

The 2023 China WTO Moot Court Competition

Rules of Procedure

The 2023 China WTO Moot Court Competition

Preliminary rounds: 11 December 2023 to 12 December 2023

Quarterfinal, semifinal and final rounds: 17 December 2023

CHAPTER I: GENERAL RULES

1. Function

The World Trade Organization Moot Court Competition (“WTO MCC”) takes the form of a (simulated) panels hearing according to the rules of the WTO dispute settlement mechanism.

The WTO MCC is designed to advance academic understanding of the WTO and its agreements, to contribute to discussions on globalization and trade, and to develop students’ competence of legal skills and advocacy skills.

2. Organization

The WTO MCC was jointly initiated by Southwest University of Political Science and Law, China University of Political Science and Law, WTO Law Society of China Law Society and the Department of Treaty and Law of Ministry of Commerce of the People’s Republic of China. The WTO MCC has been successfully held for 11 years.

The 2023 WTO MCC is organized by School of International Law, Southwest University of Political Science and Law (“Organizer”).

The 2023 WTO MCC consists of two parts: the written submission and the oral pleading. Panelists will cover Panels and Appellate Body Panels of WTO, Professor, Senior Lawyers and Senior Officials of Department of Commerce (they are chief experts having attended the real Panel Hearings in WTO).

3. Applicable Rules

- a. All teams participating in the 2023 WTO MCC shall be subject to the rules contained herein and are presumed to have familiarized themselves with these rules.
- b. The rules contained herein are applicable to all rounds of the competition.

4. 2023 WTO MCC Structure and Timeline

- a. Written Submission must be submitted by each team to the Organizer by **18:00 on 19 November 2023** (the “Written Submission”).
- b. The Preliminary Rounds are to be held on **11 and 12 December 2023**.
- c. The Quarterfinal, semifinal and final rounds are to be held on **17 December 2023**.

5. Participation

- a. Only Chinese students (PhD candidate excluded) enrolled in undergraduate and postgraduate programs are eligible.
- b. Students from disciplines other than law, can be considered provided that they have the requisite international trade law knowledge. It is within the responsibility of each team to ensure that its team members have the level of knowledge suitable for the competition.
- c. Students aged 35 and above at the time of 2023 WTO MCC are not eligible to participate. The Organizer reserves the discretion to make exceptions to this rule upon written request.
- d. A student can participate in the WTO MCC as an oralist once only. A student with previous participation in the WTO MCC as an oralist is not eligible to enter the 2023 WTO MCC.
- e. A student who participated in the WTO MCC as a researcher in the previous edition of WTO MCC is eligible to enter the WTO MCC again the following year as an oralist.

6. Team Composition

- a. Each team will be composed of team members as follows:
 - i) Two (2) to Four (4) oralists;
 - ii) One (1) to Three (3) researcher(s).
- b. Each team must submit in writing their team composition at the time of its team registration.
- c. The maximum number of members for each team cannot exceed seven (7). A team may be composed of no fewer than two (2) oralists.
- d. Team Registration
 - i) Each team can apply for registration via the email: chinawtomoot2023@163.com
 - ii) The deadline for registration is **18:00 on 20 October 2023**.
- e. Any other changes in team composition must be submitted in writing by email **before 24:00 on 12 November 2023**. Any request for changes in team composition after this timeframe shall be rejected. However, the Organizer reserves the discretion to allow team composition changes after the deadline under circumstances which it considers necessary and in the interests of fairness to the 2023 WTO MCC.

7. Language

The 2023 China WTO MCC will be conducted in English only.

8. Amendment of Rules

- a. The rules contained herein can only be amended by the Organizer.
- b. The Organizer reserves the right to make changes in the case of absolute necessity. Any changes made will be notified to the team(s) most likely to be affected.

CHAPTER II: PROCEDURES FOR THE WRITTEN SUBMISSION

9. Content

Each team must prepare and submit the Written Submissions for both Complainant and Respondent. For the Written Submission, each team is encouraged to pair and plead its claims and arguments, in accordance with the WTO Understanding on Rules and Procedures governing the Settlement of Disputes.

