



# YOUNG EUROPEAN LAWYERS CONTEST 2023

Semi-Final, Brussels, 25-26 May  
2023



## Jurors

**Christian de Herrera Petrus**, Professor of Procedural Law, Lawyer, Founding Partner of Herrera Advocats, Barcelona

**Bart de Moor**, Immediate Past President of the Brussels Bar (Balie Brussel), Partner, Dispute Resolution Practice and Restructuring & Insolvency Practice, Strelia, Brussels

**Pierre-Dominique Schupp**, Vice President of the CCBE, Brussels; Lawyer, Rusconi & Associés, Lausanne

## Aim of the contest

The contest will bring together young and newly-qualified lawyers to spotlight the importance of European law for their future legal practice.

## Event number

223DT09

## Organiser

ERA (Florence Hartmann-Vareilles) in cooperation with Dutch Language Section of the Brussels Bar



# Young European Lawyers Contest 2023: Semi-final, Brussels

## Thursday, 25 May 2023

19:30 Welcome dinner at restaurant BEAT, rue de l'Enseignement 1 - Onderrichtstraat 1, Brussels

## Friday, 26 May 2023

08:30 Welcome coffee and registration of participants

08:45 **Opening and introduction to the rules of the contest**  
*Florence Hartmann-Vareilles, Bart de Moor*

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### GETTING TO KNOW EACH OTHERS

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09:00 **Introducing yourself**

Team 2  
Team 6  
Team 7  
Team 11

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### ORAL DEFENCE OF THE WRITTEN REPORT

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09:20 Oral defence by Team 2

09:40 Questions from Jury to Team 2

09:50 Oral defence by Team 6

10:10 Questions from Jury to Team 6

10:20 Oral defence by Team 7

10:40 Questions from Jury to Team 7

10:50 Oral defence by Team 11

11:10 Questions from Jury to Team 11

11:20 Coffee break

11:45 Teams gathering to prepare answers

12:00 Answers from Team 2

12:10 Answers from Team 6

12:20 Answers from Team 7

12:30 Answers from Team 11

12:50 Jury deliberation

13:15 Lunch

14:15 *Wrap-up session with Jury and Teams: what went right and wrong?*  
*Jury comments on Teams' presentations with tips and tricks*

14:45 Announcement of the two winning teams

15:00 End of the semi-final

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For programme updates: [www.younglawyerscontest.eu](http://www.younglawyerscontest.eu)  
Programme may be subject to amendment.

## Participation

The contest is open to trainee lawyers and newly qualified lawyers (in their first year after qualification) in EU Member States.

## Language

Participants should have a working knowledge of English.

## Venue

BALIE BRUSSEL  
Rue de la Régence 63 Regentschaapstraat  
1000 Brussels

## Your contact persons



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## Partners

### France

Barreau de Paris / Paris Bar



### Poland

Izba Adwokacka w Warszawie / Warsaw Bar Association



### Slovakia

Slovenská Advokátska Komora / Slovak Bar Association



### Spain

Ilustre Colegio de la Abogacía de Barcelona (ICAB) /  
Barcelona Bar Association (ICAB)



## Supporting Institutions

Council of Bars and Law Societies of Europe (CCBE)



### Austria

Austrian Bar Association (ÖRAK)



### Belgium

Dutch Language Section of the Brussels Bar **BALIE BRUSSEL**

### Croatia

Croatian Bar Association



HRVATSKA ODVJETNIČKA KOMORA

### Cyprus

Cyprus Bar Association



ΠΑΡΕΥΡΩΠΕΙΟ ΔΕΚΛΗΡΩΣΕΩΣ ΕΠΑΓΓΕΙΟ  
CYPRUS BAR ASSOCIATION

### Estonia

Estonian Bar Association



### France

Regional Lawyers' Schools within the Jurisdiction of the Versailles  
Court of Appeal (HEDAC)



Regional lawyers' schools of the Grand Est (ERAGE)



### Germany

Deutscher Anwaltverein (DAV)



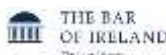
### Greece

Thessaloniki Bar Association



### Ireland

The Bar of Ireland



### Italy

Italian Bar Association (CNF)



### Latvia

Latvian Bar Association



### Lithuania

Lithuanian Bar Association



### Luxemburg

Luxembourg Young Bar Association



### Poland

Polish National Bar of Attorneys-at-Law (KIRP)



STOWARZYSZENIE  
PRAWNIKÓW KIRP

### Romania

National Association of the Romanian Bars (UNBR)



National Institute for the Training and the Improvement of Lawyers

## Format

The semi-final in Brussels, will consist of the defence by the teams of their written report that they have prepared ahead of the face-to-face semi-final.

