

THEMIS Competition Rules

Updated January 2024

I.	Introduction.....	2
II.	History and past achievements.....	2
III.	Background description	3
IV.	Participant	3
V.	Tutors/Teacher.....	4
VI.	Registration of teams	4
VII.	Semi-finals.....	5
1.	The Written Paper	5
2.	The Oral Presentation	6
3.	The Discussion with the Jury	7
4.	Assessment of the performance	7
VIII.	Finals.....	8
1.	The Written Report	8
2.	The Oral Presentation	9
IX.	Winner.....	10
X.	Jury	11
1.	The Semi-final Juries	11
2.	The Grand Final Jury	12
XI.	Recording	12
XII.	Financial Regulations.....	12

I. Introduction

Project Purpose: The main aim of the Themis Competition is to bring together future magistrates from different European countries at a time when they are undergoing entry level training to enable them to share common values and to exchange new experiences/discuss new perspectives in areas of common interest.

The Project beneficiaries are trainees from all training institutions and schools who are members of EJTN or observers.

The Project Leader is the European Judicial Training Network.

Relevance: This competition will constitute one of EJTN main activities specifically addressed to initial judicial training.

The Project aims to:

- Promote a forum of discussion on topics of EU law and the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 and its protocols ('the ECHR').
- Promote exchanges of experiences between the participants.
- Obtain and spread interesting and useful theses on the chosen subjects.
- Encourage the development of critical thinking and communication skills.
- Promote and foster relationships among participants from across the European judiciaries represented in the competition.

The THEMIS Competition is characterised by a spirit of fair play. Everyone involved in the competition is expected to abide by the rules of fair play.

English is the official language of the competition. No translation or interpretation is provided or permitted.

II. History and past achievements

The event was created, financed, and run from 2006 to 2009 by the Portuguese Centre from the Judiciary Studies (CEJ) and the National Institute of Magistracy of Romania (NIM). In 2010, the Competition became EJTN activity and steps were then taken to adapt and enlarge its format in order to recognise its importance in cross-border training in European Law.

III. Background description

The THEMIS Competition comprises five different stages: four semi-finals and a grand Final. All stages of the competition aim to promote practical knowledge of EU law and of the ECtHR.

Each semi-final and the Grand Final cover different topics:

- a) Semi-Final A: Criminal Procedural Law
- b) Semi-Final B: Family law or Administrative law
- c) Semi-Final C: Civil procedural Law
- d) Semi-Final D: Judicial Ethics and Professional Conduct
- e) Grand Final: Judicial Protection in the European Union

For the Semi-Final B, the two topics will alternate annually. In 2024, the Semi-Final B covers Administrative Law.

An indication of the legal instruments that may apply both to the common legal question and the debates of the Grand Final will be provided to the participants no later than two weeks prior to the start of the event.

IV. Participant

A “participant” is defined as a team consisting of three people.

Team members must be judicial trainees.

A person is considered a judicial trainee if he or she is so regarded under the national law and if they are not attending initial training activities for more than two years. The training institution to which the trainee belongs shall certify their status, according to the above, at the moment of registration.

Any country where such a concept of “trainee” does not exist may participate with a team composed of judges and/or public prosecutors who, at the date of registration, are in their first year of service, such year commencing with the date when they first took up their appointment as a judge or public prosecutor irrespective of whether or not they are in such employment at the date of registration.

It is not allowed to be a member of a team in THEMIS more than once.

The participants will prepare the written paper/report and the oral presentation independently. The role of the teacher/tutor consists only of giving advice and assistance.

V. Tutors/Teacher

Each team can be accompanied by a teacher/tutor.

Each participating institution may nominate one teacher/tutor per team to be present at the event. For the avoidance of doubt, such a teacher/tutor shall not be paid any remuneration by EJTN.

The role of the tutor is to support the team according to the rules of fair play. The tutor's role is limited to giving advice, sharing experience of the competition, and providing support.

VI. Registration of teams

The deadline for registration of teams is the first Monday of March of each year.

In principle, the maximum number of teams to take part in each semi-final is eleven (11).

