

An unforgettable moment for six Master students of the Catholic University of Lille: the participation at the ELMC in Edinburgh



Les étudiantes du Master 1 droit international et européen ont eu l'opportunité de participer à l'ELMC (European Law Moot Court). L'ELMC est un concours de plaidoirie portant sur un cas fictif concernant le droit de l'Union européenne. Le cas est créé par des juges et autres professionnels du droit et est envoyé à chaque équipe participante. Le concours comporte deux étapes : d'abord une phase écrite où chaque équipe doit rédiger un mémoire écrit comportant les arguments de chacune des parties du cas (demandeur/défendeur). Une fois les mémoires envoyés aux juges de l'ELMC, une première sélection s'effectue. Les équipes qualifiées pour la phase orale (la finale régionale) doivent alors préparer des plaidoiries pour les rôles du demandeur, du défendeur, de l'avocat général ou de l'agent de la Commission. Quatre finales régionales ont lieu, à l'issue desquelles les gagnants de chaque finale régionale seront qualifiés pour participer à la finale au Luxembourg devant la Cour de Justice de l'Union Européenne. Nous vous proposons un article relatant cette expérience inoubliable et que l'on souhaite à tout étudiant en droit. L'article est entièrement rédigé en anglais.

For the first time in history, the Catholic University of Lille succeeded in qualifying for the prestigious European Law Moot Court (ELMC). Thanks for the team's dedication and international composition, we were successful in submitting our written memorials on November 25 2017 with the help of our devoted coaches. All this combined lead us to the regional finals in Edinburgh, which took place from 1-4 March 2018. There is no doubt that this experience has enriched each team member with a number of skills and competences on both the professional and personal level, which will boost our careers as legal professionals in the future. Despite the long hours of research and drafting causing stress and frustrations, participating in the ELMC is an experience that we all strongly encourage prospective students at the Catholic University of Lille to participate in.

The written phase of the ELMC competition starts with the publication of the case on its official website. In the year of 2017 the main issue chosen by the authors of the case was EU public procurement rules, but the case also reached other areas such as fundamental rights (data protection) and CFSP (Common and Foreign Security Policy). The publication of the case was made before the beginning of the school year, thus we started the competition with a delay of two weeks. The document published by the organization contains the facts of the case and three questions that are ought to be answered in the written submission: one relating to national security, one relating to public procurement review, and the final question relating to data protection and application of EU sanctions.

The first step in writing the written plea is the separation of the group into two subgroups: one representing Applicant and one representing Defendant. It is important to understand that even if we were looking for arguments for our side of the dispute, we are also part of a team. Therefore, all information that may not be important to one subgroup, might be valuable for the group defending the other side. This was the moment where team spirit really needed to come to life, you need to see yourself as a group, not individuals doing only their own work. This element is not only key for writing a good plea, but it is also key to the dynamics of the group. The content of our work is important, but how we deal with our peers is as important as the plea. You will spend countless hours with these people, if you qualify to the regional finals you will share a room with them for over a week. So, be nice and help each other. In other word: BE A TEAM.

Concerning the format of the plea, it was important to read the rules carefully. Otherwise, it could cost points, and if not, disqualification from the competition. Another key point is understanding the facts. In case of doubts, our peers and coaches are of good help. In our group, we were lucky enough to have two coaches that were available to answer all our questions. We had the opportunity to work with a student that have already done the ELMC the year before and a teacher that was an EU law expert. However, the help of teachers and coaches is not enough to write a good plea, it was necessary for us to do the research on our own. This means, reading countless CJEU cases, treaties, directives, regulations, guidelines and so on. This part was the longest part of the process since we had to juggle our classes (exams, readings, exercises and attendance) with our work with the Moot (readings, meetings, writings, etc.). The management of our time was extremely important, since we had established goals for each session with our coaches, meaning that we needed to progress our researchs and writings constantly.

It is important to be prepared before the deadline of the written plea, we used our last day arranging footnotes, re-writing sentences, going over case law, references, etc. It can be frustrating writing something over and over again, and this is when the team work comes to play again. We tried to make this last moment of stress less stressful, by just spending time together and doing what was possible to do in the last 24 hours. The final memorial was rendered on 25th November 2017. The results were posted online on 11th January 2018, we found our group, number 37 (as it is anonymous) was one of the 12 teams going to Edinburgh. Now it was time to prepare the oral phase.

