



THE EEA GRANTS PORTUGAL MOOT COURT

– RULES 2024 –

GENERAL PROVISIONS

1. Objective of the Competition

The EFTA Moot Court Competition is an international legal simulation designed to enhance the advocacy, research, and analytical skills of law students. Participants will engage in a fictional legal dispute based on EEA law, simulating proceedings before the EFTA Court. The competition aims to promote legal education and foster academic cooperation while promoting an understanding of EEA law.

2. Organization and Venue

The competition is organized by Sociedade Portuguesa de Direito Internacional (SPDI) in partnership with Innlandet University College. It will take place in Ponte de Lima, Portugal, from February 14 to 16, 2025. The event is supported by EEA Grants, underscoring the bilateral cooperation objectives between Portugal and Norway.

3. Official Language

The official language of the competition is English. All oral pleadings must be presented in English, ensuring accessibility and uniformity across participating teams.

4. Proceedings before the Court

The proceedings before the EFTA Court refer to an advisory opinion requested by a national court of an EFTA State pursuant to Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

5. Teams

- (a) Each team is composed of four students.
- (b) Students currently enrolled in bachelor and master's degree programmes, or equivalent, are eligible for participation. The fact that the student is studying at the participating institution as part of an exchange or mobility programme does not affect its ability to participate¹.
- (c) A student is not eligible to participate if it had previously exercised a regulated legal profession.²

¹ **Ad 2 (b):** By including the words 'or equivalent', the definition of eligible students covers students in different systems up to the point where they typically conclude their legal education and either enter a professional career or embark upon doctoral research. It excludes doctoral students and researchers.

² **Ad 2 (c):** It is common practice in moot courts to consider ineligible for participation persons that had previously

(d) Two students act as counsel (senior and junior) for the claimant and the other two act as counsel (senior and junior) for the respondent in the main proceedings.

(e) Speakers shall act in the same role throughout the preliminaries. Teams are allowed to assign new roles to the speakers when they progress to the Semi-finals. The roles then assigned to speakers must be maintained in the Grand Final. The Moot Coordinator may grant an exemption when necessary.

6. *Eligibility*

The competition is open to law students enrolled in undergraduate or master's degree programs. Participants must not have entered or exercised a regulated legal profession. Exceptions may include internships or legal clinic programs completed during academic studies, provided they do not amount to full professional practice.

7. *Team selection*

To ensure fairness and diversity, an open application process will be used. Teams will be selected based on academic merit, including grade point average (GPA) and curriculum vitae (CV). Preference will be given to Portuguese and Norwegian teams from different universities to promote broader institutional representation.

8. *Written materials*

Teams are not allowed to submit skeleton arguments or a summary of pleadings.

9. *Distribution of Materials*

The case materials, including the fictional dispute and applicable legal frameworks, will be distributed to participating teams four weeks before the competition. These materials are the sole basis for arguments and may not be supplemented with additional fictional facts. Clarifications to the case materials may be requested up to two weeks before the competition.

HEARINGS

10. *Structure*

Each round shall consist of four stages:

- (i) primary submissions for the senior and junior counsels for the claimant(s);
- (ii) primary submissions for the senior and junior counsels for the respondent(s);

obtained experience practicing law (cf. Jessup 2019 Rules, 2.3.c; also ELMC Rules 4.1). The purpose of the competition is to afford students an opportunity to work, extensively, on a concrete (albeit hypothetical) case and plead on behalf of a party, an activity that complements traditional methods of legal education. It is a joint and competitive learning exercise, which might find itself compromised if the starting point of the teams is too far apart. We do not consider students that, in the course of their studies, have undertaken an internship at a law firm or similar, or participated in a legal clinic programme, to have «exercised» a legal profession. A student that has, according to the rules of his national jurisdiction, obtained the right to represent clients automatically upon completion of his law degree, but has not yet joined the bar or in fact represented clients, has neither exercised a legal profession in the sense of paragraph 2 (b).

