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The Environmental Justice Moot Court (EJMC) is organized under the Jean Monnet Chair “European Climate of Change (REACT)” awarded to Prof. Francesca Ippolito of the University of Cagliari for the period 2022-2025. EJMC will take place twice during the Chair’s lifetime, namely in 2023 and 2024. However, the ambition of the organisers is to keep the project alive beyond the Chair’s duration.

EJMC has been designed by Luca Pantaleo, who drew much inspiration from the European Law Moot Court (ELMC), in which he has participated multiple times as a coach and later as a judge.

These rules are heavily based on the ELMC Rules, which you can find [here](#).

General principles

1. Environmental Justice Moot Court structure

EJMC consists of two phases: i) the written phase, in which all Teams shall prepare written pleadings for both the applicant and the defendant, based upon the EJMC case, a hypothetical EU environmental law problem (see below Rule 2); ii) the oral phase, consisting of one (1) final that will be held in Cagliari and in which the Teams, who are selected on the basis of their double-blind graded written pleadings, shall defend their arguments before a Final Court, pleading for both, the applicant and the defendant, and as an Advocate General.

2. Case

The annual EJMC Case is a hypothetical EU law problem, focused on environmental law matters, which is pleaded during each year’s Competition and which is prepared yearly by EU law experts upon the invitation of the Jean Monnet Chair. The Case is published at the Chair’s website <https://sites.unica.it/jeanmonnetchair-euclimatereact/> on September 1st every year.

3. Language

The official language of the Competition is English.

4. Participants

4.1 The Competition is open to all law students, enrolled in a university or a similar institution (hereinafter “university”), provided that the student is not practising as a lawyer. For greater certainty, law student must be understood so as to include any students enrolled in a university degree that includes an EU law course, that is, on top of traditional law schools, political sciences, international relations, European studies, and similar courses.

4.2 The staff of the Jean Monnet Chair is excluded from participation in the Competition but may step in as judges in case of emergency.

4.3 The University of Cagliari shall not be prevented from participating with one (or more) team(s) provided that the individual members of the Chair are excluded from any involvement in the team’s preparation.

4.4 The EJMC is open to participants from outside Europe and to Teams representing non-European Universities.

5. Teams

5.1 The students are required to form Teams of three or four members representing the same university and may be supervised by a coach. Team members shall register and identify themselves to the organisers of the Moot Court, which is established under the auspices of the Jean Monnet Chair.

5.2 Identification shall be made by means of the official identification sheet, following instructions that are published on the dedicated webpage of the Jean Monnet Chair’s website.

5.3 Any change in the composition of a Team is prohibited after registration.

5.4 An exemption may be granted by the Executive Secretary (see below Rule 17) in case of *force majeure* or other unforeseeable circumstances not attributable to the Team.

5.5 Where the situation foreseen in Rule 5.3 arises, the concerned Team must get in contact with the Executive Secretary without undue delay. The final decision is made by the Executive Secretary and is not subject to appeal or any other challenge.

6. Fair Play

6.1 Students, coaches and guests are expected to conduct themselves in the most fair play manner at all stages of the Competition and show respect to all participants and organizers.

6.2 This can be achieved for instance by exchanging handshake (or fist bumps as long as Covid-19 is around) before and after all oral hearings and by all Teams being present during the announcement of the results, Prize Award Ceremonies and at the social events organized around the Competition.

6.3 The EJMC is a student competition. Fair play therefore also entails that outside assistance, over-coaching and unfair strategies shall be avoided at all stages of the competition:

- a) During the Written Phase, coaches and faculties should have a limited role of guidance and should refrain from contributing actively to the presentation, structure and substance of the legal arguments. Coaching shall be limited to sharing of knowledge about the Competition, a general discussion of the issues raised by the case and questioning sessions with the students. Over-coaching should be avoided at all times: ask questions but do not give answers. The final submission of the written pleadings must be an effort of the Team students only.
- b) During the Oral Phase Coaches can join Teams to support students in their performance, and eventually grade them, but may not help them with answering questions or optimizing pleadings, be it inside or outside the courtrooms. Note-taking in handwritten or digital form while seating in the audience is prohibited. The oral pleadings must be an effort of the Team students only.

6.4 The organisers expect that all participants will adhere to the principle of fair play. Any severe violation of this principle may be sanctioned with disqualification, at the discretion of the organisers, after consulting with the panel of EJMC Judges.

7. Time-limits

The deadlines for registration and email submission of the written pleadings are published around October on the Jean Monnet Chair's website. For indicative purposes only, registration will be open until mid-November, submissions are made around late November/early December, results are published in January, the Cagliari Final is held between March and April.

