



# Rules of the Hugo Sinzheimer Moot Court Competition

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## 1. Introduction

The Hugo Sinzheimer Moot Court Competition (hereinafter: HS MCC) is the competition between national law students that is exclusively dedicated to the area of Labour Law. Initially the HS MCC involves employment and labour law disputes arising out of or relating to the application of the European Union Employment Law in a national context. In a later stage the HS MCC, will also deal with employment and labour law disputes arising out of or relating to the law of international organisations, including the International Labour Organisation and the Organisation for Economic Cooperation and Development (OECD).

Besides the challenging element of competition, the HS MCC will also serve as an educational platform to deepen and improve the knowledge of employment and labour law at the European and international level.

Moreover, the HS MCC offers students an opportunity to experience the operation of the European and international labour law in an as realistic setting as possible. The HS MCC will also help students to enhance the study of Labour Law from the comparative perspective.

In addition, the HS MCC will enable students to develop effective oral and written skills while writing plea notes and delivering oral pleas in a simulated court-setting. The HS MCC will be an excellent occasion for students to work in a team, under supervision/guidance of a (academic) coach, while preparing written materials for the hypothetical, yet realistic as possible, case. In a competitive sense, in front of “judges”, students will have the opportunity to exchange legal arguments and to debate over the case with the disputing counter party.



Gathering at the HS MCC venue, this will be the possibility for law students to experience a multicultural environment. Last but not least, the purpose of the HS MCC is to expose all participants to the realistic-practical side of labour law in the context of the EU and/or international organisations like the ILO and the OECD, as such all participants will be enabled to combine the law in the books with the law in action.

## 2. Abbreviations and definitions

### 2.1 Abbreviations

AB	Advisory Board
CC	Case Committee
CJEU	Court of Justice of the European Union
EU	European Union
HS MCC	Hugo Sinzheimer Moot Court Competition
ILO	International Labour Organisation
OC	Organising Committee
OECD	Organisation for Economic Co-operation and Development

### 2.2 Definitions

**Event-Host Country** is the country responsible for the organisation of the HS MCC event. This will rotate by decision of the Organising Committee.

**HS MCC-event** is the actual moment the Hugo Sinzheimer Moot Court Competition takes place. Also indicated as the HS MCC 'hearings'.

**Law-Host Country** is the country which national employment and labour law is used to build the HS MCC case on. This will rotate by decision of the Organising Committee together.

**Master-level** refers to the level of studies according to the Bologna-system.

## 3. Structure of the Hugo Sinzheimer Moot Court Competition

### 3.1 The HS MCC-event

The HS MCC will each year be hosted by another country, the so-called 'Event-Host Country' (see: Definitions). The Event-Host Country is responsible for the organisation of the actual event of the HS MCC. This includes:

- the arrangement of the location where the HS MCC takes place;
- the organisation of lunches and coffee/tea breaks during the two days lasting event;
- the organisation of the location for the 'cultural night' which will take place on the evening before the competition starts. The idea of the cultural evening is that the student-participants of the HS MCC bring food and drinks that are particular for their country to share with the other participants;



- the organisation of the formal dinner for Jury-Judges and coaches;
- the organisation of the final dinner for all participants, Jury-Judges and coaches;
- the organisation of travel and accommodation for Jury-Judges;
- the arrangement of the award prizes;
- printing the different certificates;
- making and printing the programme for the event in collaboration with the Organising Committee.

More details about the organisation of the event will be provided by the Organising Committee to the Event-Host.