- (iii) rebuttal;
- (iv) surrebuttal.

11. Primary submissions for the claimant(s)

- (a) Counsel for the claimant(s) has 20 minutes to present their primary submissions. They should decide how to divide both their time and the points they wish to raise.
- (b) The division of time between the counsels is announced before the senior counsel begins its submissions.

12. Primary submissions for the respondent(s)

- (a) Counsel for the respondent(s) has 20 minutes to present their primary submissions. They should decide how to divide both their time and the points they wish to raise.
- (b) The division of time between counsels is announced before senior counsel begins its submissions.

13. Rebuttal and surrebuttal

- (a) One of the counsels for the claimant(s) has 3 minutes to address and rebut a few of the points raised by counsel for the respondents in their primary submissions.
- (b) One of the counsels for the respondent(s) has 2 minutes to address the points raised by the counsel for the claimant(s) in the rebuttal.

14. Time

The time taken by judges in asking questions is part of the time indicated in Rules 5 to 7. One team member, who is not mooting, will keep time in each panel and signal to mooters when '5 minutes' remain, when '2 minutes' remain and at 'Time'.

15. Attendance at moots

Team members may attend only preliminary round moots in which their team is competing. Members of any team that is no longer mooting may attend the Semi-Final Moots. Members of all teams may attend the Grand Final.

16. Judges

- (a) Judges are legal academics, legal practitioners (members of the judiciary, lawyers, etc), post-graduate law students or others with a demonstrated experience in adjudicating mooting competitions.
- (b) The Moot Coordinator shall assign judges to moots according to the following principles:
 - (i) Except for the Grand Final, judges sit in panels of three.
 - (ii) No judge may sit in a moot where one of the competing teams comes from the university to which it is currently affiliated. Where possible, a judge should not sit in a moot where one of the competing teams comes from a university to which it has been affiliated in the past.

- (iii) a judge may not sit in preliminary round moots in the group in which the university to which the judge is affiliated is competing.
17. To the extent possible after the application of sub-paragraphs (i) to (iii), a judge shall not judge a team more than once in the preliminary rounds.

18. Moot Coordinator

The Moot Coordinator is responsible for granting exemptions under rule 2, for calculating the scores and ranking points according to rules 14 to 17 and 19, assigning judges to moots in accordance with rule 10(b), determining prizes according to rules 22 and 23 (subject to the last sentence of rule 23) and for the resolution of disputes regarding the interpretation or supplementation of these rules under rule 24. Rule 10(a) applies by analogy to the qualification of the Moot Coordinator.

PRELIMINARY ROUNDS

19. Structure of the competition

There will be four preliminary rounds, two Semi-finals, and a Grand Final.

20. Preliminary rounds

For the preliminary rounds, the letters A to H will be assigned by lot to the eight competing teams. Teams A, B, C, and D will form Group I and teams E, F, G, and H will form Group II. Each team will then compete in four moots against other teams from the same group as set out in the following schedule:

| | Group I | | Group II | |
|----------------------------|---|---|---|---|
| Preliminary round 1 | Team A <i>claimant(s)</i> v Team B <i>respondent(s)</i> | Team C <i>claimant(s)</i> v Team D <i>respondent(s)</i> | Team E <i>claimant(s)</i> v Team F <i>respondent(s)</i> | Team G <i>claimant(s)</i> v Team H <i>respondent(s)</i> |
| Preliminary round 2 | Team D <i>claimant(s)</i> v Team A <i>respondent(s)</i> | Team B <i>claimant(s)</i> v Team C <i>respondent(s)</i> | Team H <i>claimant(s)</i> v Team E <i>respondent(s)</i> | Team F <i>claimant(s)</i> v Team G <i>respondent(s)</i> |
| Preliminary round 3 | Team A <i>claimant(s)</i> v Team C <i>respondent(s)</i> | Team B <i>claimant(s)</i> v Team D <i>respondent(s)</i> | Team E <i>claimant(s)</i> v Team G <i>respondent(s)</i> | Team F <i>claimant(s)</i> v Team H <i>respondent(s)</i> |
| Preliminary round 4 | Team C <i>claimant(s)</i> v Team A <i>respondent(s)</i> | Team D <i>claimant(s)</i> v Team B <i>respondent(s)</i> | Team G <i>claimant(s)</i> v Team E <i>respondent(s)</i> | Team H <i>claimant(s)</i> v Team F <i>respondent(s)</i> |

