

Peer Assessments (https://class.coursera.org/europeanbusinesslaw-001/human_grading/) / Assignment 1 - Legal Report



Help Center (https://accounts.coursera.org/i/zendesk/courserahelp?return_to=https://courserahelp.zendesk.com/hc)

due in 6hr 3m

Submission Phase

1. Do assignment ☒ (/europeanbusinesslaw-001/human_grading/view/courses/972909/assessments/5/submissions)

Evaluation Phase

2. Evaluate peers  (/europeanbusinesslaw-001/human_grading/view/courses/972909/assessments/5/peerGradingSets)
3. Self-evaluate  (/europeanbusinesslaw-001/human_grading/view/courses/972909/assessments/5/selfGradingSets)

Results Phase

4. See results  (/europeanbusinesslaw-001/human_grading/view/courses/972909/assessments/5/results/mine)

Your work was submitted. [Review your work \(https://class.coursera.org/europeanbusinesslaw-001/human_grading/view/courses/972909/assessments/5/submissions/335\)](https://class.coursera.org/europeanbusinesslaw-001/human_grading/view/courses/972909/assessments/5/submissions/335) to make sure everything looks OK.



✓ Submitted. You can still make changes and re-submit before the deadline.

☒ In accordance with the Honor Code, I certify that my answers here are my own work, and that I have appropriately acknowledged all external sources (if any) that were used in this work.

[Re-submit for grading](#)

Assignment 1 - Legal Report

The second part of the assignment consists of a legal report and aims at preparing the student to correctly accomplish a judicial inquiry. The inquiry presupposes the question formulation, the purpose and the research method mentioned in the previous step (see "Assignment 1 - The Presentation").

Student instructions:

1. Prepare a *title*

Prepare a “flashy” title for your final report. The title is supposed to mirror the content of your report and give the reader a sense of your work.

2. Write a *brief introductory academic section*

The final report is founded on the work done in phase one. The presentation of the report starts with a brief introductory (“academic”) section, which contains your exact purpose, research method, material used, delimitations and overall structure as further discussed.

3. Write a *factual presentation*

The introductory academic section is followed by a factual presentation. In this section you present the relevant facts for solving the issue presented in phase one. This section included references to external relevant sources. Please see the Law faculty’s lectures regarding sources and use of legal material.

4. Write a *discussion*

The final section of your report is a discussion, containing and analyses of the case selected from the annexed list. The analyses shall

be based on the chosen specific question/questions formulated, the purpose, the research method, and the factual presentation. Note that no sources are to be introduced in your discussion. In your analysis, you should assess the implications of the results and reach a conclusion by proposing measures to the board. The board wants to know the consequences of the case on the basis of your question/questions and you shall present suggestions to deal with the issue at hand.

Requirements: Maximum 3.000 words *in total* (word count of your entire document including footnotes and references) with clear references and citations of central premises. (Again, be careful with the rules on copying, they are very strict.) Timely delivery of the assignments and observance of the other criteria are of essence.

1. Prepare a title

The second part of the assignment, Assignment B, aims at preparing the student to correctly accomplish a judicial inquiry. The inquiry presupposes the question formulation, the purpose and the research method mentioned in the presentation of the issue.

2. Write a brief introductory academic section

The final report is founded on the work done in phase one. The presentation of the report starts with a brief introductory (“academic”) section, which contains your exact purpose, research method, material used, delimitations and overall structure as further discussed.

3. Write a *factual presentation*

The introductory academic section is followed by a factual presentation. In this section you present the relevant facts for solving the issue presented in phase one. This section included references to external relevant sources. Please see the Law faculty’s lectures regarding sources and use of legal material

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B*I* Link

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Math

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Preview

Title: Higher Import Duty Placed on Ureaformaldehyde? The Van Gend en Loos Case of 1962 that established the Principle of Direct Effect by the European Court of Justice (ECJ)

Introductory Academic Section: Purpose, Method, Delimitations and Report Structure:

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?

Method: The "traditional" legal (dogmatic) method of investigation and perspectives was used for this report.

Delimitations: The purpose of this report is *not* to decide if all imports placed on chemicals such as ureaformaldehyde should have a higher import duty. The delimitation of this report is to show how the decision was made as to whether or not to place a higher import duty on ureaformaldehyde only. It demonstrates how the principle of direct effect was established in the ureaformaldehyde case in 1962, and also discusses a few other cases where it came up later. It compares and contrasts the principle of vertical and horizontal direct effect, and also, direct applicability.

