion to allow extra time.

The *Team Appearance* shall not be included in the time of the Oral Pleadings as per *Rule 7.10.3*.

7.9.2 Main Oral Pleadings

- 7.9.2.1 Each Team shall be given a total of thirty-five (35) minutes, excluding the *Team Appearances*, to present its main oral pleadings, including time needed to answer Panellist questions.
- 7.9.2.2 Teams are permitted to allocate the thirty-five (35) minutes between each Orator's presentations of the oral pleadings, subject to Rule 7.10.6 which provides that each nominated Orator must speak for a minimum of ten (10) minutes during the main oral pleadings.
- 7.9.2.3 If a Team does not utilise its thirty-five (35) minutes allotted for presentation of the main oral pleadings, the remaining time will be forfeited. A Team will not be permitted to add the remaining time to either its rebuttal or sur-rebuttal pleading time.
- 7.9.2.4 Written Submissions are not utilised in the Oral Pleading Sessions of the EMC². That is, neither Panellist nor competitors will be issued copies of a Team's Written Submissions.
- 7.9.2.5 The scope of a Team's main oral pleadings is not limited to a team's Written Submissions.

7.9.3 Rebuttal and Sur-rebuttal

- 7.9.3.1 Each Team shall be given a maximum of five (5) minutes to present its rebuttal or sur-rebuttal, including time needed to answer The Panel's questions.
- 7.9.3.2 Only one (1) Team Member nominated as an Orator for the main oral pleadings may present rebuttal or sur-rebuttal.
- 7.9.3.3 Only the nominated Orator presenting rebuttal or sur-rebuttal will be permitted to answer questions from The Panel during this part of an oral pleading session.
- 7.9.3.4 A Team will not be permitted to add any remaining or additional time, granted by the Panel to its rebuttal or sur-rebuttal time.
- 7.9.3.5 The scope of the Complainant's rebuttal is limited to the issues raised in the Respondent's main oral pleadings *only*.
- 7.9.3.6 Conversely, the scope of the Respondent's sur-rebuttal is limited to the issues raised in the Complainant's rebuttal *only*.

7.9.4 Panel Responsible for Timekeeping

- 7.9.4.1 The Panel is responsible for the timekeeping and shall be assisted by a Timekeeper(s).
- 7.9.4.2 Timekeeper(s) will be appointed by either a Regional Round Organiser for a Regional Oral Round or the International Organising Secretariat

for the Final Oral Round.

7.9.4.3 The Panel may allocate extra time in order to allow a Team to complete its oral pleadings or answer question(s) posed by The Panel. In such a case, The Panel shall take into consideration equal treatment for the opposing team, and instruct the Timekeeper(s) to grant the same extension of time, when requested, by the members of the opposing team.

7.9.4.4 The Panel Chairperson has the final discretion as to the extension of time.

7.10 Role of Team Members in Main Oral Pleadings

7.10.1 As specified in **Rule 3.1.1** each Team may be composed of a minimum two (2) and maximum four (4) members and all Team Members are permitted to sit competitor's table during an Oral Pleading Session.

7.10.2 The Team Capitan shall introduce all Team Members seated at the competitors' table, when asked for the **Team Appearance** by the Panel Chairperson, and shall further nominate (identify) the Orators for the main oral pleadings.

7.10.3 The **Team Appearance** is not included in the thirty-five (35) minutes allocated for the main oral pleadings. The **Team Appearance** should take no more that 3 minutes.

7.10.4 A minimum of two (2) and a maximum of three (3) Team Members shall act as Orators in the presentation of a Team's main oral pleadings in each of the oral pleading sessions.

7.10.5 The number of Orators per Team who may present main oral pleadings is left to the discretion of each Team, subject to **Rule 7.10.4**.

7.10.6 Each Team Member, nominated as an Orator by the Team Capitan during the **Team Appearance** must speak for a minimum of ten (10) minutes during the main oral pleadings of each of the oral pleading sessions to be eligible for the Best Orator Awards.

7.10.7 Any Team Member, nominated as one of the Orators by the Team Capitan during the **Team Appearance** for the particular oral pleading session, shall be free to answer any questions asked by The Panel during the main oral pleadings *only*.

7.10.8 Team Members who are not nominated as Orators during the **Team Appearance** are not permitted to answer questions posed by The Panel either during the main oral pleadings or rebuttal/sur-rebuttal.

7.11 Role of Team Members in Rebuttal and Sur-rebuttal

7.11.1 Only one (1) Team Member nominated as an Orator for the main oral

pleadings is permitted to present rebuttal or sur-rebuttal.

7.11.2 The Orator to present rebuttal or sur-rebuttal must be nominated during the ***Team Appearance***.

7.11.3 Only the nominated Orator presenting rebuttal or sur-rebuttal is permitted to answer questions posed by The Panel unless otherwise directed by the Panel Chairperson.

7.12 Order of Presentation of Oral Pleading Sessions

7.12.1 An oral pleading session shall commence with the Panel Chairperson welcoming the Delegations to the Panel hearing and introduce the members of the Panel.

