

European Union Law

Thursday 20 February 2025

13.00 – 17.00

(four hours)

Please read the following instructions carefully

The examination is of four hours' duration. Candidates are required to answer **FOUR** questions. **ONE** question must be answered from **Section A** and **ONE** question from **Section B**.

The **third** and **fourth** questions can be answered from anywhere in the paper. All four questions are of equal value. Answers must be fully reasoned and supported by authority where appropriate. Candidates need to take care to **read the questions carefully and to answer what is asked**.

Candidates MUST answer at least ONE question from this section.

Section A

Question 1

Critically analyse the principle of supremacy of EU law, by examining its evolution through key judgments of the Court of Justice of the European Union (CJEU).

- a) Evaluate how this principle interacts with the constitutional identities of Member States, particularly in light of recent national court decisions that challenge the authority of EU law.

and:

- b) Discuss the potential implications of these tensions for the future of EU integration.

Question 2

Examine the concept of EU citizenship as articulated in the Treaty on the Functioning of the European Union (TFEU).

- a) Analyse how the CJEU has interpreted and expanded the rights associated with EU citizenship, especially concerning social assistance and the principle of non-discrimination.

and:

- b) Critically assess the limitations that persist, considering recent case law and the socio-political context influencing these developments.

Question 3

The European Commission has proposed a new regulation aimed at enhancing cybersecurity across the European Union. This proposal seeks to establish uniform standards for digital infrastructure security and mandates regular compliance audits for businesses operating within the EU. The proposal has been submitted to the European Parliament and the Council of the European Union for consideration under the Ordinary Legislative Procedure.

and:

- a) Describe the respective roles of the European Commission, the European Parliament, and the Council of the European Union under the Ordinary Legislative Procedure and explain how these institutions interact and collaborate to adopt EU legislation.

- b) Outline the key stages of the Ordinary Legislative Procedure that the proposed cybersecurity regulation will undergo and discuss the potential outcomes at various points in the process.

Question 4

Critically assess the significance of the preliminary ruling procedure under Article 267 TFEU in ensuring the uniform application of EU law.

- a) Examine how the CJEU has utilised this mechanism to influence the relationship between EU law and national legal systems.

and:

- b) Consider the challenges posed by varying national judicial practices and the reluctance of some national courts to refer questions, discussing the implications for legal integration within the EU.

END OF SECTION A

SECTION B

Candidates MUST answer at least ONE question from this section.

Question 5

John, a Dutch national, relocates to Italy to work as a freelance graphic designer. After registering as self-employed, he seeks access to the Italian public healthcare system but is denied, with authorities citing a requirement to reside in the country for two years before gaining eligibility.

- a) Advise John on whether Italy's policy is consistent with EU law. Discuss the potential justifications Italy might invoke and assess their validity in light of EU jurisprudence.

and:

- b) Discuss how the situation would change if John was economically inactive and residing in Italy.

Question 6

Elena, a Spanish national, is employed as a project manager at a multinational corporation's branch in Germany. She discovers that her male counterparts in similar roles receive higher salaries and additional benefits, such as stock options and enhanced pension contributions. Upon raising the issue, her employer contends that the disparities are due to individualised negotiation outcomes and performance-based incentives.

- a) Advise Elena on her rights under EU law.

and:

- b) Assess the impact of recent CJEU rulings and discuss how these decisions influence the burden of proof in equal pay claims and the obligations of employers to ensure pay transparency.

Question 7

BioHerb Ltd., an Irish company, produces an organic herbal supplement that meets Irish safety standards. When attempting to sell the product in France, French authorities impose a mandatory testing fee and require additional labelling, citing the need for local verification. BioHerb Ltd. believes these measures are discriminatory and constitute an unjustifiable barrier to trade.

a) Advise the company on the legality of the French measures under EU law.

and:

b) Discuss the circumstances under which the French requirements may be justified.

Question 8

MediPharma Inc., a pharmaceutical company operating within the EU, holds a 55% market share in the prescription pain relief medication sector. The company has recently implemented a policy requiring pharmacies to purchase its new line of over the counter (OTC) vitamin supplements as a condition for obtaining supplies of its high-demand pain relief drugs. Competitors in the OTC vitamin market have raised concerns, alleging that this practice restricts competition and limits consumer choice.

a) Discuss whether the practice of MediPharma Inc. of linking its prescription pain relief medications to the purchase of its OTC vitamin supplements breaches EU law. Also discuss the criteria used to evaluate practices of this nature, by referencing relevant case law and the guidelines of the European Commission guidelines on such conduct.

and:

b) Discuss the possible enforcement actions that European institutions or national authorities might take if the conduct of MediPharma Inc. is found to infringe EU law.

END OF SECTION B

END OF PAPER