21. Assessment: individual scores

Each judge will award each speaker a score out of 50 points. Points will be awarded with regard to: (a) time management and organisation; (b) knowledge of law and development of argument; (c) ingenuity and ability to answer questions; and (d) speaking ability and delivery, in accordance with the assessment sheet annexed to these rules. The weight for the individual scores of each speaker is set at 20%.

22. Assessment: ranking points

Each judge is given 10 ranking points that it should divide between the two teams in a way as to reflect the ‘gap’ between the two sides in terms of their performance. 0.5 team ranking points are allowed. The weight for ranking points is set at 60%.

Example: Judge 1 has given 35 to speaker W (leading counsel for the claimant), 37 to speaker X (junior counsel for the claimant), 33 to speaker Y (leading counsel for the respondent) and 28 to speaker Z (junior counsel for the respondent). Judge 1 has divided the team ranking points in the following way: 6 points for the claimant and 4 points for the respondent.

23. Assessment: team score

Team score is calculated for each sitting judge separately. The total number of points for each team is calculated according to following formula:

$$[(\text{Individual score for Speaker A} / 5) * (20\%)] + [(\text{Individual score for Speaker B} / 5) * (20\%)] + [(\text{Team ranking points given to Team of Speaker A and B}) * (60\%)]$$

Example:

| <i>Judges</i> | <i>Speaker W</i> | <i>Speaker X</i> | <i>Speaker Y</i> | <i>Speaker Z</i> | <i>Team A</i> | <i>Team B</i> |
|----------------|------------------|------------------|------------------|------------------|---------------|---------------|
| <i>Judge 1</i> | 35 | 37 | 33 | 28 | 6 | 4 |
| <i>Judge 2</i> | 37 | 39 | 30 | 29 | 6 | 4 |
| <i>Judge 3</i> | 38 | 42 | 31 | 33 | 7 | 3 |

Score Team A

$$\text{Judge 1} \quad \blacksquare \quad [(35/5) * (20\%)] + [(37/5) * (20\%)] + [(6) * (60\%)] = 1.4 + 1.48 + 3.6 = 6.48$$

$$\text{Judge 2} \quad \blacksquare \quad [(37/5) * (20\%)] + [(39/5) * (20\%)] + [(6) * (60\%)] = 1.48 + 1.56 + 3.6 = 6.64$$

$$\text{Judge 3} \quad \blacksquare \quad [(38/5) * (20\%)] + [(42/5) * (20\%)] + [(7) * (60\%)] = 1.52 + 1.68 + 4.2 = 7.4$$

Score Team B

$$\text{Judge 1} \quad \blacksquare \quad [(33/5) * (20\%)] + [(28/5) * (20\%)] + [(4) * (60\%)] = 1.32 + 1.12 + 2.4 = 4.84$$

$$\text{Judge 2} \quad \blacksquare \quad [(30/5) * (20\%)] + [(29/5) * (20\%)] + [(4) * (60\%)] = 1.2 + 1.16 + 2.4 = 4.76$$

$$\text{Judge 3 } \blacksquare [(31/5)*(20\%)] + [(33/5)*(20\%)] + [(3)*(60\%)] = 1.24 + 1.32 + 1.8 = 4.36$$

Total points Team A: 20.52

Total points Team B: 13.96

24. Semi-finals

The two teams from each group that concentrate the highest team score in the preliminary rounds will progress to the Semi-finals. If the team score for two teams is equal, the marks awarded by the judges according to rule 14 will be used to break the tie.

