

# **NILOS MOOT COURT COMPETITION**

**OFFICIAL RULES 2020**

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## **OFFICIAL RULE 1.0: ORGANIZATION OF THE COMPETITION**

### **1.1 Administration**

**(a)** The NILOS Moot Court Competition (hereinafter to be referred to as ‘the Competition’) is presented annually by the Netherlands Institute for the Law of the Sea (hereinafter to be referred to as, ‘NILOS’).

**(b)** NILOS is the permanent office of the Competition and is located at Utrecht University Law School, Utrecht, The Netherlands. It is also the executive office of the Competition.

**(c)** NILOS is responsible for the administration, organization and execution of the Competition.

### **1.2 Competition Structure**

**(a)** The Competition consists of two rounds: (1) National or Regional Rounds, and (2) the Final Rounds. National or Regional Rounds are held in each nation or region where more than one Team participates in the Competition. The Final Rounds represent the final level of the Competition and are held in Utrecht (The Netherlands). Each round consists of written pleadings (Memorials) and oral pleadings (Oral Rounds).

**(b)** Each participating nation is permitted to enter at least one Team in the Final Rounds of the Competition.

### **1.3 National or Regional Rounds**

**(a)** After registration and payment of fees, in the case of registration from more than one university in a nation or region, NILOS will inform the relevant universities of the necessity to appoint a National or Regional Administrator.

**(b)** The National or Regional Administrator will be responsible for designating the date and location for the National or Regional Round. They will conduct this round in a manner consistent with the present rules.

**(c)** The National or Regional Administrator will consult the Official NILOS Schedule and choose a date that allows teams adequate opportunity to organize travel and prepare for the Final Rounds.

**(d)** The National or Regional Administrator shall inform teams as soon as practicable but not less than three weeks before the international rounds.

**(e)** The National or Regional Administrator may not serve as a Team Coach or in any other way assist a Team registered in his or her National or Regional Round. An Administrator may not act as a judge in his or her National or Regional Round.

## **OFFICIAL RULE 2.0: PARTICIPATION AND ELIGIBILITY**

### **2.1 Institutional or Team Eligibility**

**(a)** Any university offering a degree in law or related to international law and/or the law of the sea are eligible to participate in the Competition.

**(b)** Each institution may enter one Team in the National or Regional Round regardless of the number of colleges, departments, faculties, or schools within that institution, and the Team may include students from one or more of its colleges, departments, faculties, or schools.

**(c)** NILOS may refuse the participation of universities with outstanding debts for fees or other Competition obligations until such fees have been paid or obligations met.

## **2.2 Team Composition and Member Eligibility**

A person may be a Team Member if he or she:

**(a)** is pursuing a law degree, an international law or law of the sea-related degree, or an international relations-related degree at either a Bachelors or Masters level, and

**(b)** intends to compete on behalf of an eligible institution at which he or she is enrolled as a full-time or part-time student as of (i) the Team Member registration deadline, (ii) the institution's National or Regional Rounds, or (iii) the Final Rounds; and

**(c)** has never participated as judge, either of Memorials or in any Oral Round, at any level of the Competition.

**(d)** Any Team may be composed of no more than five Team members but no less than 2 Team members.

**(e)** The names of participating Students are to be submitted by the date of the registration. Substitution of team members are not permitted after this date, unless for extenuating circumstances, which are left to the discretion of NILOS.

## **2.3 Outside Assistance and Coaches Assistance to Teams**

**(a)** Each Team must produce their own legal and factual arguments without the assistance of persons who are not Team Members.

**(b)** Outside assistance must be confined to general commentary on either the memorial or oral advocacy style. Any Team that receives outside assistance may be penalized and may be disqualified from the Competition.

**(c)** A Team shall have a maximum number of three (3) Team Coaches to adequately prepare the Team to participate fairly in the Competition. Team Coaches may provide advice to a Team, provided such advice is limited to general instructions and commentary in all aspects of the competition.

## **2.4 Problem Corrections and Clarifications**

Clarifications and corrections can be requested at the given deadline. Each team must ensure that these are received and duly noted.