8. Registration

8.1 Teams shall register writing an email to ejmc.react@gmail.com within the deadline announced by the organisers on the Jean Monnet Chair's website around October.

8.2 Participation is free of charge but each team shall bear the costs of their own travel and accommodation.

8.3 A Team is considered a participating Team after the organisers have received the official registration confirmation.

9. Anonymity

9.1 Strict anonymity of the Teams is required. Upon registration, each Team will be assigned an ID number for the Competition, which is emailed to the Team immediately upon receipt by the organisers of the official registration sheet.

9.2 The name of the university or the name or the nationality of the Team members shall neither be mentioned in the written submissions nor in the oral proceedings to the EJMC Judges, whether directly or indirectly (e.g. wearing of special attire or national robes, referring to special national symbols, or other similar behaviour).

10. The EJMC Judges

10.1 The EJMC Judges, assessing the written pleadings and sitting at the Cagliari Final, are high profile EU law experts (law firm Partners, Professors, Researchers, Judges, Member States' as well as EU institutions' Agents etc.) selected by the organisers.

10.2 The organisers ensure that all EJMC Judges sitting in the Cagliari Finals have corrected some anonymous written pleadings of that season's Competition.

10.3 Each EJMC Judge shall act individually and independently. The scoring will be kept on official scoring sheets.

10.4 The President of the Moot Court, elected by the EJMC Judges before each hearing, manages the hearing and may disqualify a Team or one or more of its members in case of any flagrant violation of the Rules or any other behaviours detrimental to the event and its fair play spirit, after consulting with the organisers.

I. WRITTEN PROCEEDINGS PHASE

11. Interpretation

Any questions concerning the interpretation of the Rules that arises during the written phase of the Competition must be emailed to the organisers at the dedicated email address that will be published on the Jean Monnet Chair's website. Each question will be answered by them in a timely manner.

12. Written Pleadings

12.1 Every Team must submit two written pleadings, one on behalf of the applicant and one on behalf of the defendant, each one in the form of a Word document named [Team XX – Applicant OR Defendant].

12.2 Both written pleadings must consist of the following parts:

- Cover stating: [Team XX – Applicant OR Defendant – EJMC Case name and number] each on clearly spaced lines in Times New Roman 16 pt font size.

- Inside pages are in Times New Roman, 12pt font size (unless specifically mentioned exceptions), line spacing should be 1,5 (interlinear space), margins should be 3 cm top and bottom and 2 cm right and left.

- In the footer, the following text in italics should appear next to the page number: [Team XX – Applicant OR defendant].

- Table of contents.

- A summary of the main arguments not exceeding 2 pages.

- The main argumentation section not exceeding 15 numbered pages per pleading. Only (i) the table of contents, and (ii) the list of references are excluded from this calculation.

- Footnotes should be at the bottom of the page, numbered concurrently, in Times New Roman, 9 pt font size. Endnotes are not allowed.

- List of References (Books, law Journals, Judgments etc.): Teams should make sure that their system of citation allows an easy and unambiguous identification of the document referred to, and that the same system is coherently maintained throughout both of their pleadings.

13. Submission

13.1 Teams shall submit their written pleadings to the organisers by e-mailing the 2 Word files to the address that will be indicated on the Jean Monnet Chair's website within the submission deadline, announced by the organisers on the dedicated webpage of the Chair's website in due course.

13.2 After the deadline expiration no Team may revise, substitute, add to, delete or in any other manner alter and resend its written pleadings.

14. ELMC Double-Blind Assessment

14.1 All written pleadings are anonymous and will be assessed with regard to their content as well as their form by the EJMC Judges.

14.2 Each Team's written pleadings are assessed individually and independently by two EJMC Judges. The average score is the final written pleadings score of the Team.

14.3 In case of a difference of more than 5 points between the 2 independent EJMC Judges, and in case of an equal score at the 1st position, a third EJMC Judge proceeds to a new independent and anonymous grading. The average score of the 3 gradings is the final written pleadings score of the Team.

14.4 If there remains to be a tie after the third review, it is for the organisers to decide, after consultation of the EJMC Judges, which Team ranks first in the written stage.

14.5 All participating teams will qualify for the Cagliari Final provided that their total number does not exceed 12 units. If the number exceeds 12, only the first 12 teams on the written stage ranking will qualify to the Cagliari Final. Results of the written stage are announced around January on the Jean Monnet Chair's website.