Each Institution has the right to register a team in any of the semi-finals. Registrations are processed in order of their arrival at EJTN offices in Brussels, and initially are limited to one team per semi-final. Institutions wishing to enter more than one team per semi-final are strongly recommended to nominate a second team that will be part of a reserve list. If, after the deadline for registration the quorum of 11 teams in the semi-finals is not reached, the EJTN Secretariat will use the reserve list, and select a second team per country in the order of registration were originally received. When two teams from the same institution are registered, they are not allowed to be tutored by the same person.

When registering more than one team for the same semi-final, Institutions should clearly indicate an order of priority between these. It is strongly recommended that countries with more than one educational institution consult with each other to avoid lodging several entries for the same semi-final.

If by the deadline of registration, 11 teams have been accepted for a semi-final, but places remain in others/another, EJTN reserves the right to contact Institutions, which have applied to register teams, but which remain unallocated, to offer them the opportunity of filling the vacant places. Teams will be given 48 hours within which to accept or to reject the offer of participation.

Subject to the above, no more than a single team per country may participate in a given semi-final if there are 11 applicants from different Institutions whose applications are accepted.

Fully complete the registration form published on the EJTN website - THEMIS section. An incomplete registration form will not be accepted as a valid entry.

In order to register the team, each Institution must certify the nomination by appending to the application form the host institution's stamp.

The form should be dated and signed by an authorised signatory from the Institution and the completed form sent to the address shown on the website.

If an Institution wishes to submit more than one team in the competition (whether in the same or other semi-final) an application complying with paragraph above should be sent in respect of each team.

Applications will be registered according to the date they are received by the EJTN Secretariat.

The EJTN Secretariat will send to all applicants an acknowledgment of receipt as soon as possible, whether or not the application is accepted. A table listing all applications will be published on the EJTN website.

A final table of all registered teams will be published on the EJTN website confirming officially the registration of teams of all teams in each semi-final.

VII. Semi-finals

Each semi-final consists of three stages: a written paper, an oral presentation of the paper, and a discussion with the Jury.

1. The Written Paper

Each participant in any of the semi-finals must present a written text on any subject related to the topic of the relevant semi-final.

The deadline to submit these papers shall be established by EJTN each year and published on its website. The deadline will be the same for all the semi-finals and it will be at least 4 weeks prior the first day of the first semi-final. If the team does not send the written paper on time the jury members will consider consequences of such delay when assessing and ranking the team. The written paper must be original and will be screened for plagiarism and auto-plagiarism.

Papers must not exceed 20 pages in Word format, Times New Roman, size 12, line spacing 1.5. (For the avoidance of doubt, all written references, such as summaries, side comments, annexes, bibliography, or endnotes shall be included in those 20 pages). A cover page bearing, on one side only, information relating to the title of the paper, the identity of the presenting team and any graphics desired to illustrate the cover is not considered as being included in the above limitation.

Papers should be written in English and contain new ideas, critical appreciations, or proposals regarding the subject of the concerned semi- final.

By submitting their papers, the authors give authorisation to EJTN to further use it and disseminate it.

After the deadline expiration the teams may not revise, substitute, add, or in any other manner alter and resend the paper.

The written papers of each semi-final selected by the jury members will be published in the **THEMIS Annual Journal** that will be issued each year after the completion of all semi-finals.

Jury will select the papers according to their originality and relevance, quality of writing, and comprehensiveness of literature and case-law references.

2. The Oral Presentation

Each participating team will have a maximum of **30 minutes** to make an oral presentation of its paper. This presentation shall involve all team members (but not the teacher/tutor). Audio-visual technology may be used as an additional tool to support, but not to substitute the oral presentation.

Presentations will follow the order resulting from a draw that will take place at EJTN premises and that will be conducted by the EJTN Secretary General.

Following each of the oral presentations, one team will be asked to address questions to the presenting team.

The time allocated for the discussions between the two teams shall be of maximum 15 minutes. Both teams shall engage in an active debate about the paper and the oral presentation of the presenting team. Reading questions prepared beforehand for the presenting team is not recommended and shall be taken into consideration by the jury at the overall assessment of the oral presentation for the team that asks questions.

This team will also be selected by a draw taking place at the end of each oral presentation. Neither a team of the same nationality as the presenting team nor one that has already been drawn on a previous similar procedure will be entered into any new daily draw.

All competing teams must be present during the oral presentations and the discussions with the Jury.

Trainees of the host country have the opportunity and are encouraged to observe the Competition.