7.12.2 The Panel Chairperson will then call for the Complainant Delegation Captain to make its ***Team Appearance***. The Team Captain should ensure that during the ***Team Appearance*** the following information is communicated to The Panel:

7.12.2.1 The name of the party it is representing (e.g. the Complainant the Country of Freeland).

7.12.2.2 The names of each Delegation Team Member, including the non-speaking members;

7.12.2.3 The issue(s) which each individual Orator will address during the main oral pleadings; and

7.12.2.4 Request time for rebuttal or sur-rebuttal and which Orator will present this component.

7.12.3 The Panel Chairperson will thank the Complainant Delegation Captain and then call for the Respondent Delegation Captain to make its ***Team Appearance***. The Team Captain should ensure the procedure specified in ***Rules 7.12.2.1 through to 7.12.2.4*** are followed.

7.12.4 Once ***Team Appearances*** are communicated, the Panel Chairperson will invite the Complainant Team Captain, to commence main oral pleadings

7.12.5 At the conclusion of the Complainant's main oral pleadings, the Panel Chairperson will check with the Timekeeper(s) the time utilised by the Complainant.

If additional time has been granted, the Panel Chairperson will ask the Timekeeper(s) to add a similar amount of time to the Respondent's main oral pleading time (e.g. the Complainant spoke for 37 minutes, then the Panel Chairperson will ask the Timekeeper(s) to commence the Respondent's time at 37 minutes).

7.12.6 Subsequently, the Panel Chairperson will invite the Respondent Team Captain, to commence main oral pleadings and acknowledge the conclusion of the

Respondent's main oral pleadings.

7.12.7 At the conclusion of the Respondent's main oral pleadings, the Panel Chairperson will check with the Timekeeper(s) the time utilised by the Respondent.

If additional time has been used, then the Chairperson will note the extra time and make the necessary adjustments in via the scoring system 'Style' criteria. No additional time will be granted to the Complainant's rebuttal time.

7.12.8 At the conclusion of the main oral pleadings the Panel Chairperson will ask the Complainant to present rebuttal. At the conclusion the Panel Chairperson will acknowledge the submissions of the Complainant.

7.12.9 Subsequently, the Panel Chairperson will ask the Respondent to present sur-rebuttal. At the conclusion the Panel Chairperson will acknowledge the submissions of the Respondent.

7.12.10 At the conclusion of Rebuttal/Sur-rebuttal submissions the Panel Chairperson will thank the delegations for their presentations and bring the hearing to a close. Furthermore, the Panel Chairperson will ask Delegations and the audience to leave the hearing room in order for adjudication to be conducted.

7.12.11 The Panel will recall the competitors at the conclusion of adjudication and provide feedback on presentation style. Panellists are not permitted to provide feed back on substance.

7.13 Questions by The Panel

7.13.1 The Panel is instructed by the Academic Supervisors to pose questions to teams at any point during the main oral pleading and rebuttal/sur-rebuttal. It is the Panel's discretion if they ask questions during or at the conclusion of presentation of arguments.

7.13.2 Whilst in the Preliminary Rounds the questions shall focus mainly on the WTO legal issues relating to The Case, questions of a policy nature or general international law principles may be included during the Semi Final Rounds and the Grand Final Round.

7.13.3 *Only* the Team Member(s) who are been identified in the ***Team Appearance*** as Orators shall answer any questions during the main oral pleading session.

7.13.4 *Only* the Team Member who has been identified in the ***Team Appearance*** as the Orator for rebuttal/sur-rebuttal may answer questions during this session.

7.14 Exclusion from Oral Pleadings' Sessions

7.14.1 During the oral pleading sessions of the Preliminary Rounds only the Panel, the

Timekeeper(s), the participants, participant supporters, other Panellists, organisers or Academic Supervisors are permitted to attend a scheduled session. The Panel Chairperson is responsible for monitoring the attendees in an oral pleading session.

7.14.2 The Semi Finals and Grand Finals are open to the public and all participants and their supporters are encouraged to attend these sessions.

7.15 Additional Materials and Visual Aid

7.15.1 No visual aids or other presentation tools shall be used throughout the oral pleading sessions.

7.15.2 Teams shall not present The Panel or opposing teams with documents, treaties, other legislation, *amicus curia* briefs or handout materials.

7.16 Use of Computers during the Oral Pleading Sessions

The use of a laptop during an Oral Pleading Session is permitted, but subject to the following usage policy:

7.16.1 One lap top per Team only permitted at the party table during an Oral Pleading Session;

7.16.2 Teams are not permitted to access the Internet during an Oral Pleading Session;

7.16.3 Laptops are for the retrieval of information only. All necessary moot information must be downloaded either to the laptop's hard drive or on a mass-storage device prior to an oral pleading session;

7.16.4 Teams are not permitted to record notes on the laptop during an Oral Pleading Session;

7.16.5 The Panel has discretion to apply penalty points if the use of the laptop disturbs members of either Team or The Panel during an oral presentation; and

7.16.6 The user of a laptop during an oral pleading session bears responsibility for its operability. The Panel has discretion to apply penalty points if the inoperability of the laptop interferes with the delivery of a speaker's presentation.