Report Structure: Following this title and introductory academic section, there will be a factual presentation of the case, followed by discussion and analyses of the case.

Factual Presentation:

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

Specification of Issue:

The European Economic Community (EEC) claimed they had the jurisdiction to determine the raising of the import tax on ureaformaldehyde to the Netherlands and Belgium, since these were member nations of the European Union (then called the European Community, EC). The Belgian National Courts disagreed and said this decision was in their jurisdiction.

This case established the "Principle of Direct Effect". It said that if the European Union (EU), formerly at this time called European Commission (EC) Law was "appropriately framed", individuals of member states (in this case, the Netherlands and Belgium) have conferred upon them rights which the courts of member states of the EU must recognize and enforce. The criteria that must be met in this "Principle of Direct Effect" are that it be clear, be a negative, rather than a positive obligation, unconditional, containing no reservation on the part of the member state, and not dependent on any national implementing measure.

To contrast that with the "Principle of Direct Applicability" from EU Law, that relates only to regulations, and the characteristic of

Attach a file (supports: txt, png, jpg, gif, pdf)

Evaluation/feedback on the above work

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

1. Structure and presentation: The assignment has a clear and elaborate structure.

Purpose: The reviewing student shall assess and grade the reviewed students structure and presentation based on the below mentioned criteria. The grading offers the reviewed student a clear indication of what needs to improve.

3 points – The assignment has a clear and elaborate structure.

2 points – The greater part of the assignment has a clear and elaborate structure. Some parts of the assignment structure are unclear, and it is sometimes difficult to understand the context.

1 points – The reviewer is able to understand the main parts of the assignment, but there is no clear structure and the presentation is unsystematic.

0 points – The assignment lacks structure, is inconsistent and unintelligible.

2. Argumentation: The student shall present convincing arguments.

Purpose: The reviewing student should assess if the reviewed student presents arguments and if these are relevant and objective. The reviewer should see if the arguments are based on relevant sources.

3 points – The student presents at least three objective and relevant arguments.

2 points – The student presents two objective and relevant arguments.

1 points – The student presents one objective and relevant argument.

0 points – No arguments presented in the assignment.

3. Answers to the specific questions: The student has formulated an answer for the specific problem mentioned in phase one.

Purpose: The reviewer shall assess if the reviewed student has answered the question(s) formulated in phase one.

3 points – The student clearly answers the formulated questions relevant for the assignment.

2 points – The student has partially answered the formulated questions.

1 points – The student has partially answered the formulated questions incorrectly.

0 points – The student has not at all answered, or entirely incorrectly answered, the formulated questions.

4. Conclusion: The student's conclusions should be well motivated and elaborate in the presentation. The student presents conclusions for the formulated questions relevant for the assignment.

Purpose: The reviewer shall assess if the reviewed student has presented conclusions and if these are well motivated.

3 points – The student's conclusions are well motivated and elaborate in the presentation.

2 points – The student's conclusions are partially motivated in the presentation, and there is some confusion and indetermination in the conclusions.

1 points – The student's conclusions are present, but unmotivated, and lack support in the presentation.

0 points – The student has reached incorrect conclusions or none at all.

5. References: The student has applied two external sources in a correct manner.

Purpose: The reviewing student shall assess and grade the reviewed students references and use of relevant external sources.

3 points – The student has applied two relevant external sources in a correct manner.

2 points – The student has applied at least one relevant external source in a correct manner.

1 points – The student has applied at least one external source, but the source/sources are incorrectly used in the presentation.

0 points – The presentation lacks use of external sources.

Overall evaluation/feedback

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

Write an opinion containing 100-300 words regarding the content of the assignment, which you have read, based on the following points.

- Has the student connected the written assignment to the purpose and question formulation mentioned in phase one?
- Has the student applied the method chosen in phase one?
- Has the student used external sources to address relevant facts?
- Has the student conducted a final discussion and reached a conclusion?
- What did the student do really well and what can the student improve?

You need at least 100 more words

✓ Submitted. You can still make changes and re-submit before the deadline.



In accordance with the Honor Code, I certify that my answers here are my own work, and that I have appropriately acknowledged all external sources (if any) that were used in this work.

[Re-submit for grading](#)