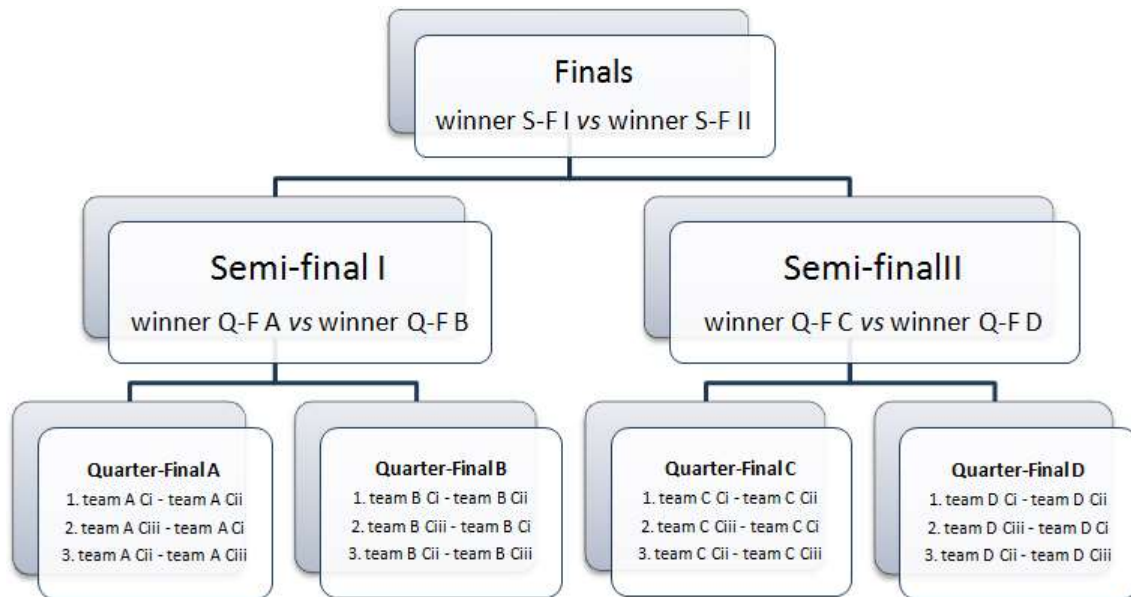
The event will take place in two and a half days and consists of a cultural evening; quarter-final; semi-final; and final. During the cultural evening the teams will be drawn. The various rounds of hearings are organised as shown in **figure 1**. During the first day the quarter-finals take place. In the morning of the second day, the semi-finals take place and the final takes place in the afternoon of the second day. See **table 1** for a more detailed overview of the activities of the two days. The quarter-finals and semi-finals will take place simultaneously. Quarter-finals are closed for other participants and their coaches, i.e. those who are not active during one of the sessions.

The flow of the HS MCC is rather straight forward: the winners of the quarter-finals compete in the semi-finals and those of the semi-finals in the final. In principle, the winner of quarter-final A will compete against the winner of quarter-final B in the semi-final, and the winner of quarter-final C against those of D.

The selection for the quarter-finals is based on the scores for the written documents and works as follows. The participating teams are ordered by the scores for the written documents in three so called 'baskets'. The teams with the highest scores are seeded in basket 1, the teams with the lowest scores in basket 3 and those teams with scores in between in basket 2. For each quarter-final (A to D), teams are drawn from basket 1, 2 and 3. In this way the balance within the quarter-finals is maintained and all teams have equal chances to move on to the semi-finals.

Each round will last for one hour and 45 minutes. **Table 2** gives a more detailed overview of the rounds, including speaking times for both sides of the dispute and the judges.

**Figure 1:** Scheme of the HS MCC structure



**Table 1** Time-table activities during the HS MCC-event

Evening before day 1	<b>Cultural evening</b>	Participants share and enjoy food and drink specialities of their countries with each other.  Event-Host organises a suitable location.
Day 1	<b>Quarter-finals</b>  Formal dinner for Jury-Judges and coaches	Coffee/tea breaks and lunch to be organised by the Event-Host  Formal dinner also to be organised by the Event-Host
Day 2	<b>Semi-finals</b> -lunch <b>Final</b> -coffee/tea break  Announcement of the winners of the HS MCC and handing out awards / certificates  Final dinner for all participants, coaches and Jury-Judges	Coffee/tea breaks and lunch to be organised by the Event-Host  The Event-Host is responsible for the organisation and availability of the award prizes and certificates.  The Event-Host is responsible for the organisation. Participants and coaches pay a contribution to the costs.

**Table 2** Structure of the HS MCC 'hearings'

Speaker	Time	Remarks
Court	5 minutes	The student-judge opens the hearing; checks whether all parties are present, who are representing whom; gives a short introduction to the case and explains the procedure of the hearing
Plaintiff	15-20 minutes	The representatives of the plaintiff pose the claims and plead their case with compelling arguments. <b>The prepared plea should be no longer than 15 minutes.</b> There are 5 additional minutes reserved for interrupting questions by the judges.
Defendant	15-20 minutes	The representatives of the defendant present their response and plead their position with compelling arguments. <b>The prepared plea should be no longer than 15 minutes.</b> There are 5 additional minutes reserved for interrupting questions by the judges.
Court	20 minutes	The judges, and in particular the student-judge, ask questions for clarification or on issues that have remained unaddressed. Time-divide quarter-finals and semi-finals: 10 minutes for the student-judge and 10 minutes for the other judges. Time divide finals: first question is for student-judge, remaining time is for all other judges.
Plaintiff	5 minutes	The representatives of the plaintiff may make some closing remarks. E.g. to emphasise an argument or to respond to something that remained underrepresented in the 20-minute question session of the judges. <b>NB nothing new may be brought forward.</b>
Defendant	5 minutes	The representatives of the defendant may make some closing remarks. E.g. to emphasise an argument or to respond to something that remained underrepresented in the 20-minute question session of the judges. <b>NB nothing new may be brought forward.</b>
Court	25 minutes	Quarter/finals and semi-finals: The court will recess in order to prepare a preliminary conclusion / verdict. Time should be divided as follows: 20 minutes contemplation between all the judges; and 5 minutes writing and preparing the conclusions/verdict by the student-judge.  Finals: 1) deliberations to decide which team was the best; 2) provide input for student-judge to deliver a preliminary verdict.
Court	5 minutes	The chair of the court (student-judge) will deliver a preliminary verdict that <b>must</b> take into account arguments that have been brought forward by the pleading teams.
<b>Total duration of the hearing: 1 hour and 45 minutes</b>		