14.6 During the first year only, a number of universities may be invited to participate. If the total number of participating Teams including the invited ones exceeds 12 units, the number of Teams qualifying to the Cagliari Final will remain 12 and the structure of the Final will be adapted to a higher number of participants in order to accommodate the participation of the invited Teams.

14.7 The score achieved by each Team for their written pleadings shall be kept on the official scoring sheet. These scores are confidential and will only be revealed on the official Team's score sheets handed out at the end of the Regional Finals. Teams which are not qualified to the Oral Phase may be informed of their score by emailing the OT.

14.8 The Team that has received the highest score for their written pleadings will be awarded a Prize at the Cagliari Final.

14.9 The scores obtained for the written pleadings will determine the draw of the preliminary round of the written phase in accordance with Rule 19 below.

15. Scoring and Penalties

15.1 EJMC Judges will grade each pleading with a maximum score of 20 points attributed as follows:

a) Correct legal analysis and argumentation, e.g. clarity of argument, complete and correct recognition and weighing of problems, correct application of the relevant rules, legal principles and EU case law (Maximum of 10 points. The average score shall be 5);

b) Presentation and style, e.g. persuasiveness, logic, structure, citations, thoroughness, style, eloquence (Maximum of 10 points. The average score shall be 5).

15.2 EJMC Judges will apply the following penalties for infractions of the rules regarding the written pleadings:

- a) A delayed submission of the written pleadings will result in the following penalties: one day late = minus 2 points; two days late = minus 4 points; three or more days late = disqualification;
- b) Exceeding the mandatory length of 15 pages for the arguments section (excluding the summary) will result in the following penalties: exceeding the limit by one page = minus 2 points; exceeding the limit by two pages = minus 4 points; exceeding the limit by three pages = disqualification;
- c) Exceeding the mandatory length of 2 pages for the summary will result in the following penalties: exceeding the limit by half a page = minus 2 points; exceeding the limit by one page = minus 4 points; exceeding the limit by one and a half page = disqualification;
- d) Identity disclosure, for instance by mentioning the name of the Team members or the university anywhere in the written pleading, will result, for each mention in the following penalty: minus 2 points;
- e) Non-conformity with other formalities, such as font size, interlinear space, margins, etc... will result, for each infraction, in the following penalty: minus 2 points.

II. ORAL PROCEEDINGS PHASE

16. The Cagliari Final

16.1 The organisers will invite the participating Teams to the Cagliari Final provided that their total number does not exceed 12 units. If more Teams have registered, only the Teams that have obtained the 12 highest scores for the written stage will be invited to the Final. This is without prejudice to the situation foreseen in Rule 14.6.

16.2 Teams that are competing in the oral rounds may be accompanied by a coach during the Cagliari Final. Teams may also be accompanied by one or more guests.

17. Executive Secretary

17.1 The Executive Secretary consists of the Jean Monnet Chairholder Prof. Francesca Ippolito, and the Jean Monnet Chair Member Luca Pantaleo. The Executive Secretary's task, other than that specified in the Rules, is to ensure that the Oral Phase is carried out in line with the overall spirit and the aim of the Competition, as well as to resolve all matters which could be detrimental to its organization.

17.2 To ensure the best functioning of the Competition, all decisions of the Executive Secretary are final and not subject to appeal.

18. Interpretation

During the Cagliari Final, all questions concerning the interpretation of the Rules must be exclusively submitted to the Executive Secretary.

19. Structure of the Oral Proceedings Phase

19.1 The Cagliari Final shall consist of three rounds: preliminary round (Day 1), semi-finals and final (Day 2).

19.2 Maximum 12 (twelve) Teams will participate in the preliminary round, four (4) Teams in the semi-finals and two (2) Teams in the final. In case of an odd number of participating Teams, the Team that ranked no. 1 in the written phase shall be qualified straight to the semi-finals.

19.3 If the situation foreseen in Rule 14.6 will arise, the structure of the preliminary round will be changed accordingly.

19.4 In the preliminary round and in the semi-finals the EJMC Judges of the Cagliari Final shall be assigned to two Chambers of at least three members each. The final takes place before the Full Court (Grand Chamber) composed of all EJMC Judges.

19.5 The time schedule of the Cagliari Final is communicated by the organisers before the arrival of the Teams.

20. Roles

20.1 Each Team is required to plead in the following positions: as the applicant, as the defendant and as the Advocate General.

20.2 The fourth Team member should act as the legal counsel of the Team and may plead as the second applicant or second defendant of the Team. S/he may not act as a second Advocate General.