## **OFFICIAL RULE 3.0: TEAM REGISTRATION**

### **3.1 Team Registration**

**(a)** Each Team must register with NILOS and pay the registration fee at the stipulated deadline.

**(b)** Each Team must allocate a contact person within the Team with a valid email address at registration. Notice sent to the registered email address constitutes notice to all Team Members.

**(c)** It is the responsibility of the Team to ensure that students are eligible under the provisions of Rule 2.2.

- (d)** The name of each Team Member and the degree program in which he or she is enrolled must be registered with NILOS via the registration form.
- (e)** The name of each Team Coach for a Team must be registered by the set deadline.
- (f)** Any changes to registration information can only be made by communicating with NILOS after the registration deadline has been made.

### **3.2 Waiver of Registration Fee**

Teams unable to pay in full the registration fee levied pursuant to Rule 3.1(a) may apply for a waiver or discount from NILOS. It is at the discretion of NILOS to grant so in exceptional circumstances. Such requests must be done by the stipulated deadline.

### **3.3 Team Number as Identification**

Once a Team has completed registration, including paying in full the appropriate registration fee, the Executive Office will assign the Team an official Team Number. The Team will be identified by this number. They must use this number for all communications purposes and on the submission of their memorial.

## **OFFICIAL RULE 4.0: MEMORIALS**

### **4.1 Submission of Memorials**

- (a)** Each Team participating in the Competition must prepare one Applicant and one Respondent Memorial.
- (b)** Each Team must submit its Applicant and Respondent Memorials electronically to the Competition email (nilos.mcc@uu.nl), no later than the stipulated deadline. The submission of the memorial must be done from the registered email of the allocated contact person within each Team. The email must be addressed to NILOS with the Applicant and Respondent memorials being attached separately. The files shall be entitled: “\*\*\*\*A” and “\*\*\*\*R” (where “\*\*\*\*” is the Team’s official Team Number assigned in line with Rule 3.3). If one of the memorials is to be submitted late, a team can submit the timely memorial separately without penalty. The late memorial will be given penalties according to Rule 8.
- (c)** All electronic and paper copy versions (if any) of Memorials submitted to the Executive Office, the Administrator, or any other person must be identical.
- (d)** Each team may resubmit their Memorials without penalty until the Memorial deadline has passed. After the deadline has passed any resubmitted memorial will be subject to the same penalty as a late memorial according to Rule 8.
- (e)** Equipment failure or problems will not be considered justification for improper formatting or late submission of Memorials, unless in extenuating circumstances, and such is within the discretion of NILOS.
- (f)** All memorials are to be submitted anonymously, as such the names of participants, and the nations or school name of Teams, may not appear on or within the Memorials, and Team Members should not sign their Memorials. Any reference at all shall be struck out on reception of the memorial before it is submitted to a judge.

## 4.2 Memorial Formatting

**(a)** All parts of each Memorial must be contained in a single file. Memorials must be submitted in Word format. Memorials which do not conform to this will be subject to penalties according to Rule 8. If a Team submits its memorials in an unacceptable format it may resubmit conforming Memorials, without any penalties up on to the deadline.

**(b)** All pages of the Memorial must be A4 format (21 cm x 29 ¾ cm), with margins of at least one inch (2.5 cm) on all four sides.

It is recommended that the font and size of the text of all parts of the Memorial, including the Cover Page, page numbers and the footnotes, be in Times New Roman 12-point. Line spacing is 1.5 lines with the exception of the Cover Page, Table of Contents, Index of Authorities, headings, and footnotes (which can be single-spaced). A quotation to sources outside of the Memorial may be block quoted (i.e. right and left indented) and single-spaced if the quotation (excluding footnotes) has at least 50 words.

Note: Whilst, Memorial judges may consider formatting and presentation when they evaluate memorials, Teams will not receive any formal penalties for not conforming to the recommended formatting.

## 4.3 Memorial Content

**(a)** The Memorial must contain the following parts in the following order:

- (i)** Cover Page;
- (ii)** Table of Contents;
- (iii)** Index of Authorities;
- (iv)** Introduction (including a summary of pleadings and the submissions)
- (v)** Statement of Facts;
- (vi)** Statement of Jurisdiction;
- (viii)** Pleadings; and
- (ix)** Submissions and prayer for relief.

