

EKSAMEN I JURIDISKE VALGEMNER

VÅR 2015

Dato: Tirsdag 19. mai 2015

Tid: Kl. 10:00 – 14:00

JUS5440 – EU Substantive Law (Master students only)

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. Stocktoys is a Swedish manufacturer of toys for young children which has become extremely popular in continental Europe. Its most successful toy is the 'Mini-Stars Football World', a game for children between the ages of 3 and 6. It is made of soft plastic and has colourful figures and original light-and-sound effects.

Stocktoys is keen to start selling its products in Belgium and France. However, preliminary studies of these markets reveal some important concerns:

- (i) The Belgium government recently introduced a law banning toys that contain small parts of 2 inches or less, as these are considered a dangerous choking hazard. The 'Mini-Stars Football World' game does not meet this requirement.
- (ii) The Environmental Protection Agency in France (EPAF) is currently conducting a campaign to promote the use of recycled plastic in the manufacturing of toys. The only company endorsed in the campaign is PoPo, a French toy manufacturer.
- (iii) Recent, separate studies in France have shown that children under the age of 6 are particularly inactive and unhealthy and that they are highly influenced by the adverts they see on television. As a result, the French government has decided to introduce some restrictions on toy advertising. In particular, it has decided to ban the advertising of toys for children under the age of 6 on television between the hours of 9 am and 6 pm.

Advise Stocktoys on the compatibility of each of these Belgium and French practices with EU law.

2. To what extent has the Court of Justice of the European Union eroded the 'wholly internal rule' in its more recent case law on the free movement of persons?



3. Ina is a German national and a journalist. Her husband, Hans, a Swiss national, is a poet. Hans is a member of a leftist German group, X, which describes itself as a “non-violent revolutionary cell dedicated to the cause of social justice”. They enter the UK seeking employment.

Hans writes columns and the occasional poem for a magazine published by the British section of the German X group. Hans has no regular income but he is paid for about one in four of his contributions to the magazine.

TV8, a national broadcaster, advertises a position as a reporter concerning cricket. This position appeals to Ina and she applies. It is TV8 policy to hire as reporters only those whose first language is English (with certain exceptions for Gaelic speakers). Ina is fluent in English, but speaks with a noticeable, but not pronounced, German accent. TV8 rejects her application without giving reasons. She believes she has been rejected because of her husband’s radical leanings.

Ina and Hans have two children, Heidi and Jens who are of German nationality. Heidi who is 20 years old, is unemployed and lives at home with her parents. Jens is 18, has just completed his final year at school and has decided to go to University to study medicine. They are both arrested in London and charged with rioting and disturbance of the peace during a demonstration organized by members of the British section of X group.

During their investigation of the rioting incident, the British police obtains Hans’ records which show two convictions for possession of cocaine and an arrest, but not a conviction for violence. The British authorities seek to deport Heidi, Jens and Hans.

Advise Ina, Hans and their children of the rights they may have under European Union law.

4. To what extent would you agree with the statement that “the rights of intellectual property owners to prevent parallel imports are well protected by the derogation provided under Article 36 of the Treaty on the Functioning of the European Union (TFEU)”?

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

5. ‘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 **ONE** of the two freedoms, to what extent the right has become a reality. Illustrate your answer with relevant authority.

JUR1440 – EU Substantive Law (Bachelor students only)

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

1. Stocktoys is a Swedish manufacturer of toys for young children which has become extremely popular in continental Europe. Its most successful toy is the 'Mini-Stars Football World', a game for children between the ages of 3 and 6. It is made of soft plastic and has colourful figures and original light-and-sound effects.

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- The Belgium government recently introduced a law banning toys that contain small parts of 2 inches or less, as these are considered a dangerous choking hazard. The 'Mini-Stars Football World' game does not meet this requirement.
- The Environmental Protection Agency in France (EPAF) is currently conducting a campaign to promote the use of recycled plastic in the manufacturing of toys. The only company endorsed in the campaign is PoPo, a French toy manufacturer.

Advise Stocktoys on the compatibility of each of these Belgium and French practices with EU law.

2. Ina is a German national and a journalist. Her husband, Hans, also a German national, is a poet. Hans is a member of a leftist German group, X, which describes itself as a "non-violent revolutionary cell dedicated to the cause of social justice". They enter the UK seeking employment.

Hans writes columns and the occasional poem for a magazine published by the British section of the German X group. Hans has no regular income but he is paid for about one in four of his contributions to the magazine.

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Meanwhile, Heidi and Jens, their children aged 20 and 18 who are of German nationality, are arrested in London and charged with rioting and disturbance of the peace during a demonstration organized by members of the British section of X group. During their investigation of the rioting incident, the British police obtains Hans' records which show two convictions for possession of cocaine and an arrest, but not a conviction for violence. The British authorities seek to deport Heidi, Jens and Hans.

Advise Ina, Hans and their children of the rights they may have under European Union law.

3. Select **ONE** of the topics below and critically discuss the contribution of the Court of Justice of the European Union (CJEU) in interpreting and applying the relevant articles of the Treaty on the Functioning of the European Union (TFEU).

- (a) Removal/elimination of custom duties between Member States
- (b) The freedom to provide cross-border services
- (c) The right of establishment of legal persons
- (d) The protection of intellectual property rights as a derogation to the free movement of goods rules.

Recommended time for each question

- 1. 90 minutes**
- 2. 90 minutes**
- 3. 60 minutes**

Sensuren faller tirsdag 9. juni klokken 15.00. Kontroller på StudWeb eller ta kontakt med Infosenteret på 22 85 95 00. Kandidatene har rett til en redegjørelse for sensurvedtaket ved henvendelse til sensorene innen en uke etter sensur. Kontaktinformasjon for sensorer finnes på Fakultetets nettsider. Du kan også ta kontakt med infosenteret. Klagefristen er tre uker etter sensur.

The result of the exams will be announced on Tuesday 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, 19.5.2015