

Peer Assessments ([https://class.coursera.org/europeanbusinesslaw-001/human\\_grading/](https://class.coursera.org/europeanbusinesslaw-001/human_grading/)) / Assignment 1 - The Presentation

Help ([https://accounts.coursera.org/i/zendesk/courserahelp?return\\_to=https://courserahelp.zendesk.com/hc](https://accounts.coursera.org/i/zendesk/courserahelp?return_to=https://courserahelp.zendesk.com/hc))

#### Submission Phase

1. Do assignment ☒ (/europeanbusinesslaw-001/human\_grading/view/courses/972909/assessments/4/submissions)

#### Evaluation Phase

2. Evaluate peers ☒ (/europeanbusinesslaw-001/human\_grading/view/courses/972909/assessments/4/peerGradingSets)
3. Self-evaluate ☐ (/europeanbusinesslaw-001/human\_grading/view/courses/972909/assessments/4/selfGradingSets)

#### Results Phase

4. See results ☒ (/europeanbusinesslaw-001/human\_grading/view/courses/972909/assessments/4/results/mine)

Your effective grade is **5.6**

A 20% penalty has been applied because you did not complete the entire evaluation portion of the assessment.

Your unadjusted grade is 7, which is simply the grade you received from your peers.

See below for details.

The presentation is the first step of the peer review assignment and shall consist of the following elements:

Max words: 500 words in total (word count of your entire document incl. e.g. footnotes) with clear references and citations of central premises. Be careful with the rules on copying. They are strict.

### 1. **Select a case from the annexed list**

List of cases (<https://d396qusza40orc.cloudfront.net/europeanbusinesslaw/Assignments/Assignment%20Case%20Law.pdf>)

### 2. **The presentation of the case**

On the basis of the case you have chosen, introduce the topic and specify the issue and the purpose of your report.

- Describe a specific question, which arises in the case. A case can consist of various questions, you are to choose one. Be very clear on what issue in the case that is of importance for your presentation.
- The purpose should be presented in one sentence, where every word has a meaning and matters. Try to problematize. It cannot be enough underlined how important an absolutely clear purpose is for any type of assignment. The purpose is the read thread in your presentation.
- Introduce the issue that you have chosen taking in consideration that the Board and your fellow students are not familiar with your topic. Briefly describe the circumstances and facts from the case that represent the foundation of the problem that you have chosen.

### 3. **Define Method**

When you know exactly what you shall investigate, you must already up front decide how you shall go about it. You have to define your method and your perspectives. See annexed method discussion paper and develop your own approach.

Method and perspectives (<https://d396qusza40orc.cloudfront.net/europeanbusinesslaw/Assignment%20-%20Method%20and%20Perspectives.pdf>)

### 4. **Delimitations**

Now, if your purpose is overly broad, you always have a possibility to provide separate delimitations. Describe what may fit under the purpose, but you do not intend to address.

### 5. **Provide references - external sources**

In the making of you presentation, remember that it is important to indicate what sources you rely on. You shall provide at least ten relevant references, primarily from the case that you have chosen but you can also use external sources. If you find it necessary you might also discuss how trustworthy they are. See the linked document below to learn how to refer to your sources correctly.

## Assignment A - The Presentation

### 1. Select a case from the annexed list

### 2. The presentation of the case

On the basis of the case you have chosen, introduce the topic and specify the issue and the purpose of your report. - Describe a specific question, which arises in the case. A case can consist of various questions, you are to choose one. Be very clear on what issue in the case that is of importance for your presentation. - The purpose should be presented in one sentence, where every word has a meaning and matters. Try to problematize. It cannot be enough underlined how important an absolutely clear purpose is for any type of assignment. The purpose is the line of argument in your presentation.

Introduce the issue that you have chosen taking in consideration that your fellow students are not familiar with your topic. Briefly describe the circumstances and facts from the case that represent the foundation of the problem that you have chosen.

3. Define Method When you know exactly what you shall investigate, you must already up front decide how you shall go about it. You have to define your method and your perspectives. See annexed method discussion paper and develop your own approach.

4. Delimitations Now, if your purpose is overly broad, you always have a possibility to provide separate delimitations. Describe what may fit under the purpose, but you do not intend to address.

5. Provide references - external sources In the making of you presentation, remember that it is important to indicate what sources you rely on. You shall provide at least ten relevant references, primarily from the case that you have chosen but you can also use external sources. If you find it necessary you might also discuss how trustworthy they are. See the linked document below to learn how to refer to your sources correctly.

**1. Case:** C26/62 Van Gend en Loos

**2. Introduction of Topic:** Should a higher import duty be placed on ureaformaldehyde originating in Germany imported to the Netherlands (1962)?

**Specification of Issue:** The Netherlands and Belgian National Courts thought they had the jurisdiction to determine the raising of the import tax on ureaformaldehyde, and the EEC claimed that given they were member nations that it was their decision to make. This issue was called "Tariefcommissie" and the first question was whether Article 12 of the EEC Treaty had direct application to nationals of the Netherlands and Belgium may on the basis of the article lay claim to rights that their national courts should protect. The treaty objective was to make a common market, the functioning of which is the concern of all member European nations and their people. It endowed institutions of sovereign rights which effects member nations and their citizens, with the intermediaries the European Parliament, Economic and Social Committee. Under their Court of Justice Article 177, they must have uniform interpretation of the treaty for all member nations. Article 9 bases the community on a customs union, including an essential provision of the prohibition of the customs duties and charges, explained in Article 12. It has a clear and unconditional prohibition which is not positive, directly effecting member nations and their citizens. Article 12 does not require intervention of member states. The negative obligation does not mean the member nations will not benefit from it. Articles 169 and 170 allow the member citizens to argue these rights and their national courts must support them. Van Gend and Loos differed from the Inspector of Customs and Excise, saying a classification of aminoplasts caused the tax raise, and this was outside the jurisdiction conferred on the Court of Justice of the European Communities. A tax increase as a result of a tariff description change, rather than a rate increase to the EEC Courts was their decision on the customs duties applied. The final decision was that national courts will make the decision, because the it was not under their jurisdiction of EEC Courts to decide the conflicting views on the tariff description tax increase.