### **3.2 Structure of the HS MCC case**

The cases are based on the national legislation of a so called 'Law-Host Country' (see: Definitions). However, the use of national legislation and doctrines will be limited to the utmost necessity in order to build a case on the application of EU labour law. Although connection and inspiration will be sought with existing case law of the CJEU and/or the European Court of Human Rights, the cases of the HS MCC are fictive. The case will deal with a dispute between an employer and employee or their representatives.

Students will prepare plea notes and arguments for both sides involved in the case. Arguments are to be built on the basis of the national legislation of the Law-Host Country and as explained and provided by the Case Committee. Students are not limited to this basic understanding and are free to explore the legislation of the Law-Host Country in more detail, which will help to further develop their skills in comparative labour law. More importantly, students are challenged to reflect on and argue the case in light of EU Law, including case law and the doctrine. This will deepen the students' understanding of EU law in general (rules of application) and EU labour law in particular. Furthermore, it will enhance their understanding of the use of EU labour law in practice.

### **3.3 Structure of the HS MCC hearings (litigation procedures)**

Besides formal and material aspects of labour law at national, European and eventually international level, the HS MCC will enable students to experience litigation procedures. The HS MCC will be as realistic as possible. The Organising Committee will work the litigation procedures out in instructions for the participants, so the students and their coaches know how to prepare.

## **4. Participants**

The competition is open to all students that are formally enrolled in a national master programme at a university of one of the participating countries (see for an overview of the participating countries the Statute of the HS MCC).

### **4.1 General principles concerning the participants**

The following principles apply to the participating students:

- students have to be formally enrolled at one of the universities of the participating countries;
- students have to be at a master-level as defined in the Bologna-system or at a generally acknowledged similar level in another system;
- students have to be enrolled in a national law programme;
- students should not already be or have been practicing lawyers (this does not refer to internships or traineeships).

### **4.2 Composition and selection of the teams**

Per participating country only one team can participate. Each team consists of a minimum of two (2) up to a maximum of four (4) students. The team of the Law-Host Country consists of



exactly four (4) students, who will act as judges. The students are selected at the discretion of the national coach.

Since the competition is between the participating countries, it is up to the national contacts for the HS MCC (see for an overview the Statute of the HS MCC) alone or jointly with the coach (if this is another person) to decide how the national selection takes place. The selection procedure may include a preceding national competition, which will be organised by the national organisers themselves.

### **4.3 Functioning of the teams**

The students work together in teams. This means that once they are selected they work together in preparing the written documents as well in their preparation for the HS MCC hearings. The coaches should make sure their teams collaborate in all aspects and that there is a balanced divide of the tasks and activities.

Per Moot Court round two (2) students are to be appointed for the pleading before the court. The pleading students are allowed to consult with the other members of the team (the back bench) by use of small notes on paper and short talks.

Students in the back bench may use electronic devices to make notes. Students have to sit as indicated in the Court rooms.

Per team one set of written documents will be submitted as indicated in the Instructions for the Written Statements that will be sent to the participating teams with the Moot Court case and further information related to the case.

### **4.4 Law-Host Country participants (four judges)**

Being aware that the students of the Law-Host Country will have an advantage compared to students not (yet) familiar with that country's law, these students will participate in the role of judges. The four students are in an individual competition against each other. Similar to the other students, the four (4) students of the Law-Host Country will prepare a draft judgement in writing as a group, while submitting an individually adjusted document. In the draft judgement, students should provide a verdict based on the facts presented in the case. Students should show sensitivity to balance the options of judges either to provide a ruling directly based on national law and the interpretation of EU law in that context, or to ask clarification on the interpretation of EU labour law by preliminary ruling to the CJEU.