**(b)** Parts not enumerated in paragraph (a), for example, a Table of Abbreviations, are prohibited.

**(c)** Participating teams are obliged to follow the order as mentioned in paragraph (a). Each section shall include only information relevant to that section.

## 4.4 Cover Page

The front cover of each Memorial must have the following information:

- (a)** the Team Number in the centre followed by “A” if an Applicant Memorial or “R” if a Respondent Memorial (e.g., Team 123 would put “123A” in the centre of the front cover of its Applicant Memorial);
- (b)** the represented fictitious country;
- (c)** the name of the court;
- (d)** the name of the case; and
- (e)** the title of the document (i.e., “Memorial for Applicant” or “Memorial for Respondent”).

#### **4.5 Length**

The Pleadings (section (viii)) and the Submissions (section (ix)) together, including footnotes, shall not exceed twenty-five (25) pages. Any argument with respect to jurisdiction or admissibility shall be included in the Pleadings (section (viii)).

The Memorial may also include Annexes up to a maximum of five (5) pages.

#### **4.6 Citation Requirement**

Appropriate footnoting must be used to identify sources in the Memorial. Footnotes may include substantive pleadings alongside the citation.

Citations used shall include enough information to allow for the identification of the source.

#### **4.7 The Committee of Appointed Judges**

**(a)** The Memorials for the International Round shall be judged by the Committee of Appointed Judges.

**(b)** All participating teams shall appoint two (2) duly qualified persons to sit on the Committee of Appointed Judges. The deadline for the participating teams to inform the NILOS of the names and contact details of members appointed to sit on the Committee of Appointed Judges is indicated on the Competition's Time Schedule. Preferably, no faculty members of the participating universities should be nominated. NILOS has the authority and discretion to grant a team a waiver of (part of) this duty.

**(c)** Each Memorial shall be judged individually by three (3) members of the Committee of Appointed Judges, acting independently of one another. No Board member shall judge Memorials of a team of the same country as the team by whom the Committee member is appointed.

**(d)** Non-compliance with Rule 4.7 (b) shall be penalised by the Organising Committee in accordance with the present Rules.

#### **4.8 Grading of the Memorials by the Committee of Appointed Judges**

**(a)** The members of the Committee of Appointed Judges shall score the memorials submitted to them exclusively on official scoring sheets supplied by the NILOS.

**(b)** A grade between sixty (60) and one hundred (100) points per Memorial shall be awarded by each member of the Board, excellent being 90-100, good being 80-90, average being 70-80, and poor being 60-70.

**(c)** The scoring factors to be considered, without regard to their order of importance, shall include, but not be limited to:

- (i)** knowledge of the facts and the legal principles directly applicable to the facts;
- (ii)** proper and articulate analysis of the issues involved;
- (iii)** use of authorities and extent of research;
- (iv)** logic and reasoning;
- (v)** evidence of original thought;

- (vi) clarity and organization;
- (vii) persuasiveness;
- (viii) thoroughness;
- (ix) grammar and style.

**(d)** The final score for a Memorial shall be the sum of the points awarded by the members of the Committee of Appointed Judges minus any penalty points. The maximum number of points that a team can score for the Memorials is six-hundred (600): three-hundred (300) points for the Memorial on behalf of the Applicant and three-hundred (300) points for the Memorial on behalf of the Respondent.

**(e)** At the end of the Competition, the team having prepared the Best Applicant's Memorial and the team having prepared the Best Respondent's Memorial will be announced. The Best Memorials are those which received the highest final scores.

## **OFFICIAL RULE 5.0: ORAL PLEADINGS**

### **5.1 General Procedures**

**(a)** Each oral round can be presented by 2 to 3 members of a team. Each round consists of 90 minutes of oral pleadings. The Applicant and Respondent are allotted 45 minutes each. Each oralist can speak for no longer than 25 minutes, this includes either rebuttal or surrebuttal. Any oralist which exceeds 25 minutes will be given penalties.

**(b)** A rebuttal or sur rebuttal can be no longer than 7 minutes.

**(c)** Any oralist may exceed the given time at a judge's discretion, so in the case that further questions are asked, or the judge allocates further time, without any penalties.