The semi-final will be organised according to the following format:

- The oral defence will be organised in plenary
- Each team has 5 minutes to introduce itself
- Each team is given 20 minutes in order to present its written report
- Jury will ask questions to each team
- Teams have 15 minutes to prepare their answers
- Each Team is given 10 minutes to answer the questions
- Jury comments on each team presentation
- Jury announces the two winning teams invited to take part in final
- The best two teams from each semi-final will take part in a three-day final held at ERA's premises in Trier and at the General Court of the European Union in Luxembourg on 6-8 November 2023.
- Teams not participating in the final will be offered the possibility to participate in the online training on "how to litigate before the Court of Justice" on 6 November 2023

For further information:

[www.younglawyerscontest.eu](http://www.younglawyerscontest.eu)

# Young European Lawyers Contest 2023

## Semi-final

Brussels, 25-26 May 2023 / Event Number: 223DT09



## Conditions of participation

### Travel and Accommodation Expenses

1. Participants will receive a fixed contribution towards their travel and accommodation expenses, and are asked to book their own travel and accommodation. The condition for payment of this contribution is to sign all attendance sheets at the event. No supporting documents are needed. The amount of the contribution will be determined by the **EU unit cost calculation guidelines**, which are based on the distance from the participant's place of work to the seminar location and will not take account of the participant's actual travel and accommodation costs.
2. Travel costs from outside Belgium: participants can calculate the contribution to which they will be entitled on the European Commission website (<https://era-comm.eu/go/calculator>). The distance should be calculated from their place of work to the seminar location.  
  
For those travelling within Belgium, the contribution for travel is fixed at €46 (for a distance between 50km and 400km). Please note that no contribution will be paid for travel under 50km. For more information, please consult p.10 on <https://era-comm.eu/go/unit-cost-decision-travel>
3. Accommodation costs: international participants and national participants travelling more than 50km one-way will receive a fixed contribution of €137 for up to one night accommodation. For more information, please consult p.13 on <https://era-comm.eu/go/unit-cost-decision-travel>
4. These rules do not apply to representatives of EU Institutions and Agencies who are required to cover their own travel and accommodation.
5. Successful applicants will be sent the relevant claim form and information on how to obtain payment of the contribution to their expenses. Please note that no payment is possible if the registered participant cancels their participation for any reason.

### Participation

6. Participation at the whole contest is required and participants' presence will be recorded.
7. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
8. The participant will be asked to give permission for their address and other relevant information to be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest.
9. A certificate of attendance will be distributed at the end of the conference.

### Venue

BALIE BRUSSEL  
Salle Marie Popelin,  
Rue de la Régence 63  
Regentschaapstraat (level – 1),  
1000 Brussels

### Contact Person

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## Teams and topics

Young European Lawyers Contest 2023  
Semifinal, Brussels

| Teams   | Name                          | Topic  |
|---------|-------------------------------|--|
| Team 2  | Eline Vorlat (B)              | Cross border judicial cooperation in civil matters |
|         | Wendy Mallon Doyle (IR)       |  |
|         | Martyna Krawczyk (PL)         |  |
|         | Julien Frahi (LU)             |  |
| Team 6  | Michaela Scharpf (D)          | Cross border judicial cooperation in civil matters |
|         | Pierre-Louis Roquet (FR)      |  |
|         | Zuzanna Helena Stawinska (PL) |  |
|         | Silvia Eliasova (SK)          |  |
| Team 7  | Julia Grésèque (FR)           | Environmental law and fundamental rights           |
|         | Paulina Sochan (PL)           |  |
|         | Michael-John Gillen (IR)      |  |
|         |                               |  |
| Team 11 | Ambre Riley (LU)              | Environmental law and fundamental rights           |
|         | Lyvia Fortuna (PT)            |  |
|         | Hugh Hogan (IR)               |  |
|         | Despoina Psaromiligkou (GR)   |  |



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Justice Programme 2021-2024  
of the European Union



## Young European Lawyers Contest 2023

### Topics of the written reports

#### ***I- Cross border cooperation in civil matters and cross-boarder taking of evidence***

A claim for damages for trademark infringement is brought in a Berlin court by a German company against an Italian company (from Genova) as defendant.