In addition, if during the hearing questions for preliminary rulings come forward, the student has to reflect on this. As such, these students get the opportunity to experience the position of both types of judges - of a national court and of the CJEU - and show their sensitivity for the European dimension of the case.



The Student-Judges are the Chair of the court. See for more detailed information the Instruction for Student- and Jury-Judges.

#### **4.5 Role of the coaches**

Conceptually the idea of the HS MCC is to enrich students with an extraordinary learning experience. The role of the coaches is crucial in that regard.

In general the role of the coaches is to select and prepare students for the competition.

One of the underlying aims of the HS MCC is for students to develop skills such as oral presentation; argumentation; analytical thinking; team work; in-depth understanding of labour law; etc. Additional aspects could include inter-personal and communication skills of students as well as an excellent substantive understanding of labour law in general and an interest thereof at the European and international level in particular. Since the HS MCC language will be English, it is also an excellent opportunity for students to further develop their English language. As such these could be aspects for coaches to take into account when selecting and preparing their students.

The preparation process falls in two parts: the written assignment; and the oral presentation. The preparations should be tailored to the evaluation criteria discussed below in the section on the tasks of the Jury.

### **5. Principles of the Moot Court Case**

#### **5.1 National labour law, EU labour law and the drawing of the case**

The Case will be prepared by the Case Committee (see the Statute of the HS MCC). The Case should address issues of EU labour law. In order to build the case as realistic as possible the Case Committee has to take into account certain national dimensions. The following issues shall be taken into account by the Case Committee when drawing the case.

- The understanding of the law of the Law Host Country by the competing teams is limited, therefore the Case should be drawn in a way that the main arguments can be based on EU law, including case law. This means that complex doctrines of national law of the Law-Host country must be avoided.
- The case shall be well balanced and provide equal chances for success for the claimant and the defendant.
- The facts in the Case should be sufficient for students to build arguments. Students are not allowed to introduce new facts.

#### **5.2 Principles on the moot court argument**

A moot is an argument (and not a debate) between students acting as advocates representing different parties in a legal action. Therefore the Case Committee should aim to design the moot





court problems in a way that will enable the students to present as many as possible opinions on the legal issues at stake. It is important not only to stimulate the competing teams to get a thorough understanding of EU law, but also to use different manners of legal reasoning, argumentation and text interpretation.

### **5.3 Requests for clarification on the Moot Court Case**

In principle the information provided with the Case suffice for creating your arguments. In case something is not clear enough, participants may ask questions for clarification. The number of questions is limited to three (3) per team.

Once the clarifications have been issued by the Case Committee, they become part of the case. No indications will be given about the significance of the clarification for the case, the valuation of the clarifications is up to the teams themselves. The clarifications will be sent to all participating teams.

All questions should be sent to [hs.mcc.cc@hotmail.com](mailto:hs.mcc.cc@hotmail.com).

### **5.4 Case Material**

The Case Committee can include additional materials to the Case. This may include:

- general introductions to the national legislation on which the Case is based;
- general descriptions of national case law relevant for the interpretation of the national legislation the case is based on;
- summaries of the most relevant doctrine discussing the national legislation and case law, for as far as needed for a thorough understanding of the case;
- legal documents such as contracts, agreements, bylaws, etc;
- press releases, photos, news items, social media content, etc.

### **5.5 Guidelines on the arguments for the Jury-Judges**

The Case Committee provides the Jury-Judges with guidelines on the arguments of the Case.

### **5.6 Law-Host Country/Case Committee**

The Law-Host Country is responsible for organising the Case Committee which should consist of the judiciary, practicing lawyers, and academics who are experts in the fields of European and/or international and/or national labour law.

The Law-Host Country designates one person as the contact-point with the Organising Committee.

## 5.7 Selection of the topics

The selection of topics for the Case is done by the Organising Committee, in collaboration with the Law-Host Country. The Advisory Board is consulted on the selected topics. The final decision on the topics is made by the Organising Committee and Law-Host Country.

The Organising Committee will strive to select issues that are classical as well as new in labour law.

## 6. Composition and tasks of the Jury

The members of the Case Committee form the core of the Jury. Other members of the Jury can be members of the Advisory Board and labour law experts (judges, lawyers, academics) selected by the Event-Host Country in collaboration with the Organising Committee. The members of the Jury are the judges of the HS MCC Court.

The tasks of the Jury include the evaluation and scoring of the performance of the participants during the HS MCC hearings.