**(d)** Each team must indicate at the beginning of the first oralist pleading how much time will be given to the first and second oralist, and to either the rebuttal or surrebuttal. Any oralist which exceeds the stipulated time will be given penalties.

**(e)** No oral or written communication may take place between the team table or the oralist and their accompanying staff members or any member of the public during the session in which that team presents its oral argument, rebuttal or surrebuttal.

**(f)** No oral or written communication may take place between the team table and an oralist while the oralist is presenting his or her argument, rebuttal or surrebuttal. This does not, however, preclude an oralist from taking a treaty or similar document (i.e., primary sources) from the team table when the oralist has been questioned about such a document.

**(g)** During an Oral Round, oralists and participants seated at team table may not operate, for any purpose, mobile phones, laptop computers, tablets, or any other computing or electronic devices, including but not limited to those which are internet-enabled or data-capable, or have instant messaging capabilities. All such devices must be turned off as soon as the bailiff first enters the courtroom and must remain off until the conclusion of the Oral Round. A Team that violates this Rule will be given penalties.

**(h)** Team members are not permitted to wear robes during the presentation of the oral arguments, nor may they wear garments which could indicate their country of origin.

**(i)** Any oral presentation should be conducted without any visual presentations.

**(j)** At any oral round a three (3)-judge panel must be employed.

## 5.2 Order of Pleadings

**(a)** The order of the pleadings at the National or Regional Round and Final Round is:

Applicant 1 --> Applicant 2 --> Respondent 1 --> Respondent 2 --> Rebuttal (Applicant 1 or 2) -  
-> Surrebuttal (Respondent 1 or 2).

**(b)** Time not used in the main pleading may not extend the time allocated to rebuttal or surrebuttal.

**(c)** The rebuttal shall immediately follow Respondent 2, and the surrebuttal shall immediately follow the rebuttal. Teams may waive their rebuttal or surrebuttal.

## 5.3 Grading of the Oral Pleadings

**(a)** The oral arguments at any oral round shall be judged by a Moot Court consisting of three (3) judges.

**(b)** NILOS shall invite duly qualified persons to act as members of the Moot Court for the International Rounds. The National or Regional Administrator shall invite duly qualified persons to act as members of the Moot Court for the National or Regional rounds under her or his competence.

**(c)** Each oral argument shall be judged individually by the three judges, acting independently of one another.

**(d)** The score of each pleading shall be kept exclusively on official scoring sheets supplied by the NILOS.

**(e)** A grade between sixty (60) and one hundred (100) points shall be awarded by each judge, excellent being 90-100, good being 80-90, average being 70-80, and poor being 60-70. The score per session for the oral argument of a team shall be the total of the points awarded.

**(f)** The scoring factors to be considered, without regard to their order of importance, shall include, but not be limited to:

**(i)** competence, inclusion of all relevant factors;

**(ii)** structure and logic of the argument;

**(iii)** knowledge of points of international law and law of the sea directly applicable to the facts;

**(iv)** soundness of the argument presented;

**(v)** evidence of original thought;

**(vi)** and response to questions.

**(g)** The final score for an oral argument shall be the sum of the points awarded by the judges for the two sessions of the oral round minus the sum of the penalty points, divided by two. The maximum number of points that a team can score for the oral pleadings in any round is six hundred (600): three hundred (300) points for the Applicant's side and three hundred (300) points for the Respondent's side.

**(h)** At the end of the Competition, the team presenting the Best Oral Argument for the Applicant and the team presenting the Best Oral Argument for the Respondent will be announced. The Best Oral Arguments are those which received the highest final scores.

**(i)** The oral presentations of each participant shall be judged individually by the three judges, acting independently of one another. The judges shall especially take into consideration:

- (i)** the clarity and style of the presentation;
- (ii)** fluency;
- (iii)** debating skill;
- (iv)** and powers of persuasion.

The legal contents of the argumentation shall not be taken into consideration. The Best Oralist will be the participant who obtains the highest average score.

#### **5.4 Scope of Pleadings**

Oral Pleadings are not in any way limited to the scope of the Team's Memorial. The scope of the Applicant's rebuttal is limited to responding to the Respondent's primary oral pleadings, and the scope of the Respondent's surrebuttal is limited to responding to the Applicant's rebuttal. If the Applicant waives rebuttal, Respondent can still give a surrebuttal to the Applicants pleading. However, there is no formal penalty for exceeding the scope of the rebuttal or surrebuttal.