10. Written Submission Format

- a. Each team's Written Submission must be written on A4 sized paper, with one-inch margins at top, bottom, left, and right.
- b. Each team must submit its Written Submission in Microsoft Word 2010 (with "docx" file extension) and a pdf copy (with "pdf" file extension). For the Written Submission, each team shall follow the model template in terms of font, spacing, margins and other formatting which is available on the WTO official webpage for the panel's report. For example:
 - i) Font and Font Size: The text of all parts of the Submission (excluding the Cover Page and footnotes) must be in Times New Roman in 11 points.
 - ii) Line Spacing: The text of all parts of the Submission (excluding the Cover Page and footnotes) must be 1.5 line spaced, with 12 points spacing after each paragraph.
 - iii) Footnotes: Footnotes must be Times New Roman (for English) in 10 points in serial number (1.2.3.....). The text of the footnotes must be 1 line spaced, with 4.5 points spacing after each footnote.
- c. Each team's Written Submission must not exceed 25 pages (excluding cover, table of contents, abbreviations, references, signature pages and back cover).
- d. For the reference and citation in the Written Submission, each team shall resort to the law and regulation, original documents available at the WTO official webpage, such as WTO Analytical Index, Guide to WTO Law and Practice (2nd), WTO Panel/Appellate Body Report.

11. Team Identification

- a. In the interest of fairness and objectivity, each team shall be assigned a number upon their registration.
- b. This number will be emailed to each team by the Organizer.
- c. This number becomes the team's identifier throughout the 2023 WTO MCC.
- d. Each team must omit names of its members.

12. Cover Requirement

- a. Each Written Submission cover must be color coded accordingly:
 - i) Blue for Complainant;
 - ii) Red for Respondent;
- b. Team Identification Number.

13. Order of Content

The Written Submission shall be presented in the following order:

- a. Cover Page
- b. List of Abbreviations
- c. Reference (such as list of GATT/WTO Panel/Appellate Report)
- d. Table of Content
- e. Claims and Arguments
 - i) Identification of the Measures at Issue
 - ii) Legal Pleadings
 - iii) Request for Findings
- f. Signature on a separate page (by all members of a Team) with the following statement:

“Each member of this team declares that she/he has abided by the General Rules and Guidelines in the course of preparing this submission and is aware that any violation of such Rules and Guidelines shall result in disqualification for participating in the Oral Pleadings and any awards.”
- g. Annex (Optional)
- h. Back cover

14. Time Limit for the Written Submission

- a. The electronic copy of Written Submissions for both Complainant and Respondent must be submitted by each team to the Organizer by **18:00 on 19 November 2023** via the following email address: chinawtomoot2023@163.com.
- b. The electronic copy of brief Written Submissions (no more than 3000 words) for both Complainant and Respondent must be submitted by each team to the Organizer

by **18:00 on 4 December 2023** via the following e-mail address: chinawtomoot2023@163.com.

c. Once the Written Submission has been submitted to the Organizer, no revisions, supplements, or additions will be allowed. The electronic copy will be the official one.

d. The electronic brief Written Submissions will be exchanged between the teams before the oral rounds.

15. Scores

a. Scores are rewarded out of 100.

b. Scores are allocated as follows:

i) Command of the issues: 20 points

ii) Argumentation: 30 points

iii) Legal Analysis: 40 points

v) Style: 10 points

CHAPTER III: PROCEDURES FOR ORAL PLEADING SESSIONS

16. Content

For the oral pleading, each team is encouraged to pair and plead their claims and arguments in front of the Panels, in accordance with WTO Understanding on Rules and Procedures Governing the Settlement of Disputes.

17. Diplomatic Etiquette

Each team shall keep in mind that the Complainant or Respondent it represented is also a WTO member. Therefore, each team's behavior during the oral rounds shall present WTO members' due diplomatic etiquette during the WTO dispute settlement procedure.

18. Composition of Panels

a. Panels shall consist of three (3) panelists to be decided and selected by the Organizer per round.

b. Panelist must not give its individual opinion on who he/her personally consider the best participant outside of the deliberation room.

19. Role of the Secretariat

a. The Secretariat is nominated by the Organizer.

b. The Secretariat is responsible for:

i) the collection of the score sheets and their delivery to the Organizer;

- ii) briefing and advising the panels on the rules of procedure contained herein;
- iii) keeping order during the oral rounds.

20. Appearance

- a. Each team is scheduled to have a maximum of Eighteen (18) minutes in the preliminary round to appear before the panels from the start of the scheduled time.
- b. 2023 WTO MCC will proceed on an ex parte basis at the expiration of the Eighteen (18) minutes.

21. Order of the Oral Pleading

- a. Preliminary round (11 December 2023 to 12 December 2023)

- i) First oral statements

Complainant presents the case and its views: up to 3 minutes.

Respondent presents its views: up to 3 minutes.

- ii). Rebuttal

Rebuttal by the complainant: up to 10 minutes.

Rebuttal by the respondent: up to 10 minutes.

- iii). Second oral statements

Complainant presents its views: up to 5 minutes.

Respondent presents its views: up to 5 minutes.

The Panels may put questions to the parties and ask them for explanations, and each party is not allowed to directly ask questions to the opposing party. The time limit for each party to answer the questions is 10 minutes (question time excluded).