### 6.1 Scoring of the Written Statements – 25 % (max. 100 points)

The members of the Case Committee score the Written Statements. The following criteria will be taken into account for the scoring of the Written Statements:

1. The quality of the analysis (max. 50 points)

The quality of the analysis includes:

- The factual analysis (max. 20 points)
- The legal analysis, showing the knowledge of the substantive issues of labour law involved with the case, its contemporary developments and main trends in European context and overall awareness of these substantive issues (max. 20 points)
- Extent and use of research (max. 10 points).

**NB** Teams are not allowed to make up new facts. When such is found by the Jury this will result in a penalty varying from 2 to 10 points in total.

2. Originality and persuasiveness of the argument (max. 20 points)
3. Clarity and well-structured organization of the argument (max. 20 points)
4. Formal aspects: grammar, style, presentation (max. 10 points)

### 6.2 Scoring of oral pleas during the moot court sessions – 75% (max. 300 points)

The oral pleas are scored by all Jury-Judges. Points of focus include the student's ability to plea the case in a persuasive, convincing, logical, and coherent way. The evaluation criteria are the following:

- Opening/closing (max. 5 points)
- Knowledge of facts and legal provisions (max. 15 points)
- Quality, coherence, originality, clarity, legal strategy, role play and persuasiveness (max. 40 points)



- Response to the arguments of the other party (max. 15 points)
- Response to the court's questions (max. 15 points)
- Language and syntaxes (max. 10 points)

Per round a score of 100 points maximum can be obtained, which equals 25% of the total score of 400 points for the whole moot court.

### 6.3 Relation scores between the written statements and the oral pleas

The relation between the written statements and the oral pleas is as illustrated in the **Table 3** below. In case of a tie, the points scored for the written documents will be decisive to appoint the winner.

**Table 3** Relation scores Written Statements and Oral Pleas

	Written Statement	Oral pleas
<b>Quarter-finals (Q-F)</b>	100 points (50 %)	100 points (50%)
<b>Semi - finals (S-F)</b>	100 points (33,34 %)	100 Q-F + 100 S-F = 200 points (66,76 %)
<b>Finals (F)</b>	100 points (25%)	100 Q-F + 100 S-F + 100 F = 300 points (75%)

Overall, the evaluation of the Written Statements and the Oral Pleas together accounts for the knowledge and understanding of the labour law issues addressed in the case, as well as for the possession of adversarial dispute resolution techniques.

## 7. Awards

In total there are four different awards:

1. Award for the best Team - prize for the team that overall scored most of the points (max. 400 points). The team that wins this award is the winner of the Hugo Sinzheimer Moot Court Competition;
2. Award for the best Written Statement - prize for the team that received the highest score for their Written Statements
3. Award for the best Oral Plea - individual prize for the person who scored the highest for the oral plea during the HS MCC Hearings. In case of a ty the Jury appoints the winner by a decision in consensus.
4. Award for the best Student-Judge - individual prize for the member of the team of student-judges from the Law-Host Country who scored most of the points (max 300 points).

The awards will be confirmed by a certificate, signed by the Chair of the Organising Committee, the chair of the Case Committee and the chair of the Event-Host.

Runner ups will also receive a certificate confirming their final position in the HS MCC. The semi-finalist teams that do not make it to the finals will receive a certificate confirming they were semi-finalist. They obtain a shared third place.



## 8. Dispute settlement

The results of the HS MCC and/or the evaluation/assessment of each particular round, and/or any other aspect related to the HS MCC, can be appealed with the Advisory Board. The appeal needs to be filed within one month from the last date of the HS MCC event, by submitting the complaint in writing per email to the Organizing Committee at [hs.mcc@hotmail.com](mailto:hs.mcc@hotmail.com).

The Organising Committee will forward the complaint to the Advisory Board within ten (10) working days after receipt of the complaint. The Advisory Board will appoint a dispute settlement panel (further: the Panel) composed by at least three of its members to decide on the complaint. The Panel shall ensure fair, just and impartial adjudication of the complaint. The decision on the complaint is adopted by consensus and if that is not possible by majority voting.

The decision of the Panel shall be adopted within three months from the date of filing the complaint.

When the Panel observes that the complaint is justified, depending on the nature of the offence or flaw, the Panel may impose one of the following sanctions as it deems appropriate:

- a) a warning;
- b) a reprimand;
- c) deduction of points;
- d) the return of award(s);
- e) exclusion of the participant team (country), coach, Jury-member, 'Law-Host Country' and/or the Event-Host Country of participating in the HS MCC, for a period defined by the Panel.

Depending on the nature of the offence or flaw, the dispute settlement panel of the Advisory Board, at its own discretion, may decide to annul all the results of the particular moot court.



## Annex 1 Scheme process HS MCC (who does what and when)