**Purpose of Report:** Does Article 12 of the EEC Treaty have direct application within the Netherlands Territory or may nationals from the Netherlands and the Belgian Government lay claim to national rights their courts should protect in regard to this EEC Import Duty on their ureaformaldehyde?

**3. Method:** Today I used the "traditional legal (dogmatic) method of investigation and perspectives. I searched for Case C26/62 on the Eur-Lex database.

**4. Delimitations:** I do not compare to any other similar cases, and read the provided judgement and case from Eur-Lex, and present that only here, in this specific case.

**5. References:** From Eur-Lex, Case C26/62 Van Gend en Loos, The Judgement on 5.2.1963: 61962CJ0026: Judgement of the Court of 5 February 1963 and also: 61962CC0026: Opinion of Mr. Advocate General Roemer delivered on 12 December 1962.

## Evaluation/feedback on the above work

**Note:** this section can only be filled out during the evaluation phase.

### **1. The presentation of the case:**

**Assess and score the student's ability to (1) introduce the topic and (2) specify the issue and (3) the purpose of the report, on the basis of the case the student has chosen.**

- 3 points – The student has accurately and relevantly made a presentation of the three required elements.
- 2 points – The presentation consists of at least two of the three required elements but lacks one element or other aspects of relevance.
- 1 points – The presentation consists of at least one of the three required elements but lacks two element or other aspects of relevance.
- 0 points - The presentation lacks all the required elements.

Score from your peers: **2.5**

### **2. Purpose and methodology:**

**Assess and score the student's ability to define the purpose and the methodology of their legal report based on the criteria specified below.**

- 3 points – The production has a clear and focused purpose and a clear description of the method and is

otherwise well elaborated.

- **2 points** – The presentation of the purpose and method is understandable, but can be defined much more clearly.
- **1 points** – Based on an overall impression the reader understands the main features, but the presentation is generally messy and needs to be tightened up properly.
- **0 points** – The production either lacks purpose and methodology or is inconsistent and incomprehensible.

Score from your peers: **2.5**

### **3. References:**

Assess and score the student's ability to refer to relevant sources. At this stage of the assignment it is primarily reference to the case the student has chosen that is relevant.

- **3 points** - Student applies eight sources correctly.
- **2 points** - Student applies at least five sources correctly.
- **1 points** - The student refers to at least three sources, but they are incorrectly referenced.
- **0 points** – The student has used less than three or no references.

Score from your peers: **2**

## **Overall evaluation/feedback**

**Note:** this section can only be filled out during the evaluation phase.

Write a statement of 100-300 words regarding the contents of the essay you just read. Your statement serves to indicate what the student needs to improve and should bring up the following points:

- Has the student specified the issue and the purpose in a clear and suitable way?
  - Has the student given a relevant and understandable presentation of the issue?
  - Has the student motivated their choice of methods and materials?
  - What did the student do really well and what can the student improve?
  - Any tips for the final report?
- 

**peer 1** → The issue and the purpose: The student did not define in a clear and precise way the very essential issue of the case at hand. As a result, all extensional factual data, that were provided afterwards, did not help to clarify findings in the judgment and its subsequent importance in application in practice. The presentation: The student used traditional legal method during investigation of the case at hand. However, due to lack of logical links between addressing of legal provisions, it was very hard to follow the main line of argumentation. As a result, the findings of the author were unclear and a little bit far from the actual essence of the case at hand. The improvement area: The 500-word presentation of the case shall be given in precise and clear way without extensional use of factual background. Additionally, more attention shall be paid to logical links between the phrases and sentences.

**peer 2** → I have read the Presentation with great interest. According to the evaluation scheme I came to the following results. Item 1 gives 3 points. Item 2 gives 3 points. Item 3 gives 3 points. In total 9 points out of 9. My congratulations for a job well done. I think it may be somewhat difficult to separate the Presentation items from the full report to come in the next assignment.. I also find the choice of method to suit very well with the substance of the issue. I think it would be a good idea to list all the relevant references under the item 'References' making it quite clear what laws, , regulations, directives etc. shall be considered as references. Fine Presentation, good luck with the next assignment. Best regards Erik J .M. Pedersen

**peer 3** → Should a higher import duty be placed on ureaformaldehyde originating in Germany imported to the Netherlands (1962) the case selected is related to legislative law of taxation of respective country. The purpose mentioned is accurate but some more specification. The presentation of up to the mark since tax laws are complicated to understand and evaluate. The method used was very much correct. Student explain the case properly with respective laws implications and some constitutional provision which related to sovereignty of country's interest. I think he explain the necessity of the case properly by giving accurate information. He need to improve the presentation by giving few

more case laws on taxation relevance to respective country.

**peer 4** → From my point of view, I think the student did present very well the 3 elements required. The presentation is easy to understand from the point of view of a student who did not previously read or studied the case. It has a good question. Still I don't know if the student makes the difference between the 'direct application' and 'direct effect'. Just be more clear about these notions and don't mix them up. Maybe go deeper and ask questions like what does this mean for the EU Law. The case you chose has a huge importance in EU Law. Why would that be? Regarding the references, I graded with one point less because there are only five references and not all of the references are satisfactory.