20.3 The student acting as Applicant or Defendant can be replaced exclusively by the fourth Team member. In the case of a Team of 3 (three) members, the student pleading as Applicant can be replaced by the student pleading with the role of Defendant, or vice versa, only in case of necessity and following the authorization by the Executive Secretary.

20.4 The student acting as the Advocate General can in principle not be replaced by another Team member. Only under exceptional circumstances and only following the authorization by the Executive Secretary the Advocate General may be replaced if s/he has not pleaded at the Cagliari Final yet and only by a Team member who has not yet pleaded in the Cagliari Final either. The replacing Team member may no longer act as the applicant or the defendant in the Cagliari Final.

21. Advocate General

21.1 One Team member shall present the opinion of the Advocate General, taking into account the arguments of the other pleading parties.

21.2 During the hearings, the Advocate General acts independently and without counsel from her or his Teammates.

21.3 Based on the individual scores given during the preliminary rounds, the 4 (four) best Advocate Generals will proceed to the semi-finals.

21.4 Based on the individual scores given during the semi-finals, the 2 (two) best Advocate Generals will proceed to the final.

21.5 Advocate General who has not qualified for the Semi-Finals can act as a Legal Counsel to her or his qualified Team.

21.6 The best Advocate General of the Cagliari Final shall be selected on the basis of the points attributed to her/him by the EJMC Judges during the final.

22. Legal Counsel

22.1 One of the Team members sits at the lawyers' table as legal counsel of the applicant and the defendant. The designated Advocate General cannot sit as Counsel until her or his elimination.

22.2 Only the EJMC Judges, speakers for the Teams and legal counsels may communicate during the hearing. There shall be no communication, physical or digital, between the lawyers' table and any individual in the Courtroom or outside of it during the hearing.

23. The Hearing

23.1 Each hearing proceeds as follows: the President of the Moot Court gives the floor to the applicant to present the main arguments, then to the defendant to present the main arguments, then to the applicant for the Reply, then to the defendant for the Rejoinder, then to the Advocate General.

23.2 EJMC Judges are invited to interrupt and question the speaker on any point of the argument.

23.3 The scope of the oral arguments is not limited to the scope of the Team's written pleadings.

23.4 The scope of the applicant's Reply should be limited to the scope of the defendant's oral arguments. The scope of the defendant's Rejoinder should be limited to the scope of the applicant's Reply.

23.5 The rules of procedure of the CJEU shall apply as far as the nature of the Competition allows.

24. Language

24.1 The only language of the Competition is English.

24.2 Language is not an autonomous ground for scoring. However, it can have an indirect impact on the score to the extent that it can influence the effectiveness and clarity of the arguments presented.

25. Timekeeping

25.1 The main arguments of the applicant and the defendant shall not exceed 15 minutes.

25.2 In the preliminary round and semi-finals, reply and rejoinder shall take no more than 5 minutes each and may take up to 10 minutes each in the final.

25.3 The Advocate General shall present her/his opinion within 10 minutes at the end of the hearing.

25.4 The Timekeeper shall indicate with green, yellow and red signs the last 5, 1, 0 minutes of the time remaining to the speaker.

25.5 The President of the Moot Court has the discretion to extend the speaking time, for a maximum of 5 minutes, in order to allow the speaker to finish her/his argument. Where an extension is granted, the other party shall be granted the exact same time extension. Any time not fully used is irrevocably lost and has no influence on the score.

25.6 The timekeeper stops the timer when the EJMC Judges intervene. The timekeeper restarts the timer as soon as the Judge ends the question.

25.7 The timekeeper keeps the timer running during discussions between the speaker and its Counsel, during the pleadings and when answering a question of the EJMC Judges.

26. Materials

26.1 The speaker may use notes but is encouraged not to read from a prepared text.

26.2 The use of any exhibits or the use of electronic devices is not permitted during the pleadings.

26.3 Notes for the pleading, legal texts and textbooks can be at the speaker's disposal and shall be clearly visible at the lawyers' table to allow verification by the organisers.

27. Blacklist

27.1 In order to preserve fair play and prevent unfair advantages as a result of scouting, only the following participants can be inside the courtroom during the pleadings of the preliminary round (Day 1):

- a) the student pleading as the applicant,
- b) the student pleading as the defendant,
- c) the student pleading as the Advocate General, and
- d) one counsel per Team:
 - i. in the case of Teams composed of four (4) members, only the fourth member;
 - ii. in the case of Teams composed of three (3) members, only Team members that have already pleaded in a previous hearing.
- e) the coach and the registered guests of the Teams that are pleading as applicant, defendant and Advocate General, can attend as the audience.

