

UNIVERSITY OF LONDON

266 0024 ZA

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LLB EXAMINATION

for External Students

PARTS I AND II EXAMINATIONS (Scheme A)

THIRD AND FOURTH YEAR EXAMINATIONS (Scheme B)

GRADUATE ENTRY LEVEL II (Route A)

GRADUATE ENTRY THIRD YEAR (Route B)

BSc DEGREES

for External Students

MANAGEMENT WITH LAW, LAW WITH MANAGEMENT, ACCOUNTING
WITH LAW AND LAW WITH ACCOUNTING FOR STUDENTS IN THE
EXTERNAL PROGRAMME

EU Law

Friday 15 May 2009 : 2.30 - 5.45 pm

Candidates will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their answer books. They then have the remaining **THREE HOURS** in which to answer the questions.

Candidates should answer **FOUR** of the following **EIGHT** questions.

Candidates should answer all parts of a question unless otherwise stated.

1. 'The development of the role of the European Parliament has been greater over the years than that of any of the other European Institutions. This development has affected the role of the Council in particular.'

Discuss with reference both to the legislative role of the Parliament and its standing before the European Court of Justice.

2. 'The European Court of Justice has full jurisdiction in direct actions before it by institutional actors, Member States and individuals. However, these actors do not all have the same standing before the ECJ.'

Discuss, considering the relevant case law, with particular emphasis on actions by individuals.

3. 'The doctrine of direct effect, first developed by the ECJ in 1963, is still as relevant today as it was then.'

Outline the development of the doctrine to the present day and consider whether this statement is accurate.

4. 'Articles 23 to 25 of the EC Treaty on the one hand, and Article 90 on the other hand, are mutually exclusive'.

Discuss, using case law to demonstrate the differences between the Articles and the difficulties which arise with this distinction.

5. George is a fully qualified English structural engineer who decides to take advantage of the free movement rules of the EU to find a good job elsewhere in the EU. He decides to move to a country where much new commercial building work is going on and to try his luck in Latvia. He applies for a job at a major building project in the Latvian capital, Riga, but encounters the following problems;

- (a) he is told that his English engineering qualifications are not recognised in Latvia and consequently he can only apply for a junior position as a builder's assistant;
- (b) he is told that he also needs a certificate confirming he has enough money to support himself in Latvia, as the job will not pay him enough money to allow for minimum subsistence.

Advise George as to his rights under EU law and as to the action he can take to allow him to overcome the above obstacles.

6. The European Union is experiencing a painful economic downturn. The government of Slovakia is concerned about one of its main manufacturing industries, roller skates, which has been affected by a fall in domestic demand and by imports of cheaper roller skates from both Greece and Turkey. The Slovakian government takes the following measures to bolster its domestic roller skate industry.
- (a) It sets up a fund to which all importers of roller skates are asked to contribute 5% of the value of the goods they import. This fund is to benefit the technological development of better and safer roller skates in Slovakia.
 - (b) Slovakian roller skate manufacturers are asked to employ Slovakian workers only and to use Slovakian steel only in their manufacturing process.

Consider the lawfulness under EU law of the above measures.

7. (a) Describe the origins and the development of the *de minimis* rule which provides for exemption from the application of Article 81 EC and explain its importance for small businesses.
- (b) ‘The application of Article 82 EC is a problem area of EC competition law and has so far not been part of the modernisation process. This may be due to the controversial nature of the case law of the ECJ.’

Discuss.

8. Article 13 EC was inserted by the Treaty of Amsterdam to extend the principle of equal treatment to further forms of discrimination, in addition to those covered in Articles 12 and 141 EC.

Compare and contrast the three Articles and consider their effectiveness from the point of view of legislation and case law.

END OF PAPER