Among other issues, the Berlin court faces the following three:

1.- The Court has appointed an expert who needs to carry out some of its examinations in Italian territory. Is the court obliged to apply the Taking of Evidence Regulation? How can the court proceed if the owner of a building where there are products to be inspected does not wish to cooperate and allow entrance to the expert? Can the court organize a videoconference with the expert and/or the owner of the building? How? Are there limits to this?

2.- The Court also wishes to hear two witnesses who reside in Italy. What are the different options to organize this? Is it possible to directly organize a videoconference with the witness from a rented hotel space in Genova? If one of the witnesses is not willing to cooperate and claims that he has a right to refuse to testify under Italian law, what could/should the Berlin court do? Can the Taking of Evidence Regulation be circumvented?

3.- It seems that the Italian company has initiated insolvency restructuring proceedings and this could affect issues concerning the defendant's standing and representation. The Berlin Court would like to get some information on the consequence of opening restructuring proceedings in Italy. Can it use the Taking of Evidence Regulation to get this information?

## **II- Implications of the DMA for fundamental rights**

*Implications of the entry in force of the Digital Markets Act (DMA) for the future application of the EU competition rules in digital markets for human rights and in particular for the continuing protection of the right against double jeopardy, enshrined in Article 50 of the EU Charter of Fundamental Rights (Charter).*

The DMA entered in force on 1 November 2022 and will be directly applicable as of 2 May 2023.

It lays down regulatory safeguards for business users and end-users of Core Platform Services (**CPS**) provided by certain large digital platforms, also called gatekeepers, to improve the proper functioning of the internal market (see Recital 7 of the DMA).

The DMA aims to ensure that these gatekeepers do not engage in conduct that can adversely affect competition. It also seeks to harmonise legislation concerning gatekeepers within the EU internal market.

Other than for the purpose of harmonising EU member state legislation, the European Commission considered it necessary to propose the DMA as the intervention tools provided under EU competition rules, in particular Article 102 of the Treaty on the Functioning of the European Union (**TFEU**), which tackles anti-competitive behaviour of undertakings who hold a dominant position in a certain market, but also Article 101 TFEU, which prohibits anti-competitive agreements between undertakings, are not sufficient to master large CPSs and their large economic power.

Please elaborate whether the possibility that the DMA and Articles 101 and 102 TFEU may apply concurrently may be compatible and/or incompatible with the safeguard of double jeopardy, enshrined in Article 50 of the Charter.

In your answer, please also discuss which approach could provide a more balanced response to the need to reconcile the demands of effective competition enforcement with the observance of the DMA's obligation and the efficient functioning of the ex-ante framework that the new Act introduces.

### **III- Environmental law (climate change) and fundamental rights**

In recent years, climate change litigation in member states of the European Union has been inspired by the Dutch Urgenda case and the Irish Friends of the Environment case.

In Urgenda, the Dutch government was ordered to reach an emission reduction target of 25% by the end of 2020, compared to the 1990 emission levels. In the Irish Friends of the Environment case, the Irish Supreme Court quashed the government's National Mitigation Plan. This National Mitigation Plan constituted the corner stone of the Irish government climate policy, set in place to achieve the climate goals as set under the 2015 Climate Act.

After the before mentioned cases, similar court rulings were made in other member states of the European Union. Germany's Constitutional Court found a national climate law to be partially unconstitutional and France's highest administrative court ordered the government to take additional measures to reduce greenhouse gas emissions by 40% by 2030. A clear trend can be seen regarding initiatives that challenge government's climate policies, in which courts seem to be increasingly willing to hold governments liable for failing to reach set climate related goals.

The rulings mentioned above are generally based on a challenge relying on human rights and/or tort law. But where does that leave the actual liability of Member States? The CJEU has clearly defined what the conditions are to hold a Member State liable. But, as can be seen in the recent ruling of JP/Ministre de la Transition écologique (C-61/21, ECLI:EU:C:2022:1015), the CJEU does not always find that the conditions for Member State liability are met. Even though that case concerned an application to annul an implied decision to refuse to take necessary measures to address pollution linked concerns.

Which case law can be seen as landmark cases within the EU regarding Member State liability?

What conditions need to be met in order for an individual to be able to hold an Member State liable based on European legislation?

Is it possible for a Member State to, at least partly, exonerate itself from Member State liability? If deemed possible, provide an example.

In your opinion, is the current case law and the outcome of case C-61/21 satisfactory? Please explain.

What, in your opinion, would be a fair way to approach Member State liability and (the failure to adhere to) climate change goals? Can interesting parallels be drawn from state liability in your own Member State?