3. The Discussion with the Jury

Immediately after the presentation and the answers to the questions, the Jury will conduct a discussion with the presenting team about the content of the paper. This oral presentation shall not exceed 30 minutes. All team members (but not the teacher/tutor) shall take a broadly equal part in the discussion. The Jury will pay special attention to the participation of each team member.

In order to ensure equality between the teams and to make sure that they comply with the time limit set up for the oral presentation and the discussion with the Jury, a visible clock with a countdown should be displayed.

4. Assessment of the performance

The Jury will assess participants' performance based on the following criteria:

A. The written paper

- a. originality and relevance of the topic and of the content
- b. the quality of writing, the style
- c. the correct legal analysis and application of relevant law
- d. the comprehensiveness of literature and case-law references, including the references to the relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights
- e. anticipation of future solutions

B. The oral presentation

- a. overall impression
- b. organization, structure, and time management
- c. presentation style and persuasiveness
- d. recognition of problems, clarity, and logic of arguments
- e. ability to engage in a meaningful debate with the other teams.

B. The Discussion with the Jury

- a. overall ability to respond to judges' questions
- b. thoroughness in answering the questions presented
- c. ability to deal with hypothetical questions
- d. legal argumentation
- e. knowledge and application of the law.

The jury members are requested to award points to all participating teams. The number of points awarded by all jury members to each team will be added up, and the results are based on the ranking gained by the

teams from scoring.

The jury may grant each team a maximum of 100 points, to be shared as follows:

- Written Paper: 30 points
- Oral Presentation: 30 points
- Discussion: 40 points

VIII. Finals

The final consists of two stages: a written report on a common legal question and an oral debate with another team in front of the Jury.

The final of Themis Competition will last three and a half days.

1. The Written Report

Each team will be asked to prepare a written report on a legal practical question that will be given to them, by the Jury, immediately after the opening Ceremony of the Grand Final on the morning of the first day.

The teams will have the remainder of the first day to prepare their written report. This written report must not exceed 10 pages in Word format, Times New Roman, size 12, line spacing 1.5. It must be written in English. For the avoidance of doubt, all written references such as summaries, side comments, annexes, bibliography, or endnotes shall be included in those 10 pages. A cover page may be added in addition to the above limit.

The legal practical question will be the same for the eight competing teams and will be related to the topic chosen for the Grand Final.

The topic of the **Judicial Protection in the European Union** shall deal with the following issues:

1. The guarantees for an effective legal protection:

- a fair and public hearing before an independent and impartial tribunal: the rule of law and judicial independence**, the right to access to a court, the scope of the right to a fair and public hearing, and alternative paths to justice
- legal aid; the right to be advised, defended, and represented** (including the quality of legal assistance, the right to adequate time and facilities to prepare one's defence, and the right to waive representation)
- the right to an effective remedy** (including its substantive and institutional requirements)

- iv. **limitations on access to justice:** the length of proceedings (including criteria for determining the length's reasonableness)
 - v. **access to justice by vulnerable people:** persons with disabilities, victims of crime, minors, etc.
2. **Interpretation and application of Union law by the national courts: specific characteristics of EU law, procedural autonomy** (principle of equivalence and principle of effectiveness); **preliminary ruling procedure; the consequences of breaching the duty to refer; compensation for damages caused by a national authority infringing EU law; applying EU law *ex officio***
 3. **Interpretation and application of the rights and freedoms defined in the ECHR or the protocols thereto by the national courts: the advisory opinions under Protocol No. 16**

✦ This written report must be finished and delivered to EJTN's representative by 6 p.m. on the competition first day.

2. The Oral Presentation

Each team will be required to take part in an oral debate with another participating team. Each of the two participating teams will be asked to take the opposing stance in relation to a case study or topic which will be provided to them two weeks before the Final. Each pair of teams will debate a different case.

These presentations will take place in front of the Jury.

Audio-visual technology may be used as an additional tool to support, but not to substitute the oral presentation.

All competing teams must be present during the oral presentations and the discussions with the Jury.

The teams will be paired using a random draw conducted by the Secretary General of EJTN in advance of the Finals.

The inverse of the alphabetical order of the English names of the countries involved will define the team starting each presentation.

The full time available for each pair of finalists is 100 minutes. The following order shall be respected.