#### **5.5 Spectators**

At any round of the competition spectators are permitted. In the case that a team wishes that spectators should not be present, they must raise this question with the baliff and the opposing team. If both teams are in agreement, the baliff shall put this forward to the judges which can waive the entrance of spectators during the whole pleading session.

#### **5.6 Scouting**

**(a)** Team Members or persons directly affiliated with any Team may attend only Preliminary Rounds in which that Team is competing. Violation of this Rule should be brought to the attention of the bailiff and/or Organising Committee immediately, without disturbing the Oral Round, or immediately after the Oral Round has finished.

**(b)** There are two types of scouting, both of which are prohibited. "Direct Scouting" occurs when a Team attends an Oral Round involving one or more Teams against which it will compete in a future Oral Round. "Indirect Scouting" occurs when a Team attends an Oral Round involving two Teams against which it is not scheduled to compete in the Preliminary Rounds.

**(c)** A Team that commits Direct Scouting or Indirect Scouting is subject to penalties according to Rule 6.5.

### **OFFICIAL RULE 6.0: PENALTIES**

#### **6.1 Memorial Penalties**

**(a)** Memorial Penalties may be imposed by the Regional or National Administrator and shall be deducted from each of the individual judges' scores on a Team's Memorial.

**(b)** The Regional or National Administrator shall notify all affected Teams of imposed Penalties prior to the first Preliminary Round and shall include with such notification a reasonable deadline for any appeals from the decision to impose Penalties. A Team may appeal any Penalty

imposed against its Memorials by completing the appeals form located on the Competition’s website. NILOS shall decide upon the validity of any appeal from the imposition of a Penalty. No further appeal is available from this decision of NILOS.

**(c)** Penalties shall be assessed for violations of the Rules concerning Memorials by reference to the following table:

	<b>Summary</b>	<b>Penalty</b>	
4.1 (b)	Tardiness in submitting Memorial to ILSA	10 points for first day, 6 points per day thereafter  If both Memorials have not been submitted by the Disqualification Deadline, the Team will be withdrawn from the Competition.	
4.1 (d)	Resubmission of Memorial after deadline	4 points	
4.2 (a)	Failure to remove Tracked Changes or Comments or Failure to include all parts of Memorial, or inclusion of a part not stated in Rule 4.3.	Up to 10 points (one-time penalty), 4 points for each part not stated in Rule 4.3.	
4.4	Failure to include necessary and correct information on Memorial Cover Page	4 points (one-time penalty)	
4.5	Excessive length: Written Pleadings (Memorial)	1-100 words over	6 points
		101-200 words over	12 points
		201-300 words over	18 points
		301-400 words over	24 points
		401+ words over	30 points
4.5	Word Count Manipulation	Up to 10 points (one-time penalty)	
4.1 (f), 4.4	Violation of anonymity in Memorial	Disqualification or up to 20 points (one-time penalty)	
4.7 (b)	Failure to nominate Appointed Judges	8 points per day for delay with a maximum of 56 points, divided equally between the two Memorials of the team	
8.2	Plagiarism	2 to 100 points	

## 6.2 Plagiarism

Teams shall not commit plagiarism. "Plagiarism" means the act of appropriating the literary composition of another, or parts or passages of another's writings, or the ideas or language of another, and passing them off as the product of one's own mind. After investigation and review, in a verified case of plagiarism, the Regional or National Administrator shall assess a Penalty between 2 and 100 points to each offending Memorial, with the Penalty corresponding to the degree of the violation in the judgment of the NILOS. Regional or National Administrators shall refer all allegations of plagiarism to NILOS. After investigation and review, the NILOS may do one or both of the following: (1) disqualify the Team; (2) notify the Team's Coaches and/or other university official(s) of the results of the NILOS's investigation.

