"Sébastien Van Drooghenbroeck" *Moot Court Competition on the European Social Charter*, with the Support of the Council of Europe

RULES

Terminology: the opposing parties are referred to as "Complainants" and "Respondent Governments", and their respective pleadings as "Complaint" and "Memorandum".

1. The moot case

1.1. The moot case shall raise an issue regarding the consistency of a practice or law of a moot State Party with the European Social Charter's treaty system. The subject matter is brought moot before the European Committee of Social Rights via a moot collective complaint.

1.2. The moot case is written by the Scientific Committee. The statement contains sufficient guidance for the opposing teams to focus their procedural writing on identical issues, while being drafted simultaneously.

2. Teams

2.1. Contest entry is open to law students registered in any university from the Members States of the Council of Europe.

2.2. Each participating university can only send one team.

2.3. By drawing lots, half of the teams in the lists receive the status of "complainants", and the other half the status of "respondent governments".

2.4. Each team has two "litigants" (students), a legal / linguistic "advisor" (student) and a coach (assistant / doctoral student / professor). The legal / linguistic "advisor" helps the litigants prepare the reply and the answers to the jury's questions. He or she may speak in debates only at the stage of replies and questions. The distribution of roles between litigants and legal / linguistic adviser can be modified during the "final hearing".

3. The Scientific Committee

3.1. The Scientific Committee is composed of seven persons, as follows:
a) the General Coordinator of the ANESC, or the First or Second Deputy General Coordinator, or another member of the ANESC Coordination Committee designated by the General Coordinator;
b) the coordinator of a national section of ANESC;
c) a member of ANESC;
d) a member of the European Committee of Social Rights;
e) a former member of the European Committee of Social Rights;
f) two members of the Department of Social Rights of the Council of Europe with experience of the collective complaint procedure.

3.2. The Scientific Committee is appointed by the Coordination Committee of the Network after consultation with the Department of Social Rights of the Council of Europe; the Scientific Committee's members shall be appointed in such a way as to belong, to the extent possible, to various Member States of the Council of Europe.

3.3. If one or more of the appointed members under the previous article are unavailable, they may be replaced by persons with a great expertise in the field of European Social Charter law, in any phase of the competition.

3.4. The Scientific Committee is responsible for drafting the moot case, responding to questions submitted by the teams concerning the case, and evaluating the written submissions. The written submissions shall be assessed and graded by the members of the Scientific Committee, excluding the General Coordinator and any person acting on their behalf.

4. Juries

4.1. Juries (Plenary Jury and Sub-juries) act as the European Committee of Social Rights. They hear the oral submissions of the participating teams during the oral phase of the competition.

4.2. The Plenary Jury consists of six persons, namely the members of the Scientific Committee except for the General Coordinator of the ANESC (or the First or Second Deputy General Coordinator, or another member of the ANESC Coordination Committee designated by the General Coordinator – see Art. 3.1. a).

4.3. The Plenary Jury designates a President and a Vice-President from among its members. In the event of a tie, the President has the casting vote.

4.4. The Plenary Jury is composed of two sub-juries of three persons. The President of the Plenary Jury sits on one of the two Sub-juries and serves as its chair. The other Sub-jury is chaired by the Vice-President of the Plenary Jury.

4.5. Sub-juries hear oral argument at the stage of "qualification hearings".

4.6. The Plenary Jury hears the "final hearing", proclaims the victorious team of this final and awards the prizes in accordance to Article 9.

5. The written phase

5.1. The written phase consists of the drafting of either a collective complaint (for "claimant" teams) or a memorandum (for "respondent governments" teams). Submissions in English or French are accepted.

5.2. The complaint or memorandum may not contain more than 8,000 words (including footnotes), otherwise points will be lost.

5.3. The complaints and the memorandums must be sent to the ANESC's Secretariat e-mail address (mootcourt2026@racse-anesc.org), in anonymous form, within the deadline set by the competition timetable, failing which they will not be accepted. The Secretariat forwards each complaint/memorandum to each member of the Scientific Committee, in one email, within maximum one day for the deadline set by the competition timetable for written submissions.

5.4. A maximum of 2 questions per team may be asked to the Scientific Committee, within the deadline set by the competition schedule. The questions asked and their answers are communicated to the other teams.