First team's presentation (maximum of 20 minutes)

Second team's presentation (maximum of 20 minutes)

The second team's answers two questions asked by the first team (5 minutes)

The first team answers two questions asked by the second team (5 minutes)

First team's closing argument (10 minutes)

Second team's closing argument (10 minutes)

Jury's discussion with the teams (around 30 minutes)

The Jury will assess participants' overall performance on the written report and the debate according to the following criteria, where appropriate:

- a. the correct legal analysis and application of relevant law
- b. the comprehensiveness of literature and case-law references, including the references to the relevant case law of the Court of Justice of the European Union and of the European Court of Human Rights; organization, structure, and time management
- c. presentation style and persuasiveness
- d. recognition of problems, clarity, and logic of arguments
- e. ability to engage in a meaningful debate with the other team
- f. overall ability to respond to judges' questions
- g. thoroughness in answering the questions presented
- h. ability to deal with hypothetical questions
- i. legal argumentation
- j. knowledge and application of the law

The jury members are requested to award points to all participating teams. The number of points awarded by all jury members to each team will be added up, and the results are based on the ranking gained by the teams from scoring.

The jury may grant every participant a maximum of 100 points, to be shared as follows:

- Written Report: 40 points
- Oral Presentations: 60 points

IX. Winner

In each semi-final, based on the scoring, the Jury will declare a team as winner, another as runner-up and another as third place winners. Further special awards of distinction may be given by the Jury.

Both the winning team and the runner-up in each of the 4 categories per semi-final, chosen in accordance with paragraph above, will enter the Grand Final for a total of 2 teams from each semi-final.

If for any reasons, one of the teams selected for the Final cannot participate, or if two or more members of a team withdraw, automatically, the team in third place in the relevant semi-final will have the opportunity to take part in the Grand Final.

The Jury of the Grand Final will declare one of the competing teams as THEMIS winner and will award it a prize comprising a study visit organized by EJTN. The study visit is financed by the EJTN.

The duration of the visit is one week. The transportation costs will be reimbursed by EJTN, and participants will receive a per diem to cover accommodation and meals.

The winning team's country will be offered the opportunity to host the Grand Final the following year.

X. Jury

THEMIS jurors will be appointed by the EJTN Secretary General. These may be chosen from the Court of Justice of European Union and the European Court of Human Rights, EU institutions, or from a pool of experts appointed by EJTN Members, following the advice of the Chair of the Steering Committee and the Convener of the Working Group Programmes.

A paper containing instructions for Themis jury members, based on the Themis Rules will be sent by the EJTN Secretariat to the jurors. The Secretary General will instruct the Jury before the Semi-Final/Grand Final regarding the role of the jury members and the importance of fair play.

Jurors should be well-regarded professionals and experts in their field of expertise.

Experts must not have the same nationality as the competing team they will have to assess, unless in extraordinary circumstances.

The institutions are invited to submit a list of potential members of the jury at the beginning of March of each year. A curriculum vitae should be sent to the EJTN Secretariat at flavio.mastrorillo@ejtn.eu and ejtn@ejtn.eu.

1. The Semi-final Juries

Each Jury will comprise of a maximum of three persons.

The jury members present the assessment of all teams at all stages of the competition explaining the decision taken.

During the semi-final, a meeting will be organised on the premises of the Hosting Institution with all jurors in order to elect the Chair of the jurors. Their responsibility will be to provide orally a report on the results of the semi-final during the Closing Ceremony, as well as to monitor the enforcement of the present rules during the length of the semi-final. The jury members will provide the details of their assessment to

the teams and the sending institution.

2. The Grand Final Jury

The Jury of the Grand Final will comprise of a maximum of five persons.

The jury members present the assessment of all teams at all stages of the competition explaining the decision taken.

During the Grand Final, a meeting will be organised on the premises of the Hosting Institution with all jurors in order to elect the Chair of the jurors. Their responsibility will be to monitor the enforcement of the present rules during the length of the Grand Final, to provide orally a report on the results of the Grand Final, and to announce the winning team of the competition. The jury members will provide the details of their assessment to the teams and the sending institution.

XI. Recording

For training purposes, the Themis competition can be recorded or streamlined.

XII. Financial Regulations

Costs of participation in Themis competition will be reimbursed by EJTN according to the rules described in the EJTN Corporate Financial Policy.