27.2 It is strictly prohibited for the attending audience, including coaches and registered guests, to interact with the Teams during the pleading sessions.

27.3 It is strictly prohibited to record the hearings in any form, i.e. no written note-taking or electronic recording is allowed for the attending public.

27.4 Breach of any of these prohibitions may be penalized with the disqualification of the Team.

27.5 Photographing, recording and broadcasting of hearings is not allowed, unless permission has been obtained in advance from all parties concerned, including the Executive Secretary, the EJMC Judges and all speaking Teams.

27.6 A general derogation to this provision applies whereby there is an odd number of participating Teams. In such a case, the Team that has obtained the highest score for the written stage is qualified for the semi-finals *ex officio* and will therefore be allowed to attend the preliminary round as part of the audience.

28. Scoring

Each pleading shall be graded with a maximum score of 25 points attributed as follows:

- a) Correct legal analysis and application of relevant law, knowledge and understanding of EU law and case law (Maximum of 10 points, the average being 5);
- b) Presentation and style, persuasiveness, ability to convincingly represent the party that is to argue (Maximum of 10 points, the average being 5);
- c) for the Applicant/Defendant, capacity to rebut the arguments of the opponent in reply and rejoinder (Maximum of 6 points, the average being 3);
- d) for the Advocate General, Understanding of their role, ability to convincingly endorse the role of AG (Maximum of 5 points, the average being 3).

29. Calculation of Results

29.1 The Executive Secretary, under the supervision of the EJMC Judges, is responsible for the calculation of the total score achieved by a speaker and by the Teams, as well as for the transcription of the scores on the Official Scoring Sheets.

29.2 To ensure the best functioning of the Competition the results are not subject to appeal.

29.3 Teams with equal scores will be ranked as follows:

- a) written pleadings scores;
- b) drawing of lots.

29.4 The Executive Secretary calculates the average scores of each Chamber. Exceptionally, due to the fact that the EJMC Judges are assigned in two Chambers not always having the opportunity to see and question all the pleaders, and only if considered necessary, the EJMC Judges may review these results if the margin between two Teams is less than 5% of the total score awarded to the leading Team. In such a case, the EJMC Judges have the discretion to decide how to classify these Teams.

29.5 The Bench has to reach a simple majority decision. In case of a deadlock, the Executive Secretary has to be consulted.

29.6 The Executive Secretary will only reveal the final scores to each individual Team on an official Team's score sheet after the final. The scores will not be made public to other participating Teams.

30. Proceeding to the Semi-Finals and the Final

30.1 Teams will be ranked from the highest to the lowest score at the end of each round. The four (4) highest-ranking Teams of the preliminary round qualify for the semi-finals. If there is an odd number of participating Teams, the three (3) highest-ranking Teams qualify to the semi-finals along with the Team that has obtained the highest score for the written phase. The two (2) highest-ranking Teams of the semi-finals qualify for the final.

30.2 In the preliminary round the total score of the Team comprises the score of the applicant, the score of the defendant and the score of the Advocate General.

30.3 In the semi-finals and the final, the Team score comprises the score of the applicant and the score of the defendant. At these rounds, Advocate Generals receive exclusively individual scores.

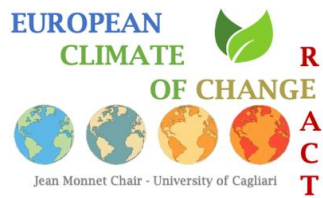
30.4 For the Advocate General to be qualified to the semi-finals and the final, their scores count individually. The four best Advocate Generals of the preliminary round qualify for the semi-finals. The two best Advocate Generals of the semi-finals qualify for the final. The best Advocate General of the Cagliari Final is the one with the highest score after the final.

30.5 The Teams proceeding to the semi-finals will plead both as the applicant and the defendant. The opponents in the semi-finals are decided by the EJMC Judges and the Executive Secretary, trying to ensure that both Chambers of the Court see and hear most of the pleaders.

30.6 The 2 (two) Teams in the final will only plead as either the applicant or the defendant. The roles are decided by a decision of the EJMC Judges. During the Final all other Team members may act as legal counsel.



University of Cagliari (UNICA)
Department of Political and Social Sciences



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31. Awards

31.1 The Winning Team is awarded the Moot Court Cup, which is to be displayed at their university. The Team is encouraged to attend the next Cagliari Final.

31.2 The winning Advocate General is awarded a Plaque of Honour.

31.3 The Best Written Pleadings Team is awarded a Plaque of Honour for having received the highest average score for the written submissions.