

THEMIS RULES

Rules of EJTN THEMIS Competition

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 European and International Law subjects.
- Promote exchanges of experiences between the participants.
- Obtain and spread interesting and useful theses on the chosen subjects.
- Encourage the development of the critical thinking and communication skills.
- Promote and foster relationships among participants from across the European judiciaries represented in the competition

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 recognize 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. Each semi-finals allow a maximum of 11 teams to compete with the winners and runners-up in each one of them competing at the Grand Final.

Each semi-final and the final cover different topics:

- a) Semi-Final A: International Cooperation in Criminal Matters
- b) Semi-Final B: International Judicial Cooperation in Civil Matters – European Family law
- c) Semi-Final C: International Judicial Cooperation in Civil Matters – European Civil procedure
- d) Semi-Final D: Judicial Ethics and professional conduct
- e) Final: Right to a fair trial (Art 47 EU Charter of Fundamental Rights and Art 6 ECHR)



THEMIS RULES

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 two weeks prior to the start of the event.

Participant

“A participant” is defined as a team consisting of three persons. Each participant can be accompanied by one teacher/tutor.

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 he/she is not attending initial training activities for more than two years. The training institution to which the trainee belongs shall certify his/her 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.

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

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

1 - Process of team registration:

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

1.b) In order to register the team each Institution must certify the nomination by appending to the application form the 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.

1.c) 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.

2 - 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.



THEMIS RULES

3 - The maximum number of teams to take part in each semi-final is eleven (11).

4 - 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.

5 - 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 in order to avoid lodging several entries for the same semi-final.

6 - 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.

7 - 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.

8 - Each participating institution may nominate one trainer per team to be present at the event. For the avoidance of doubt, such a trainer shall not be paid any remuneration by EJTN but shall receive per diems and payment of travel expenses as all other members of participating teams.

V. Semi-finals

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

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 deadlines to submit these papers is 4 weeks before the first day of a semi-final.

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.



THEMIS RULES

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

The Oral Presentation

Each participating team will have a maximum of **thirty minutes** to make an oral presentation of its paper. This presentation shall involve all team members (but not the trainer) and audio-visual technology may be used.

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.

This team will also be selected by a draw taking place at the beginning of each working day. 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.

The maximum number of questions that can be addressed by that team will be three, one per member of the team.

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

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 45 minutes. All team members (but not the trainer) 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.

The Jury will assess participants' performance according to the following criteria, where appropriate: (a) quality; (b) originality, (c) reference to the relevant case law of the European Court of Justice and European Court of Human Rights; (d) in-depth analysis of the latest European debates on both ethics and EC Law; and, (e) anticipation of future solutions.

The following weighted assessment will be applied:

Written Paper – 30%

Oral Presentation – 30%

Discussion – 40%



THEMIS RULES

VI. 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.

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 following topic: “Right to a fair trial (Art 47 EU Charter of Fundamental Rights and Art 6 ECHR)”.

This written report must be finished and delivered to EJTN’s representative by 6 pm on the competition first day.

The Presentations

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.

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)

First team’s closing arguments (10 minutes)

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



THEMIS RULES

Second team's closing arguments (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) Quality
- (b) Originality;
- (c) Reference to the relevant case law of the European Court of Justice and European Court of Human Rights;
- (d) in-depth analysis of European standards on both ethics and EC Law;
- (e) Anticipation of future solutions;
- (f) Critical thinking;
- (g) Communication skills; and,
- (h) Clarity, attractiveness and persuasiveness of oral skills and consistency.

The following weighted assessment will be applied:

Written Report – 40%
Oral Presentations – 60%

VII. Winner

In each semi-final, the Jury will select 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 A4 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 in order to cover accommodation and meals.

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

VIII. Jury

THEMIS jurors will be appointed by the EJTN Secretary General. These may be chosen 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.



THEMIS RULES

Jurors should be well-regarded professionals and experts of the given THEMIS categories.

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 the following address: helene.cambron@ejtn.eu

The Semi-final Juries

Each Jury will comprise 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 juror. His/her 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 Grand Final Jury

The Jury of the Grand Final will comprise of maximum 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 juror. Its 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.

IX. Financial Regulations

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

The reimbursement applies both to the participant's travel and ordinary expenses, the latter being made under the form of the payment of a daily allowance (per diem).

Travel expenses

- The total eligible costs for the return journey will not exceed **400 Euros**. Any exceeding amount shall be at the charge either of the participant or of his sending institution.



