

European Law and Institutions

Thursday 15 May 2025

12pm to 1.30pm

Candidates are required to answer TWO out of four questions.

The paper is divided into two sections. Candidates will be required to answer ONE question from section A, and ONE question from section B. All four questions are of equal value.

Section A

Question 1

A European Union (EU) directive adopted in 2022 requires all Member States to implement specific environmental protection measures by 1 January 2025. The directive mandates that industrial facilities exceeding a certain emissions threshold must install advanced air filtration systems, with the aim of significantly reducing the release of hazardous substances into the atmosphere. The directive clearly sets out the technical standards for the required systems and provides a detailed implementation framework, including the obligations on industrial operators and the deadline for compliance.

The government of Member State X has not yet enacted national legislation transposing the directive into domestic law. There have been delays in the legislative process, and no clear timetable has been provided for when the necessary rules will be adopted. This has created legal uncertainty among operators in the affected industries.

Eco Clean Ltd., a privately-owned company operating several chemical production plants in Member State X, is one of the largest emitters in the sector. The company has not taken any steps to install the filtration technology mandated by the directive. When questioned by environmental regulators, Eco Clean argues that it is under no obligation to comply with the directive until national implementing measures are in place, as its legal obligations derive solely from national law rather than from the directive.

Green Future, a prominent environmental Non-Governmental Organisation (NGO), wishes to take legal action to compel Eco Clean Ltd. to comply with the directive's requirements. The organisation argues that the company is frustrating the objectives of EU environmental policy and that failure to implement the directive at national level cannot be used as a shield by private undertakings to avoid compliance.

Advise Green Future on whether the EU directive can be enforced against Eco Clean Ltd. In your answer, consider the nature of the directive, the role of national authorities, and the available legal doctrines that may support or hinder Green Future's claim.

Question 2

"Article 51(1) of the Charter of Fundamental Rights (CFR) is a central provision—the 'keystone', so to speak—of the CFR. It standardises its scope of application and restricts it vis-à-vis the Member States." (*Cambridge Yearbook of European Legal Studies*)

- a) Assess the legal status and practical impact of the Charter of Fundamental Rights of the European Union since its elevation to EU primary law.
- b) Evaluate the effectiveness of the Charter in strengthening fundamental rights protection within the EU legal order. In your answer, consider whether the Charter has enhanced legal certainty and accessibility of rights, and assess whether any reform—legal, institutional, or interpretive—is necessary to achieve a more robust and uniform fundamental rights framework across the Union.

END OF SECTION A

Section B

Question 3

Elena, a highly experienced architect who obtained her qualifications in Italy, has been practising in Rome for more than ten years. She holds the necessary professional credentials under Italian law and is fully authorised to provide architectural services independently within her home Member State. As part of her career development and in pursuit of new professional opportunities, Elena now wishes to move to France and establish a permanent architectural practice there. Her intention is to work independently, offering architectural design, consultancy, and planning services across French regions, primarily focusing on sustainable urban development.

Upon applying to the relevant French professional regulatory authority to have her qualifications recognised for the purpose of setting up her business, Elena is informed that she must first complete a mandatory two-year “adaptation period.” During this period, she would be required to work under the supervision of a French-qualified architect before being permitted to practise autonomously. The French authority explains that this requirement is part of its national system for ensuring professional standards, claiming that it reflects differences in legal, cultural, and technical aspects of architectural practice between France and other Member States.

Elena is surprised and dismayed by this decision. She argues that, as a qualified professional with over a decade of experience, the imposition of a two-year supervision period is disproportionate and unnecessary. She wishes to challenge the requirement and seeks legal advice on whether it is compatible with her rights under the Treaty on the Functioning of the European Union (TFEU) and relevant EU legislation concerning the mutual recognition of professional qualifications.

- a) Advise Elena on whether the French requirement complies with EU law.
- b) Evaluate the potential justifications France might raise for imposing such a requirement and assess their validity under EU law.

Question 4

Agri Mach, a leading manufacturer of agricultural machinery, holds a substantial position in the European market. Recent industry reports indicate that Agri Mach possesses a market share of approximately 45% in the EU agricultural machinery sector.

Agri Mach is a member of the Agricultural Tech Alliance (ATA), a consortium comprising major agricultural machinery manufacturers across several EU Member States. The alliance aims to promote sustainable farming by standardising machinery components to ensure interoperability and facilitate maintenance.

As part of their collaboration, the members agree to:

Set common technical standards for machinery design, effectively excluding non-members from the market unless they adopt these standards.

Fix minimum prices for certain machinery models to maintain profitability and fund joint research initiatives.

Allocate specific geographic markets among themselves to optimise distribution and reduce logistical costs.

Additionally, Agri Mach offers exclusive rebates to distributors on the condition that they sell only Agri Mach products. Smaller manufacturers have reported a significant decline in sales, alleging that these practices effectively exclude them from the market.

Discuss the issues of EU competition law that arise from the practices of the ATA and Agri Mack.

END OF SECTION B

END OF PAPER