8. Awards

8.1 At minimum, a Regional Round Organiser will provide the following Awards for a Regional Oral Round:

8.1.1 Winner of the Regional Round;

8.1.2 Runner-up of the Regional Round;

- 8.1.3 The Best Overall Written Submission;
 - 8.1.3.1 The Written Submissions which record the highest Total Score after combining the scores of Complainant's and Respondent's Written Submissions and the deduction of penalty points, shall be declared the Overall Best Written Submissions of the EMC².
- 8.1.4 The Best Complainant's Written Submission;
 - 8.1.4.1 The Written Submission, which records the highest Total Score after combining the scores of Complainant's Written Submission and the deduction of penalty points, shall be declared the Best Complainant Written Submission of the EMC².
- 8.1.5 The Best Respondent's Written Submissions;
 - 8.1.5.1 The Written Submission, which shall be awarded the highest Total Score after combining the scores of Respondent's Written Submission and the deduction of penalty points, shall be declared the Best Respondent Written Submission of the EMC².
- 8.1.6 The Best Orator Preliminary Rounds
 - 8.1.6.1 The Orator with the highest Personal Score acquired during the Preliminary Rounds will be declared the Best Orator of the Preliminary Rounds.
 - 8.1.6.2 To be eligible for the Best Orator of the Preliminary Rounds Award, an Orator must plead both as Complainant and as Respondent.
- 8.1.7 The Best Orator Semi Final Rounds
 - 8.1.7.1 The Orator with the highest Personal Score from the Semi Final sessions will be declared the Best Orator of the Semi Final Rounds.
- 8.1.8 The Best Orator Grand Final Round
 - 8.1.8.1 The Orator with the highest Personal Score from the Grand Final session will be declared the Best Orator of the Grand Final Round.
- 8.2 At minimum, ELSA International will provide the following Awards for the Final Oral Round:
 - 8.2.1 Winner of the EMC²;
 - 8.2.2 Runner-up of the EMC²
 - 8.2.3 The Best Overall Written Submissions of the EMC² - *The Letizia Raschella-Sergi Award*;

- 8.2.3.1 Only the Written Submissions of teams progressing to the Final Oral Round are eligible for this award.
 - 8.2.3.2 Recalling that **Rule 6.9.12** provides that Teams who progress to the Final Oral Round will have their Written Submissions remarked.
 - 8.2.3.3 The Written Submissions which record the highest Total Score after combining the scores of Complainant's and Respondent's Written Submissions and the deduction of penalty points, shall be declared the Overall Best Written Submissions of the EMC².
- 8.2.4 The Best Complainant's Written Submission of the EMC²- *The Gabrielle Marceau Award*;
- 8.2.4.1 Only the Complainant Written Submissions of teams progressing to the Final Oral Round are eligible for this award.
 - 8.2.4.2 Recalling that Rule 6.9.12 provides that Teams who progress to the Final Oral Round will have their Written Submissions remarked.
 - 8.2.4.3 The Written Submission which records the highest Total Score after combining the scores of Complainant's Written Submission and the deduction of penalty points shall be declared the Best Complainant Written Submission of the EMC².
- 8.2.5 The Best Respondent's Written Submission of the EMC² – *The Valerie Hughes Award*;
- 8.2.5.1 Only the Respondent Written Submissions of teams progressing to the Final Oral Round are eligible for this award.
 - 8.2.5.2 Recalling that **Rule 6.9.12** provides that Teams who progress to the Final Oral Round will have their Written Submissions remarked.
 - 8.2.5.3 The Written Submission, which shall be awarded the highest Total Score after combining the scores of Respondent's Written Submission and the deduction of penalty points, shall be declared the Best Respondent Written Submission of the EMC².
- 8.2.6 The Best Orator Preliminary Rounds
- 8.2.6.1 The Orator with the highest Personal Score acquired during the Preliminary Rounds will be declared the Best Orator of the Preliminary Rounds.
 - 8.2.6.2 To be eligible for the Best Orator of the Preliminary Rounds Award, an Orator must plead both as Complainant and as Respondent.

8.2.7 The Best Orator Semi Final Rounds

8.2.7.1 The Orator with the highest Personal Score from the two (2) Semi-Final sessions will be declared the Best Orator of the Semi Final Rounds.

8.2.8 Best Orator Grand Final Round

8.2.8.1 The Orator with the highest Personal Score from the Grand Final session will be declared the Best Orator of the Grand Final Round.

Part III - Appendixes

9. Integral Part of the Rules

9.1 ELSA International shall issue the following Appendixes to the Rules:

Appendix A - Competition Timeline

Appendix B – Example of Written Submission Cover

9.2 The Appendixes form an integral part of the Rules of the EMC².

ELSA International and the Academic Supervisors

ELSA Moot Court Competition (EMC²) on WTO Law 2009-2010