

# European Union Law

Tuesday 22 July 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

In the *Melloni* case (C-399/11), the Court said that the EU Charter of Fundamental Rights has the same legal value as the EU Treaties. What does that mean? Explain how *Melloni* confirms this and discuss whether the Charter helps protect rights across the EU—or sometimes limits how national courts and governments act.

### Question 2

“The present rule is flawed and the reasons given for denying horizontal direct effect in respect of directives, whether derived from the wording of the Treaty or legal certainty, are unconvincing”.

Critically discuss the above statement.

### Question 3

A new EU law on cybersecurity is going through the standard legislative process.

- a) What roles do the Commission, Parliament, and Council play in this procedure, and how do they work together?

and:

- b) What stages will the cybersecurity proposal go through, and what possible outcomes can occur at each step?

### Question 4

Explain how the preliminary ruling procedure ensures that EU law is applied consistently across Member States.

- a) How has the CJEU used this tool to shape interactions between EU law and national courts?

and:

- b) What challenges arise from different national court practices and hesitation to refer cases to the CJEU?

**END OF SECTION A**

## **SECTION B**

**Candidates MUST answer at least ONE question from this section.**

### **Question 5**

Lars, a Danish national, relocated to Portugal two years ago under a two-year fixed-term contract as a marine biologist. He became unemployed six months ago when his contract ended. Since then, he has been actively seeking new employment, registered with the Portuguese public employment service, and is fluent in Portuguese. He volunteers once weekly with a coastal cleanup NGO (unpaid, formally recognised) and contributes to local educational outreach programs teaching marine science to schoolchildren.

Portugal has a law stipulating that any EU national unemployed for more than 18 months receiving social assistance may be deemed an “unreasonable burden” and subject to deportation. Portugal's authorities now propose deporting Lars under this rule, citing concerns that he might remain unemployed indefinitely. However:

- a) He has a stable marriage-like relationship of four years with a Portuguese citizen, Marta, with whom he shares a mortgage and jointly runs a small eco-tourism boat business.
- b) There is no specific record indicating misuse or fraud in his benefit claims; he has contributed to the Portuguese social security system while employed.

Critically assess whether deporting Lars is compatible with EU law.

### **Question 6**

Vincool (France) manufactures portable electric wine-cooling units (WCU) and exports them across the EU. Two EU Member States recently enacted the following national laws:

- a) Germany requires every WCU sold domestically to include a humidity sensor measuring indoor cellar conditions as well as functionality to adjust cooling rates accordingly. This exceeds the existing EU harmonised standards. German authorities justify this based on high humidity issues in many historic, non-air conditioned German wine cellars.
- b) Spain mandates user manuals in both Spanish and Catalan featuring detailed pictograms for every cut-over circuit. Authorities argue this is necessary for consumer safety and supports regional language rights. This additional labelling adds approximately €2 per unit and causes logistical delays, as the labelling must be revised and checked for every region.

Discuss whether the above measures are compatible with EU law.

## Question 7

Nina, a senior architect employed by BuildCo Ltd in Lithuania, is passed over for promotion to “Lead Architect.” Instead, her male colleague, Marius—who has significantly less experience (5 years vs. Nina’s 12) and lower client satisfaction scores—is promoted. Further facts:

- Internal communications reference “a need for stronger male leadership in high profile client pitches.”
- BuildCo steers female employees into part-time or remote-facing roles while reserving prestigious, client-facing roles and large performance bonuses for men.
- Female employees with similar roles consistently receive bonuses approximately €5,000 lower than comparable male colleagues.
- Company policy justifies the current allocation on “assumed employee preferences” and “work-life balance,” but there is no clear employee demand for this policy.

Evaluate Nina’s position under EU law.

## Question 8

Cloud Stor Inc., a large pan EU cloud storage provider with 45% market share, is under European Commission scrutiny for several agreed practices with its partners:

- a) Cloud Stor requires its partner resellers and integrators to commit only to its platform and prohibits them from offering competing cloud solutions.
- b) Through its distribution contracts, Cloud Stor imposes minimum resale prices on its authorised resellers to protect its brand image.
- c) Internal documents reveal that Cloud Stor, together with two other major cloud providers, occasionally shares pricing benchmarks and agrees on a minimum pricing band at quarterly “industry meetings” – albeit without formalised written agreements.

Critically discuss whether the above arrangements are compatible with EU law.

**END OF SECTION B**

**END OF PAPER**