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.

Free movement of goods is one of the key concepts of the internal market and of the EU as a whole. This issue, being mainly regulated by TFEU[1], has been repeatedly addressed in the jurisprudence of the Court of Justice of the European Union. *Cassis de Dijon* case[2] definitely shall be regarded as a milestone since it established the principle of mutual recognition[3]. One of the questions raised before the Court was whether the fixing of a minimum wine-spirit content for potable spirits falls under the concept of measures having an effect equivalent to quantitative restrictions on imports. Article 34 TFEU, as well as Commission Directive 70/50/EEC[4], prohibits quantitative restrictions on imports and all measures having equivalent effect[5]. However, Article 36 TFEU provides for derogations from the general rule, declaring such measures compatible with the Treaties if they are justified on the grounds of, inter alia, public health[6]. Rewe-Zentral AG, the plaintiff in the main action, requested authorization from the Bundesmonopolverwaltung für Branntwein (Federal Monopoly Administration for Spirits) to import from France for the purposes of marketing the liqueur "Cassis de Dijon", containing 15 to 20% by volume of alcohol. The Bundesmonopolverwaltung informed Rewe that authorization to import was not necessary, however, the "Cassis de Dijon" could not be sold in the Federal Republic of Germany, since the national law provides that only potable spirits having a wine-spirit content of at least 32% (the percentage is however reduced to 25 for liqueurs of the Cassis type) may be marketed[7]. As the Government of the Federal Republic of Germany has stated, the provision aimed to protect public health since a limitless authorization would be likely to lead to an increase in the consumption of alcohol[8]. These circumstances led to the situation when traditional products of one Member States whose wine-spirit content meets the national fixed limits, but is below the fixed limit established in another Member State, cannot be put into circulation in that other Member State.

The purpose of the present research is to show how national requirements pursuing mainly public purposes, e.g. public health or public order, may affect trade between Member States. Taking into consideration the fact that the subject of the research is closely connected to economics, *Law and economics* method as well as *Law and politics* method shall be applicable.

[1] *OJ C 326, 26.10.2012, p. 47–390*

[2] Case C-120/78 Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein (ECLI:EU:C:1979:42)

[3] Steiner, Josephine; Woods, Lorna; Twigg-Flesner, Christian (2006). *EU Law* (9th ed.). Oxford: Oxford University Press. p. 380

[4] *OJ L 13, 19.1.1970, p. 29–31*

[5] *OJ C 326, 26.10.2012, p. 61*

[6] Ibid

[7] Case C-120/78 *Cassis de Dijon*(ECLI:EU:C:1979:42); p. 651

[8] Ibid; p.655

### Evaluation/feedback on the above work

##### 1. The presentation of the case: 3 points 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.

**2. Purpose and methodology:** 3 points

**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.**

**3. References: 3 points**

**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.**

### Overall evaluation/feedback

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 is 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?

The student specified the issue and purpose in a clear and suitable way and I gave all perfect grades. They gave a relevant and understandable presentation of the issue. The student motivated their choice of methods and materials. The only think I can think of for improvement would be to add more details. They provided all that was needed for a clear understanding of their purpose. However, I'm from a mostly technical background and very new not only to business law, legal speak and the EU since I'm from the USA, the more details provided, the better for those less educated and experienced in these areas. I've taken some legal type humanities but those were more related to human rights than business law, and my only business course experience has been in economics, otherwise totally technical in background. So the manner of writing and presenting in legal worlds, the EU database resources, these things are all new for me, and the more details people provide in their writing the better for me, meaning they've sifted through the legal speak documents and databases and presented it in a more pleasing readable manner. I think they did a good job though - but they asked how it could be improved and this is what I can say.