

**2nd Draft Common Frame of Reference
Warsaw International Arbitration Moot at the
Court of Arbitration at the PCC**

THE RULES

Warsaw 2013/2014

**Organized by: Court of Arbitration at the Polish Chamber of Commerce in
Warsaw and the European Legal Studies Institute**

I. GENERAL INFORMATION

Goals of the Moot

1. The Moot is intended to popularize and disseminate knowledge regarding the legal texts of the Draft Common Frame of Reference prepared by the Study Group on a European Civil Code and the Research Group on EC Private Law (Acquis Group), and to promote the use of international commercial arbitration to resolve international commercial disputes in accordance with the DCFR. The competition will promote knowledge of the process of European Private Law unification, and show the vital importance of the DCFR as a complete set of rules which will significantly facilitate the settlement of disputes, especially in international arbitration. The Moot will be an occasion to conduct a public discussion concerning the text of the DCFR – its Principles, Definitions and Model Rules of European Private Law, as well as of the opportunities to apply these in practice in arbitration proceedings. For young participants, it will also be an opportunity to appear in the role of an attorney, gain practical experience, and hone skills previously acquired.

Organizers

2. The Moot is organized by the Court of Arbitration at the Polish Chamber of Commerce in Warsaw and the European Legal Studies Institute.

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00-074 Warsaw, Poland

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Universität Osnabrück
Süsterstr. 28
49074 Osnabrück, Germany

3. Mailing Address:
All communications with regard to the Moot should be sent to: moot@sakig.pl

Language

4. The Moot will be conducted in English at all stages.

Interpretation of the Rules

5. Any questions concerning the interpretation of the Rules arising during the written or oral stage shall be submitted to the Organizers.

II. TEAMS

6. Teams for the Moot should consist of from two to six members representing the same law school. Only students who have not yet (at the moment of registration) graduated from a university, law school or similar institution are allowed to participate as team members.
After sending the Statement of Claim, any change in the composition of a team is prohibited. Any modification in the composition of a team may constitute grounds for disqualification.
7. Each team is permitted to have up to two coaches. The coaches can guide and assist the team during the preparation of written statements as well as with regard to the preparation for oral pleadings.

III. REGISTRATION

8. Teams can register for the Moot by completing the official registration form which is available on the Moot website. The form must be completed in whole and submitted to the Organizers within the time period published in the Rules. A team is considered a participating team after the Organizers have received the official registration form on time. Each team will receive official confirmation of its registration.
9. The registration form must be completed by 23 May 2014 at the latest. When completing the registration form, all members of the team must be entered, if already known. The full and final composition of the team must be provided at the latest when sending the Statement of Claim.

Fees

10. No registration fee will be charged for participation in the Moot.

IV. THE COMPETITION

Problem

11. The Moot is a simulated arbitration proceedings based on a fictitious case.
The venue of the arbitration is the Court of Arbitration at the Polish Chamber of Commerce in Warsaw.
For the procedural part, the Rules of the Court of Arbitration at the Polish Chamber of Commerce in Warsaw are to be applied in their current version (January 2007), which is available at the Moot website.
The legal problem is to be considered in accordance with the Draft Common Frame of Reference (DCFR) on the assumption that the DCFR is legally binding.
12. The Problem will be distributed on 22 April 2014 via the official Moot website.

Structure

13. The competition consists of two stages:

A written stage, in which each team prepares a written statement for both: the Claimant and the Respondent.

An oral stage, in which the eight teams with the highest scores on their written statements present their arguments before the Arbitral Tribunal pleading as counsel of either the Claimant or the Respondent.

14. The written statements for both the Claimant and the Respondent and the oral pleadings of each individual team member selected to proceed will be evaluated by an independent and impartial Arbitral Tribunal. The Arbitral Tribunal shall consist of legal experts who are selected by the Organizers. A member of the Arbitral Tribunal shall not grade written statements or take part in a hearing involving a team from a university or other institution in which he or she is professionally engaged.

Clarification

15. Until 9 May 2014, the teams will have the possibility of submitting questions regarding the facts of the case to the Organizers [request for clarification]. Questions that the Organizers consider relevant will be clarified through a Procedural Order within seven days, which will be sent to the contact person of the teams and also be displayed on the Moot website. After this procedure, no further questions can be submitted with regard to the facts of the case.

Written statements

16. Each team shall prepare a written Statement of Claim and a written Statement of Defence. The Statement of Defence shall constitute a reply to a Statement of Claim prepared by another team taking part in the Moot and allotted randomly by the Organizers.
17. Written statements have to comply with the following formal requirements:
- Each written statement should consist of an outside cover page, a table of contents and an argumentation part. Each written statement should consist of an argumentation part no longer than twenty-five (25) pages (A4; Times New Roman font; 1,5 line-spacing space; 12 point character-size; 2.5 cm margin top and bottom, 2.5 cm margin each side). Cover pages, tables of contents, references, indices, lists of authorities etc. may be included as an addition (not counted into those 25 pages of merit). The outside cover page must contain the name of the team, the names of each team member and information on whether the written statement is for the Claimant or for the Respondent.
18. Teams shall submit their written statements to the Organizers in electronic format via e-mail (moot@sakig.pl) as a PDF attachment within the time limit indicated in the time schedule set out by the Organizers. The receipt of written statements shall be confirmed.

