

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:-

B.A.

Laws C6: Law and Institutions of the European Communities

COURSE CODE : **LAWSC006**

UNIT VALUE : **1.00**

DATE : **07-MAY-03**

TIME : **10.00**

TIME ALLOWED : **3 Hours 15 Minutes**

LAW AND INSTITUTIONS OF THE EUROPEAN COMMUNITIES

Answer **FOUR** questions, **AT LEAST ONE** from **PART A**, and **NO MORE THAN TWO** from **PART B**.

PART A

1. Critically analyse the role of the European Court of Justice and the Court of First Instance in securing the effectiveness of EC Law. Consider in particular the Courts' development of the principle of supremacy.
2. Critically examine the role of the individual in the development of EC law, and in the achievement of the objectives of the Union.
3. To what extent are the *locus standi* rules in Article 230 and 232 EC unnecessarily restrictive?
4. Carsten is a Swedish national. He has qualified as a physiotherapist in the U.S. He comes to the United Kingdom to seek work but is told that his U.S. qualifications are not recognised. Those qualifications are recognised in Sweden and he has worked for 15 years as a physiotherapist in Sweden. Carsten is unable to work in the U.K. and he therefore requests income support and housing from his local authority. He is turned down as he is not employed in the U.K. Carsten's wife Bea is Israeli. She came to the U.K. with Carsten, but has since separated from him; they are not divorced. She seeks employment in the U.K. as a civil servant with a local health authority. She is turned down for the job on the grounds that she is neither British nor a Community national. Bea has a 22-year old son, Arnold, by her first marriage to a U.S. citizen. Arnold has U.S. nationality. He lives with Bea and is unemployed. He has been found shoplifting in order to buy drugs. He also has some past convictions for supplying soft drugs. As the British authorities think that he is linked to a group of pushers of hard drugs, they decide to deport him.

Advise Carsten, Bea and Arnold as to their rights, if any, under European Community law.

TURN OVER

5. Answer either (a) or (b)

- (a) To what extent has the sex equality law of the EU developed beyond its original economic rationale? What do you envisage to be the likely future direction of this area of law?

OR

- (b) Katerina, a Polish national is employed by Redbrick College in Ireland as a lecturer in European Studies. She has recently been turned down for promotion. The reason given for this by her employers is that she does not have a sufficiently 'international' reputation due in part to her reluctance to travel long distances to attend conferences which would necessitate her leaving her young family. She also earns considerably less than Roger, a younger male colleague who also teaches European Studies, and who has had his wages supplemented with discretionary payments for his flexibility, long working hours, and ability to recruit students from overseas.

Katerina becomes pregnant and her employers dismiss her because they consider that she should not teach in the evening, as required by her contract. Redbrick College employ Isabella on a fixed-term contract to give Katerina's lectures. But, just two months later, Isabella informs them that she is also pregnant. She wishes to take maternity leave, and then return to work on a part-time basis. The College, which is in financial difficulties since it relies upon private donations for much of its income, wishes to terminate Isabella's contract, and give the extra teaching to Roger.

Advise Katerina and Isabella as to their rights and remedies under EU law.

6. Does *Keck and Mithouard* represent a significant change in the attitude of the European Court of Justice to measures having equivalent effect to a quantitative restriction? Is this confirmed by subsequent case-law?

7. 'The most effective way to achieve free movement of goods within the internal market is by harmonisation of laws and standards.'

Discuss.

CONTINUED

PART B

Environmental Protection in the EU

8. Critically account for the development of the EC's environmental policy, and associated environmental principles, paying particular attention to the role of the European Court of Justice in this development.
9. Critically examine the manner in which EC Law has resolved, or mediated, conflicts between environmental protection and other policy objectives of the European Union. Use **AT LEAST ONE** of the following policy areas to illustrate your answer:
 - (a) free movement of goods; **OR**
 - (b) nature conservation; **OR**
 - (c) regional development policy.

EU Immigration, Asylum and Human Rights Law

10. "The European Charter of Fundamental Rights fails to close the gaps in human rights protection that exist in EC law."

Discuss.

11. "The 1999 EU Tampere Summit represented a major turning point in the building of an EU Asylum/Immigration Policy. On the one hand, it endorsed the pivotal developments that took place in the previous decade. On the other hand, it set out a clear future objective, namely the achievement of an open and secure Europe fully committed to its international obligations."

Critically analyse this statement and the ability of the EU to effectively achieve the above objective through its current initiatives, by referring **EITHER** to the EU Asylum **OR** to the EU Immigration Policies.

TURN OVER

External Dimensions of the EU

12. Critically analyse the extent to which the European Community, in contrast to the European Union, can be regarded as a fully-fledged actor on the international stage.
13. “Exclusive European Community competence in the field of external relations is very much the exception; normally such competence is shared with the Member States.”

Discuss.

Introduction to Competition Law

14. What objectives have informed the application of Articles 81 and 82 EC to date? What effects, in your view, might the introduction of Regulation 1/2003 have on the future interpretation of those provisions?
15. “The application of EC competition law to the activities of the Member States represents an incursion upon their national sovereignty which goes directly against the provisions of the Treaty of Rome.”

Discuss.

END OF PAPER