- b. Quarterfinal round, Semifinal round and Final round (17 December 2023)

- i) First oral statements

Complainant presents the cases and its views: up to 5 minutes.

Respondent presents its views: up to 5 minutes.

- ii). Rebuttal

Rebuttal by the complainant: up to 10 minutes.

Rebuttal by the respondent: up to 10 minutes.

- iii). Second oral statements

Complainant presents its views: up to 5 minutes.

Respondent presents its views: up to 5 minutes.

The Panels may at any time put questions to the parties and ask them for explanations, and each party is not allowed to directly ask questions to the opposing party. The time limit for each party to answer the questions is 15 minutes (question time excluded).

22. Allocation

- a. The oralists of a team will take on the presentation of complainant or respondent

per round and answer the Panels' questions.

b. Each team may freely allocate order and time of each oralist. It is within the discretion of each team which oralist will present the oral statements and rebuttal.

23. Decision

a. Panels' deliberation: 30 minutes.

b. Panels' delivery of decision: 15 minutes.

24. Oralists

a. Each team shall consist of two (2) to four (4) oralists.

b. Only formal members that have been pre-registered are allowed to enter into the online meeting room.

c. Each oralist will speak according to the time allocated under Rule 21 and 22.

d. Verbatim reading of the written submission during the oral round is strictly prohibited.

25. Scores

a. Scores are rewarded out of 100.

b. Scores are allocated as follows:

i) Command of the issues: 20 points:

ii) Argumentation: 30 points

iii) Legal Analysis: 40 points

iv) Diplomatic Etiquette: 10 points

c. Score sheets may be obtained by each team upon the cessation of the WTO MCC.

d. The secretariat is responsible for obtaining the score sheets from the panels which are then distributed to the teams.

26. Communication

a. Communication between the spectators and the oralists is strictly prohibited during the oral pleading sessions.

b. Only the presenting oralists are permitted to communicate in writing with researchers or other oralists during the oral pleading sessions.

c. The use of laptops by each team during the oral pleading sessions is strictly prohibited. An exception can be made by the Organizer for exceptional circumstances such as a team member's handicap.

CHAPTER IV: PENALTIES

27. General Penalties

- a. Each team must maintain full dignity and observe the rules of the 2023 WTO MCC throughout the 2023 WTO MCC.
- b. Inappropriate behavior displayed by any participating team will be penalized.
- c. Inappropriate behavior displayed by any observers for the 2023 WTO MCC during the 2023 WTO MCC: escorted out of the venue of the 2023 WTO MCC.

28. Penalties for Written Submission

- a. Late submission of Written Submission: 20 points
- b. Violation of anonymity requirement under Rule 11(d): 40 points
- c. Non-adherence to the format requirements under Rule 10: 5 points for each violation
- d. The omission of any of the required list of contents under Rule 13: 5 points for each violation
- e. For every page exceeding the page limit: 5 points
- f. Inclusion of facts not stated in the Case: 10 points
- g. Plagiarism in Written Submission: disqualification.

29. Penalties for Oral Pleading

- a. Violation of Rule 21: 5 points for each violation.
- b. Scouting: immediate disqualification from 2023 WTO MCC.
 - i) Scouting is defined as when a team or its members attend an MCC in which it is not a participant.
 - ii) Scouting shall also include instances where students or spectators discussing or posing questions with the panels, regarding the specific issues or questions in the 2023 WTO MCC case.

30. Preliminary Rounds and Final Rounds

- a. During the Preliminary Rounds, each team will take on the presentation of Complainant and Respondent (once as Complainant and once as Respondent). The top eight highest-ranking teams will advance to the Quarterfinal Rounds, based on Written Submission scores (50%) and Oral scores (50%) earned during the Preliminary Rounds.
- b. During the Quarterfinal Rounds, each team will take on the presentation of Complainant or Respondent. The top four highest-ranking teams will advance to the Semifinal Rounds, based on Oral scores earned during the Quarterfinal Rounds.
- c. During the Semifinal Rounds, each team will take on the presentation of Complainant or Respondent. The top two highest-ranking teams will advance to the Final Round, based on Oral scores earned during the Semifinal Rounds.
- d. During the Final Round, two teams will take on the presentation of Complainant or

Respondent. The winner of the Final Round will be determined solely on the basis of oral scores in this Round. The winner of the Final Round will be designated the Competition Champion.

31. The Competition will conclude with the announcement of the following awards:

- a. Winner;
- b. Runner-up;
- c. Third place;
- d. Best Written Submission (Complainant);
- e. Best Written Submission (Respondent);
- f. Best Oralist (Complainant);
- g. Best Oralist (Respondent).

32. Certificates

Each participating team shall receive a certificate of participation.