THEMIS RULES

- Exceptions from the Corporate Financial Policy (ex. amounts in excess of 400 Euros, variation in travel class) may be claimed if duly justified (i.e. urgency, complex route, island...) with an explanatory note addressed to the Secretary General before any financial commitment is made. Such a request shall be appreciated discretionaly and in a case by case basis.
- In no case shall costs derived from excess luggage or travel insurances be reimbursed. For the avoidance of doubt, and although the 400 Euros limit will be still applying, it will not be considered “an excess luggage cost” any expense related to the transport of one single piece of luggage per person (exceeding the standard planes’ cabin allowances’ weight or size but not exceeding the weight of 20kgs) whenever such cost is not included in the ticket’s price; in order to be entitled to the reimbursement of those costs, and in addition to the travel documents, participants must provide evidence enough that the transport of such piece of luggage was not included in the paid airlines fare.
- All transport claims may be justified by means of the expense claim form to which the pertinent travel documents, indicated below, shall be attached.
- The travel expenses incurred by participants are reimbursed on the basis of the most cost-effective means of transport between the institution in the country of origin and the place of the event in the hosting country.
- Depending on the mean of transport used, the reimbursement is made as follows:
 - Travel by plane: cost of an economy class ticket ;
 - Travel by rail: cost of first-class ticket on the shortest way for a round trip;
 - Travel by car: cost of 0,22 EUR per kilometre for a round trip up to a maximum of 1.200 km calculated on the basis of the shortest route(itinerary mapping in support – Michelin/Google Internet Maps): $\text{km} \times 2 \text{ (in-out)} \times 0,22 \text{ € / km} =$

Participants who choose to travel by car discharge EJTn from being responsible in any occurrence to the car or to third parties.

- In case of car sharing, the expenditures of transport by private car will be reimbursed to the participant appointed to EJTn among the participants travelling together. This is also applicable in case of a taxi share.
 - Except in case of early departure and/or late arrival expressly requested for the purpose of attending the event and in dully circumstantiated cases studied on a case by case basis, local travels (taxi, etc.) **are excluded** from the specific reimbursement due to the rules determined by the European Union.
- Local travels, which are supposed ***to be covered by the per diem*** allowance paid to the participants (see infra), should be understood in the following cases:



THEMIS RULES

- Travels within the city of departure of the participant;
- Travels within the city arrival(where the event/activity takes place);
- Travels within any city of transit;
- Between the airport and the city of departure, any city of transit and the city of arrival.

The right to be reimbursed extinguishes due to the closure of the claiming file where, missing dully substantiated travel justifications, two reminders have been sent to the participant without any feedback or follow-up from his part within the time set in the last reminder.



THEMIS RULES

Per diems - General

- Per diems are due to attendants at EJTN meetings and events that take place outside their country of residence.
- The per diem is calculated on the basis of the information provided in the registration form and the expenses claim form to be filled in by each funded participant.
- The appendix 1 (table of per diem) indicates the amount paid by EJTN according to the country where the event takes place. The per diem is considered to cover any and all of the participant's expenses other than the return journey referred to in the article 4.1., namely including accommodation, sundry expenses, meals and local travels as referred under article 4.6.
- When catering expenses or any other are paid or offered, the per diem is reduced either in the amount of its actual cost basis, if paid by EJTN, or by reducing it by 15 EUR for a lunch and 25 EUR for a dinner, if paid by a third party.

Per Diem calculation method

- The number of per diems to be paid comprises **the days of event** and **the day before** (if justified).
- The length of the stay abroad is determined by the documental evidence provided by the participant.

Special situations applying to travel and per diems

- In special circumstances that would be previous advertised to participants, and upon the Secretary General's discretion, any funded delegate whose expenses would statutorily need to be borne by EJTN may see their per diem substituted, in whole or in part, for the direct payment by EJTN to the service providers. In this case, participants who exercise the option of using different service providers, namely for hotels, meals and coffee-breaks, will also see their per diem reduced in part or in total.
- Participants residing in the country where the event takes place and as far as their expenses are not covered by their national institution will be entitled to the reimbursement of their travel and daily expenses due to the attendance of the meeting on the basis of their actual costs and upon presentation of dully substantiated receipts supplied by the participant or the invoice issued to the organizer. The reimbursement limits indicated above will apply.



THEMIS RULES

- Participants with reduced mobility circumstances may benefit from surplus of expenditures upon documented request and left to the Secretary General's discretion.
- For calculation of per diem purposes, attendance to successive/consecutive meetings or activities is dealt as if they constituted one single meeting.

Payment procedure

- Payment of the amounts due on what relates per diems and travel expenses are made in a single instalment after the event, upon the submission of an expense claim form to the Secretariat.
- In particular cases properly grounded, the Secretary General is entitled to authorize the pre-payment to the participant of a percentage of the expected per diem.

Payments will not be made without the submission of the following documents to EJTN Secretariat:

- the registration form (before the event)

c) the following travel documents depending on the mean of transport used:

- ✓ If he has travelled by plane:
 - the invoice from the flight company
 - a copy of the flight ticket
 - the **original of all the boarding passes** (excluding when they are issued in electronic format) corresponding to the journey or a certificate from the airline that the ticket was flown
- ✓ If he has travelled by train:
 - the invoice from the train company (if applicable)
 - the **original** of the train tickets
- ✓ if he has travelled by private car:
 - an itinerary mapping & detailing the journey to which will be applied the following calculation with a limit to a maximum of 1.200 km calculated on the basis of the shortest route (itinerary mapping in support – Michelin/Google Internet Maps): $\text{km} \times 2 \text{ (in-out)} \times 0,22 \text{ € / .}$

