

## EKSAMEN I JURIDISKE VALGEMNER

VÅR 2014

Dato: mandag 19. mai 2014

Tid: Kl. 10:00 – 14:00

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### JUS5440 – EU Substantive Law (MA)

The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).

#### PLEASE ANSWER 3 QUESTIONS

1. The Norwegian Government has received the findings of an Italian research institute, which indicate that pigs in the UK have contracted 'swine fever'. The disease is highly contagious to pigs but there is no evidence to suggest that it is harmful to humans.

The Norwegian Government has decided to impose a test on both Italian and UK pork meat products, claiming that the test is a preventive measure whilst they continue research into whether the disease poses risks to human health. UK pork meat products are required to undergo the sanitary inspection at the border and importers are charged 20 kroner per 100 kilograms for the inspection. Domestic producers are required to pay a one-off charge of 500 kroner per year for the same inspection.

The Italian Government has imposed a ban on the transportation of live pigs into Italy from the UK and Germany (although there has been no reported outbreaks in Germany). The Government is also considering introducing a licence requirement for all retail outlets selling pork meat products, regardless of origin, in order to ensure that the products are stored and managed correctly.

Discuss

- (a) whether the actions of the Norwegian and Italian governments are compatible with EU Law.
  - (b) What difference, if any, would it make to your answer if it had been the Italian trade unions that had impeded the entry into Italy of German and UK pigs by blocking the motorways with trucks?
2. To what extent would you agree with the statement that the 'right of a EU citizen, under EU law, to access education in any EU Member State is very distant from the original Treaty right to access vocational training'?

Illustrate your answer with reference to relevant case law from the Court of Justice of the European Union (CJEU).



3. Tarnia, a European state, has recently applied to join the European Union.

Tarnish law distinguishes between 'virgin' and 'extra virgin' olive oil, defining all olive oils with less than 1 per cent acidity as 'extra virgin' and olive oils with more than 1 per cent acidity as 'virgin'. Most domestically produced olive oil has 1 per cent acidity or over and olive oils of less than 1 per cent acidity are usually imported.

'Extra virgin' olive oil must be packaged in green bottles and is taxed at a rate of 25 per cent, whilst 'virgin' olive oil must be packaged in yellow bottles and is taxed at a rate of 4 per cent. These policies have been adopted in order to help citizens easily recognize the purity of the oil and to promote public health.

Importers of olive oil are required to pay all taxes when their goods enter the country whilst domestic producers are required to pay their taxes within three weeks of their goods being sold.

In addition, Tarnia has a total ban on the import of olive oil not bottled in recycled bottles. There are no bottling restrictions on domestically produced olive oil.

The Tarnish government is concerned that some of its policies may contravene EU law.

You have been asked to advise the Tarnish government

- (a) as to the legality of each of these policies.
- (b) to what extent they have competence in taxation matters

4. The freedom of establishment and the freedom to provide cross-border services are two fundamental rights provided for in the Treaty on the Functioning of the European Union (TFEU). Discuss critically, in the context of **EITHER** freedom, to what extent the right has become a reality. Illustrate your answer with relevant authority.

5. Advocate General Sharpston has held that the introduction of Union citizenship by the Maastricht Treaty "recognised the essential role of individuals, irrespective of whether or not they were economically active, within the newly created Union. Each individual citizen enjoys the rights and owes duties that together make up a new status - a status which the Court declared in 2001 was 'destined to become the fundamental status of nationals of the Member States'." (Case C-34/09 *Gerardo Ruiz Zambrano v Office national de l'emploi* [2010] OJ 90/15, Opinion of Advocate General Sharpston, paragraph 68 citing Case C-184/99 *Grzelczyk* [2001] ECR I-6193, paragraph 31)

Discuss critically how far you agree with the above statement. Illustrate your answer with reference to relevant case law and/or secondary legislation.

## **JUR1440 – EU Substantive Law (BA)**

**The language of examination for this course is English: students may answer in English ONLY, answers in any other language than English will be given a F (F for fail).**

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

1. The Norwegian Government has received the findings of an Italian research institute, which indicate that pigs in the UK have contracted 'swine fever'. The disease is highly contagious to pigs but there is no evidence to suggest that it is harmful to humans.

The Norwegian Government has decided to impose a test on both Italian and UK pork meat products, claiming that the test is a preventive measure whilst they continue research into whether the disease poses risks to human health. UK pork meat products are required to undergo the sanitary inspection at the border and importers are charged 20 kroner per 100 kilograms for the inspection. Domestic producers are required to pay a one-off charge of 500 kroner per year for the same inspection.

The Italian Government has imposed a ban on the transportation of live pigs into Italy from the UK and Germany (although there has been no reported outbreaks in Germany). The Government is also considering introducing a licence requirement for all retail outlets selling pork meat products, regardless of origin, in order to ensure that the products are stored and managed correctly.

Discuss whether the actions of the Norwegian and Italian governments are compatible with EU Law.

2. Consider the legal issues that arise from each of these scenarios:

Hans, a Danish national, and his partner Anne-Sophie, a Canadian national have lived and worked in the UK for the last 5 years. Anne-Sophie has just been made redundant from her teaching post in an English school where she taught French. She goes to the job centre to seek work but is told that she cannot be given assistance in seeking employment as she is not an EU national. She is also told that given she has no job security she will be deported.

To make matters worse, Hans who is employed by a North Sea Oil company, has just been told by the UK immigration authorities that, for reasons of public policy, he must leave the country within 10 days. Upon further enquiries Hans has found out that the reason for this action is because he has a criminal record of public order offences in Denmark and has been actively engaged in trade union activity since joining the UK company six months ago.

Advise Hans and Anne-Sophie of any rights they may have under EU law.

3. The freedom of establishment and the freedom to provide cross-border services are two fundamental rights provided for in the Treaty on the Functioning of the European Union (TFEU). Discuss critically, in the context of **EITHER** freedom, to what extent the right has become a reality. Illustrate your answer with relevant authority.

**Recommended time for each question**

1. **45 minutes**
2. **45 minutes**
3. **30 minutes**

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*The result of the exams will be announced on Monday 9 June, at 15.00 hours. You can check the results in the StudWeb, or by contacting the Information Centre, phone 22 85 95 00.*

*After the exam results are announced, candidates have the right to be informed of the grounds for the result as long as a request is made within one week of the announcement. The names and contact information of the examiners can be found on the Faculty's website, or by contacting the Information Centre. The deadline for appeal is three weeks after the announcement of the results.*

Oslo, 19.05.2014