

UNIVERSITY OF LONDON

266 0024 ZB

277 0304 ZB

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 one European Institution has sometimes been to the detriment of another.'

Consider the development of at least TWO Institutions in the light of this statement.

2. 'Direct actions before the European Court of Justice are easier to bring for Institutions than for other actors.'

Consider the accuracy of this statement with reference to case law of the ECJ, with particular emphasis on actions by individuals.

3. The development of the doctrine of supremacy of EC law over national law was first developed by the ECJ in 1964.

Discuss the development of the doctrine to the present day to 1964.

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. Samantha is a fully qualified English primary school teacher who decides to take advantage of the free movement rules of the EU to find a good job elsewhere in the EU. She decides to move to Finland, a country where she has heard there is a shortage of primary school teachers. She applies for a job at a large primary school in Finland, but encounters the following problems, she is told that:

- (a) her English qualifications are not recognised in Finland and consequently she can only apply for a junior position as a teaching assistant.
- (b) she needs a certificate confirming she has enough funds to keep herself in Finland, as the job will not pay her enough to allow for minimum subsistence.
- (c) she will be put on a waiting list, as priority is given to teaching assistants who speak Finnish.

Advise Samantha as to her rights under EU law and as to the action she can take to allow her to overcome the above obstacles.

6. Industries in most of the European Union are experiencing difficulties because of the unfavourable economic situation. In Austria there are particular problems for the cuckoo clock manufacturing industry which depends heavily on the dwindling tourist trade for its sales. Moreover, there are cheap imports of cuckoo clocks arriving into the country from both Switzerland and Slovenia. The Austrian government decides to take the following measures;
- (a) it sets up a fund to which all importers of cuckoo clocks are asked to contribute 10% of the value of the goods they import. This fund is intended to promote the manufacturing quality of souvenirs 'made in Austria'.
 - (b) Austrian cuckoo clock manufacturers are asked to employ Austrian workers only and to use Austrian wood only in their manufacturing process. The use of Austrian wood is preferred as it ensures it has been sourced in an environmentally friendly way and is of good quality.

Consider the lawfulness under EU law of the above measures.

7. 'High prices, caused by the anti-competitive behaviour of undertakings, form a barrier to the freedom of trade in the European Union.'

Comment, with reference to case law in respect of both Articles 81 and 82 EC.

8. Article 13 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