Example: Team A has 25 points, team B and C each have 20 points Team D has 16 points. Team E and Team H each have 24 points, team F has 15 and team G has 14. If the marks of the speakers for team B add up to 180, for team C to 129, for team E 133 and team H 110, teams A, B, E and H progress to the finals. According to rule 18, team A will face team H and team E will compete against team B.

SEMI-FINALS AND FINALS

25. Semi-final

In the Semi-finals, the first-ranking team from Group I competes against the second-ranking team from Group II and the second-ranking team of Group I against the first-ranking team from Group II. The first-ranking teams of both groups may decide whether they wish to act as counsel for the claimant(s) or for the respondent(s) in the Semi-finals.

26. Semi-finals: assessment

Rules 14 to 17 apply by analogy in the Semi-finals. The winner of each Semi-final will be determined by reference to the sum of ranking points awarded by each Semi-final judge to the two speakers for each team. If the ranking points are divided evenly between the teams, the marks awarded to the speakers will be used to break the tie.

27. Progression to the Grand Final

The winner of the first Semi-final and the winner of the second Semi-final will progress to the Grand Final. The other two teams will progress to the Small Final.

28. Grand Final

The Grand Final will be judged by five judges. Each team in the Grand Final will have 24 minutes for their primary submissions and counsel presenting rebuttal will have 3 minutes. Otherwise, the rules for the Semi-finals apply by analogy to the Grand Final. If a team has acted as counsel for the claimant(s) in the Semi-finals, they will act as counsel for the respondent(s) in the Grand Final and vice versa. If both competing teams in the Grand Final have represented the same side in the Semi-finals, it will be determined by lot which team represents which side in the Grand and Final.

PRIZES

29. Team prizes

The winning team in the Grand Final will be awarded the First Prize. The second-placed team in the Grand Final will be awarded the Second Prize and the other two teams that have reached the semi-finals the Third Prize.

30. Individual prizes

- (a) The individual speaker who has received the highest average scores under rule 14 from all judges in all rounds in which it was competing will be awarded the Best Oralist Prize.
- (b) The speakers with the second- and the third-highest average scores will receive an Honourable Mention. If there are several speakers with the same average scores, the Best Oralist Prize and the Honourable Mentions will be awarded at the discretion of the judges sitting in the Grand Final, with the exception of a judge or judges affiliated to the university of one of the speakers in question.

DISPUTE RESOLUTION

31. Resolution by the Moot Coordinator and the Assembly

All questions concerning the interpretation or supplementation of these rules must be submitted to the Moot Coordinator. At the motion of a team directly affected by a determination of the Moot Coordinator, the question must be submitted to an Assembly of the representatives of the participating universities and the Moot Coordinator for final decision. The Moot Coordinator may also submit a question to the assembly of his own motion. Each university has one vote at the Assembly and the Moot Coordinator has one vote. In the event of a tied vote, the Moot Coordinator will have a deciding vote.

ASSESSMENT SHEET

Teams: _____ (clamant) v (respondant) Speaker 1: _____

_____ Judge: _____ Speaker 2: _____

Round (please tick one): Preliminary 1 Preliminary 2 Preliminary 3 Preliminary 4 Semi-final Grand Final