The Statement of Claim is due on 1 June 2014 by 24.00 h (local time/CEST).

The Statement of Defence is due on 6 July 2014 at 24.00 h (local time/CEST).

No team may change, modify, add to, delete etc. its written statements after their submission.

19. Written statements and arguments at oral pleadings shall be the result of the team's work and not that of an assisting coach or other person practising law. Teams must provide a signed affirmation with each written statement, confirming that the foregoing provisions have been complied with.
20. Each written statement will be graded by the Arbitral Tribunal (consisting of three members) with regard to its content as well as form. Scores graded by the Arbitral Tribunal for written statements are confidential. The Organizers will disclose the final scores for written statements by submitting them to each individual team only after the Final. Teams which do not qualify for the oral rounds may ask the Organizers about their grades, once the teams selected for the oral rounds have been announced.

Oral rounds

21. Invitations to the oral rounds are based on the results of the written statements. The Organizers will select the best eight teams whose written statements achieve the highest total score (the sum total of points awarded by each arbitrator for both written statements – the Statement of Claim and Statement of Defence). The best eight teams selected will be invited to participate in the oral rounds. The teams selected will be notified by 4 August 2014.
22. The oral rounds will be held in Warsaw, Poland in November 2014 at the Court of Arbitration at the Polish Chamber of Commerce. At the oral stage the best eight teams shall present their argumentation before the Arbitral Tribunal (consisting of three members), pleading for both the Claimant and the Respondent. Each team in every pleading should be represented by its two members (counsels).

Structure of the oral rounds

23. The oral stage consists of three rounds (preliminary round, semi-final and final).
24. Eight teams will participate in the preliminary round. In the preliminary round each team is required to argue twice: once as Claimant and once as Respondent (roles will be divided randomly by the Organizers). Teams at the close of the preliminary round will be ranked from highest to lowest. The four highest-ranking teams will participate in the semi-final.
25. Four teams will participate in the semi-final. In the semi-final each team is required to argue only once: as Claimant or Respondent (roles will be allotted randomly by the Organizers). The best team will be chosen from each pleading in the semi-final.
26. The best two teams chosen in the semi-finals will participate in the final, competing to be the winner of the whole Moot. The other two teams from the semi-finals will plead against themselves for the third place. The two teams in the final and the two teams fighting for third

place in the semi-finals will only plead as either Claimant or Respondent. The roles would be divided by drawing lots.

Communication

27. During the oral pleading each team shall be represented by two counsels who can communicate only with each other. Any communication between counsels and coaches or any other person from the audience is forbidden during the oral pleading.

Scope of oral pleadings

28. The scope of the oral arguments during the hearing is not limited to the scope and content teams' written statements. The scope of the Claimant or Respondent's arguments during the hearing is not limited to the scope of the opponent's argumentation.

Time for Oral Arguments

29. The oral arguments of the Claimant and the Respondent shall be presented within 30 minutes each (15 minutes for each counsel unless otherwise agreed by the teams and the Arbitral Tribunal before or during the oral pleading).
30. The Arbitral Tribunal decides in each pleading whether additional time is to be designated for each counsel to allow him/her to finish his/her argument. The Arbitral Tribunal decides how much time should be allocated to each counsel. An extension of time shall be granted with due regard to ensuring the fair treatment of both teams taking part in the hearing, especially by granting the same extension of time to the other party.

Questions during the hearing

31. Members of the Arbitral Tribunal are allowed to ask questions to a counsel on any point of the argument. Questions may relate directly to the issues of the case or may be of a more general legal nature.

Evaluation

32. Each member of the Arbitral Tribunal grades each counsel separately after each oral pleading. The sum total of individual grades of the two teams' counsels constitutes the total score of the team gained in the oral pleading.
33. The Organizers are responsible for calculating the total score achieved by a counsel and by the teams. Scores graded by the Arbitral Tribunal for oral pleadings are confidential. The Organizers will disclose individual scores for oral statements by submitting them to each individual team only after the final. The scores gained by each team will be made public to other participating teams only after the Organizers receive a team's official consent.

Material

34. During the oral pleadings counsels are allowed to use notes such as pleading notes, legal texts, textbooks etc. except for the electronic devices. However, the use of any additional materials as evidence is not permitted. Permitted material shall be visible on the counsel's table and be available for verification by the Arbitral Tribunal.
35. All team members, coaches, supporters and guests are allowed to attend the hearings. Communicating with the teams' counsels during the hearing is strictly forbidden. The audience is also not allowed to communicate or discuss any issue loudly during the hearing. Any behaviour against these rules may be considered a reason for the Organizers to disqualify the team.

Certificates

36. The award in the Moot will be 3-days accommodation in Warsaw covered by the Organisers for the eight teams whose written statements achieve the highest total scores. The Organisers will send out information regarding the accommodation after the teams are notified about qualifying to the oral round.
37. Each participant will be awarded a certificate of participation, in which it will be stated whether a team has participated solely in the written stage of the Moot or has reached the oral rounds.
38. The three highest-ranking teams will receive certificates indicating the position they gained.
39. A Certificate for the Best Statement of Claim will be granted to the team receiving the highest average score for the Statement of Claim.
40. A Certificate for the Best Statement of Defence will be granted to the team receiving the highest average score for the Statement of Defence.
41. A Certificate for the Best Oralist will be granted to the three best participants with the highest average individual score, acting as counsels in at least two oral pleadings.