5.5. Each complaint and each memorandum are the subject of a note between 0 and 20, delivered by each member of the Scientific Committee on the basis of a grid of quotation previously determined by the Scientific Committee. The twenty points will be allocated partly on formal (subjective) criteria (such as coherence, structure, clarity, style etc.) and partly on content (objective) criteria that are linked to the legal approach of each particular moot case. The final note of each paper is calculated as the average of the notes received from the members of the Scientific Committee. The final notes of the written papers are communicated to the teams at the end of the "final hearing". The grid will be published on the ANESC site after the competition has closed.

5.6. Seven calendar days before the oral phase, the complaints are communicated, in anonymized form, to all the "respondent governments" teams, with the purpose of allowing the preparation of the hearings. Likewise, the memorandums are communicated to all "complainants" teams.

6. The oral phase

6.1. The oral phase consists of a simulated "hearing" (within the meaning of Article 7 (4) of the Protocol of 9 November 1995) in front of the "European Committee of Social Rights" represented by the juries. This oral phase consists of two stages: the "qualifying hearing" and the "final hearing". This phase is conducted in English.

6.2. Both in the "qualifying hearings" and in the "final hearing", the performance delivered by the team must not reproduce the argument of the procedural writing, but highlight the important points and respond to the arguments of the opponent. The ability of the teams to present succinctly and convincingly the essential points of their written paper, to respond to the opponent's arguments and the questions of the juries are taken into account in the scoring of pleadings.

6.3. The "litigants" of each team divide the time between them as they wish. The legal / linguistic "advisor" can only speak in debates at the stage of replies and questions.

6.4. During the "qualifying hearings", each team faces a team of the opposite status, designated three days earlier by the Jury, by drawing lots. The result of the draw is communicated to the teams the day before the Oral Phase.

6.5. The "qualifying hearings" take place, in parallel, before one or the other of the two sub-juries formed at the beginning of the Plenary Jury in accordance to Article 4.4.

6.6. For each team, the "qualifying hearing" lasts for a maximum of 20 minutes. Each team has, at most, 3 minutes of reply. At the end of the debates, the jury submits to each team the same two questions. The first question is addressed first to one of the two teams, and the second question is addressed in the first place to the other team.

6.7. The "qualifying hearing" of each team is rated by each member of the sub-jury between 0 and 20 points.

6.8. The "final hearing" is between the "complainants" team and the "respondent governments" team, whose scores for the "qualifying hearings" (i.e., the average of the marks received from each member of the sub-jury) are the highest. In the event of a tie, the team with the higher score in the written submissions shall advance to the next round. The "final hearing" takes place before the Plenary Jury.

6.9. In the final, each team has a maximum of 15 minutes to deliver its argument, and 5 minutes to respond. The "final hearing" cannot be limited to reproduce the arguments developed during the "qualifying hearing". At the end of the debates, the jury submits to each team the same two questions. The first question is addressed first to one of the two teams, and the second question is addressed in the first place to the other team.

6.10. At the end of the "final hearing", the Plenary Jury determines by a majority vote the winning team and the runner-up.

7. Valorisation of the participation in the competition as part of the study programme

Each university is free to value as it wishes participation in the competition, as part of its own program of study (exemption from practical work, substitution of all or part of one of the classes etc.).

8. Prizes

8.1. The plenary jury awards five prizes:

1. The winning team of the "final hearing";
2. The runner-up (the second team qualified for the "final hearing");
3. The best pleader;
4. The best written collective complaint;
5. The best written memorandum.

8.2. The best written collective complaint and the best written memorandum will be published on the ANESC site after the competition has closed, with the consent of the teams involved.

8.3. Additional prizes can be determined on an annual basis.

9. Location and timeline

9.1. Each edition of the ANESC Moot Court may be hosted by:

a. The university whose team won the previous edition, provided that it accepts an invitation from the ANESC Coordination Committee;

b. Another university with which an ANESC member is affiliated, provided that it accepts an invitation from the ANESC Coordination Committee. Failing this, any other university located within a member State of the Council of Europe;

c. The headquarters of the Council of Europe in Strasbourg, subject to the agreement of its Department of Social Rights.

The decision as to which of the above hosting options shall be pursued, and whether alternative options should subsequently be considered, shall rest entirely with the ANESC Coordination Committee (and shall be taken by a majority of its members).

9.2. The timeline of the competition is jointly agreed by the ANESC Coordination Committee, the hosting university and the CoE's Department of Social Rights.

9.3. The General Coordinator of ANESC shall launch the competition in consultation with the Department of Social Rights.

10. Modifications

These rules may be amended by a decision of the ANESC Coordination Committee, adopted by a majority of its members.