## 6.3 Complaint Procedure

**(a)** If a Team believes that an infraction of the Rules has occurred during an Oral Round, the Team may notify the bailiff in writing within five minutes of the conclusion of that Oral Round. If there is no bailiff, Teams must approach the Administrator with complaints. Written notification shall clearly describe the alleged violation and the parties involved. Teams shall not directly approach the judges regarding a violation of these Rules. When possible, the matter should be raised with the bailiff outside the presence of the judges. Failure by any Team to follow the procedures described in this paragraph shall result in a waiver of the Team's complaint.

**(b)** If a judge believes that an infraction has occurred during an Oral Round, he or she shall notify the bailiff orally or in writing within five minutes after the completion of the Oral Round. When possible, the matter should be raised with the bailiff outside the presence of the other judges.

## 6.4 Deduction of Penalties by Judges Prohibited

Penalty points may be deducted only by the Regional or National Administrator or NILOS. In no instance shall judges themselves deduct any Penalty points from the scores of the oralists. Judges shall score the Oral Round as if no violation occurred and may take an infraction into account only if so instructed by the Regional or National Administrator or NILOS.

## 6.5 Activity Subject to Oral-Round Penalties

Penalties may be assessed for violations during an Oral Round by reference to the following table. The Administrator shall deduct the Penalty amount from each judge's combined score (the sum of the judge's score for Oralist 1 and Oralist 2) before determining the Oral Round Points.

<b>Rule</b>	<b>Summary</b>	<b>Penalty</b>
5.1 (a)-(f)	Violation of courtroom rules	4 points up to 20 points
5.1 (g)	Use of electronic devices in the courtroom	20 points up to 50 points
5.1 (h)	Violation of anonymity in courtroom	Disqualification or up to 30 points
5.6 (b)	Direct Scouting	300 points
	Indirect Scouting	150 points

## **6.6 Oral Round Penalties**

The Regional or National Administrator or NILOS shall impose an Oral Round Penalty only when he or she is satisfied that an event subject to such Penalty has occurred, if necessary, after consultation with the judges, bailiff, Teams, and/or spectators.

## **6.7 Notice and Appeals**

The Regional or National Administrator shall notify Teams of his or her decision regarding imposition of any Oral Round Penalty as soon as practicable. Along with the decision, the Regional or National Administrator shall set a reasonable deadline by which either Team may appeal to the NILOS. If an appeal is submitted, the Regional or National Administrator shall consult with the NILOS in resolving it. The NILOS' decision on all appeals is final.

## **OFFICIAL RULE 7.0: THE FINAL ROUNDS**

### **7.1 Ranking for the Final Rounds**

**(a)** The Final Round shall be held between the best Applicant-team and the best Respondent-team. The best Applicant-team and the best Respondent-team are the teams with the highest total score on the Applicant-side and on the Respondent-side respectively, the highest total score being the sum of the final score for the Memorial and the final score for the oral argument on the Applicant-side and on the Respondent-side respectively.

**(b)** If there are two or more teams on the Applicant's side with the same highest total score as defined above, the team with the highest final score for the Semi-Finals' oral argument shall be ranked highest. In case the final scores for the Semi-Finals' oral arguments are also identical, the finalist will be determined by ballot.

The same determination applies for the Respondent's side.

**(c)** An overall ranking of the teams participating in the Final Rounds shall be provided based on the overall team scores. The overall team score is the sum of the final scores for the Memorials and the final scores for the oral arguments of both the Applicant and the Respondent side of one and the same national team. At the end of the Competition, the team with the highest overall team score will be announced.

**(d)** The winner of the Final Round will be the team so decided by the members of the Final Round Moot Court. The winner of the Final Round shall be considered to be the Winner of the Competition.

## **OFFICIAL RULE 8.0: FINAL PROVISIONS**

### **8.1 Interpretation of the Official Rules**

**(a)** NILOS shall serve as final arbiter of implementation and interpretation of the Official Rules.

**(b)** In interpreting the present Official Rules, NILOS may take such other discretionary measures as it may deem advisable for the sake of fairness and the orderly conduct of the Competition. When NILOS departs from the present Official Rules, it shall inform all concerned parties as soon as possible, providing a statement of reasons for the departure.

## **8.2 NILOS' Decisions Based on the Official Rules**

Any decision or ruling handed down by NILOS on matters concerning the present Official Rules or any other matters regarding the state of affairs of the Competition is final. No appeal from these decisions or rulings is admissible.