Ideally, teams are supposed to start preparing for the oral phase before knowing if they classified or not to the regional finals. From the moment of the results we started preparing our pleas. In our case there would be 4 people having active roles, chosen by the coaches: one applicant, one defendant, one legal counsel, and one advocate general. Furthermore, it is important to remember that the ELMC is a bilingual competition, so being able to speak both languages (English and French) is important. However, it is not imperative as if you come from a French school you have to plead in English and if you come from an English school you plead in French. Different rules apply if you are not a native speaker of both languages. There were two key elements for preparing for the oral phase: our content needed to be good (further research needed) and our speech abilities needed to be perfect. We started by revising our content of the written plea and decided what to do for the oral phase. After that, it was a matter of practicing the speech and be able to answer potential questions asked during your speech. We needed to know not only our case, but case-law and general principles of EU law.

The questions asked during the competition may be related to your case, or only have a slight connection to it. And we needed to be prepared for both.

We practiced our plea with our coaches countless times: alone, in groups and finally in our pre-Moot. During the pre-Moot, we had invited judges to judge our ability to speak and the content of our pleas. This was probably one of the most challenging moments of the whole process. After putting in all the hard work we could have put in the plea we were still very much criticized during our pre-Moot. We had issues answering to questions, finishing our pleas in time, coordinating our action with the legal counsel, and sometimes just trying not to cry. It was hard being so openly criticized in front of people, it was hard not to take it personally and not to be demotivated only one week before the real event. After all, what was the point? What could we have changed in one week? Well, after picking up the pieces of our pride and our emotions we got back to work. We prepared our binders (i.e. folders with case-law and legal documents), we modified our pleas, memorized them and we finally decided to enjoy the experience. All the hard work would be over in a few days, 6 months will be played in 20 min, in a small room in Edinburgh University.

So the team of the six girls started with their coach in a mess of snow to Edinburgh. On the Friday, 2nd March 2018, started the first round of the regional final of the ELMC in Edinburgh. In consequences of the snow that fell in the last days, the original location, the Edinburgh Sheriff Court, was closed. But the organizer had already a plan A and B. The first round took place in the Europe Institute. After a quite short night and a short distance walk through the snow the teams waited excited for the opportunity to plead in front of the judges. Our team started with the pleadings of the Applicant and of the Advocate General. Shortly after followed the pleading of the Defendant. Our team was quite nervous and scared not to be able to answer the question of the judges but in a fighting mood to do a good job. However, for everybody of our team the pleadings went well and the team spirit was obvious for everybody. What a great experience to plead in front of judges. All the stress disappears and at the end we had fun defending our cause.

For the announcement of the winners of the semi-final on Saturday the team had to wait until Friday evening. In a nice atmosphere with the other teams we got the sadly result that the team would not be in the semi-final. Four teams participated in it on Saturday morning. In the afternoon, all teams came back to the Parliament House where the final took place. The teams of a Swedish and a Greek university qualified for the final. Finally, the Swedish team won the regional final and could be proud to get the opportunity to plead in the next final round in front of the Court of Justice of the European Union in Luxembourg.

On Saturday evening, we were invited to the Old College of Edinburgh for a dinner with all the persons involved in the ELMC. We had a typical Scottish menu and were organized by small different tables. It was a delicious, fancy and very interesting dinner. We got to know more people and we had a lot of fun. After it, we had a song contest organized by nationality. It was one of the funniest part of our trip: each nationality had to sing a song from their country. The Italians sang Bella Ciao, the Spanish a medley, a Russian coach sang a beautiful traditional song, all Germans sang the European Hymn "Ode an die Freude", all French people sang La vie en rose, let's say we did not succeed in doing so (we wanted to sing some Sean Paul anyway...). That was a great moment of conviviality. Then, we all went to a

Brazilian nightclub where we had fun with all the students and coaches, but this part has to remain undisclosed...

The most important thing is that we were doing all this as a team. And the experience of being there all together is beyond words. We had a great time, not only pleading, but also getting to know better the people that we had been working with during 6 months. We all became very good friends, because we shared a whole journey together. The ELMC Moot Court was probably one of the best experiences of our life, we gained knowledge, we learned how to do effective research, we learned more about EU law. But we also met great people, from all the other teams that were there, Moot Court is a place where you can do networking, which is a valuable key for your future career. Trust us you want to participate in such a journey because you will never forget this experience and will create a lifetime of memories.



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