| Content | Overall score range: indicative (but not exhaustive) descriptive criteria (please tick as appropriate) | | | | Speaker 1 | | Speaker 2 | |
|--|---|--|---|---|--|--|--|--|
| | 0-10 | 11-20 | 21-35 | 36-50 | | | | |
| Time management and organisation | <input type="checkbox"/> textual authorities are inadequate or incomplete <input type="checkbox"/> insufficient overview of submissions or conclusion <input type="checkbox"/> poor organisation: lacks structure or direction; poor time management | <input type="checkbox"/> sound textual authorities but some focal omissions <input type="checkbox"/> basic overview of submissions and conclusion <input type="checkbox"/> some organisation: lacks focus and clear direction; inefficient use of time | <input type="checkbox"/> good choice and range of textual authorities <input type="checkbox"/> concise overview of submissions and conclusion <input type="checkbox"/> well organised: clearly and logically structured; good time management | <input type="checkbox"/> comprehensive choice of relevant textual authorities <input type="checkbox"/> effective overview of submissions and conclusion <input type="checkbox"/> excellent organisation: clear, logical and flexible; excellent timemanagement | 0-10: 0-2 11-20: 2-4 21-35: 4-7 36-50: 7-10 | | 0-10: 0-2 11-20: 2-4 21-35: 4-7 36-50: 7-10 | |
| | | | | | / 10 | | / 10 | |
| Knowledge of law and development of argument | <input type="checkbox"/> understanding of legal issues inadequate; some irrelevant material and argumentation <input type="checkbox"/> use of authorities inadequate or inappropriate <input type="checkbox"/> fails to address key legal or factual issues | <input type="checkbox"/> addresses key issues but some arguments given inappropriate weight <input type="checkbox"/> progression of argument lacks clarity or directness <input type="checkbox"/> poor use of some authorities or poor application of law to the facts | <input type="checkbox"/> good understanding of legal issues and authorities <input type="checkbox"/> effective application of law to the facts; addresses opposing arguments <input type="checkbox"/> generally logical and persuasive | <input type="checkbox"/> excellent understanding of legal issues, policy arguments and authorities <input type="checkbox"/> addresses opposing arguments effectively <input type="checkbox"/> logical and persuasive; cogent application of law to the facts | 0-10: 0-3 11-20: 3-6 21-35: 6-11 36-50: 11-15 | | 0-10: 0-3 11-20: 3-6 21-35: 6-11 36-50: 11-15 | |
| | | | | | / 15 | | / 15 | |
| Ingenuity and ability to answer questions | <input type="checkbox"/> unprepared for questions reasonably to be expected <input type="checkbox"/> evades answering or fails to answer questions <input type="checkbox"/> inflexible or too ready to concede; responses unclear | <input type="checkbox"/> fails to perceive the object of questioning <input type="checkbox"/> responses sometimes too lengthy or too brief <input type="checkbox"/> responses sometimes lack clarity or directness | <input type="checkbox"/> generally perceives the object of questioning <input type="checkbox"/> responds to questions directly and concisely <input type="checkbox"/> clear responses: handles questions and interventions competently | <input type="checkbox"/> accurately perceives the object of questioning <input type="checkbox"/> effectively integrates responses and argument <input type="checkbox"/> clear responses that engage well with the court's views | 0-10: 0-3 11-20: 3-6 21-35: 6-11 36-50: 11-15 | | 0-10: 0-3 11-20: 3-6 21-35: 6-11 36-50: 11-15 | |
| | | | | | / 15 | | / 15 | |
| Speaking ability and delivery | <input type="checkbox"/> lacks clarity of language and expression <input type="checkbox"/> poor eye contact; fails to engage with bench <input type="checkbox"/> fails to observe correct court etiquette and terminology | <input type="checkbox"/> lacks variation of tone, pace and expression <input type="checkbox"/> strives to engage with bench but needs confidence <input type="checkbox"/> good knowledge of court etiquette and terminology | <input type="checkbox"/> good use of language and expression <input type="checkbox"/> engages with bench in handling questions and interventions <input type="checkbox"/> comfortable with court etiquette and terminology | <input type="checkbox"/> skilful use of language, gesture and expression <input type="checkbox"/> conveys ideas with ease, skill and confidence <input type="checkbox"/> comfortable with court etiquette and terminology <input type="checkbox"/> conveys sincerity | 0-10: 0-2 11-20: 2-4 21-35: 4-7 36-50: 7-10 | | 0-10: 0-2 11-20: 2-4 21-35: 4-7 36-50: 7-10 | |
| | | | | | / 10 | | / 10 | |
| Final Individual Score: | | | | | / 50 | | / 50 | |
| Team Score: | | | | | / 10 | | | |