

# JUR5440/1440 – EC Substantive Law

Spring 2010

## Please answer questions 1, 2 AND 3 (ALL questions!)

1(A) Slimasulike is a Scottish firm that manufactures nutritional milkshakes intended to achieve 'healthy' weight loss. It is conducting preliminary investigations with a view to exporting its product to Sweden. These investigations reveal a number of issues:

Following a growing trend of dietary problems amongst the youth population in Sweden, the Swedish Government decides to introduce a number of measures.

First, it requires, by law, that the use of certain nutrients in foodstuff be notified to the National Health Inspection Service and the notification number to be included in the labelling of the product.

Second, it has recently introduced a law altogether prohibiting the advertising of dietary foodstuffs.

Slimasulike wishes to know if any of the Swedish provisions contravene EU rules relating to the free movement of goods. Advise the firm.

AND

1(B) "Although theoretically simple, the notion of measures having equivalent effect to customs duties under Article 30 TFEU has given rise to difficult questions in its practical application." Discuss referring to the case-law of the European Court of Justice where appropriate.

2. What issues of EU law are raised by each of the following scenarios?

(A) Peter, a German national, has just moved to Italy with his German wife and elderly parents to seek work. He wishes to know whether how far he and his family can benefit from EU rights relating to free movement.

(B) Anne-Sophie, a French national has just been made redundant from her teaching post in a Belgian school. She goes to the job centre to seek work but is told that she cannot be given assistance in seeking employment unless she shows her residence permit. Moreover, the job centre has contacted the immigration authorities and Anne-Sophie has been given one month to leave the country.

Would your answer to the above scenario differ if Anne-Sophie had given up her teaching post voluntarily?

(C) Hans, a Danish national is employed by the North Sea Oil Company which operates in Scotland. He has a criminal record of public order offences in Denmark and has been actively engaged in trade union affairs since joining the company six months ago. He has just been told by the UK Immigration Authorities that, for reasons of public policy, he must leave the country within 10 days.

(D) Cecilia, an architect and an Italian national, decides to exercise her EU right of freedom of establishment and extends her business to Austria. She decides to set up an office in Vienna. Cecilia approaches you with the following problems:

(i) under Austrian law, architects doing work in Austria must be registered with the Austrian Architects Association (AAA) and pay the corresponding annual membership fee. Cecilia does not wish to belong to the AAA. She already is a member of the Italian Order of architects.

(ii) the AAA has also informed Cecilia that she must use an accountant from an Austrian accountancy firm, not her current Italian accountant

3. Discuss critically how the ECJ has interpreted the Treaty provisions, and/or relevant secondary legislation, in the context of EU nationals exercising their EU educational rights.

Recommended time for each question

1. 1.5hours
2. 1.5 hours
3. 1.0 hours