

EXAM

JUR1440 **Spring 2018**

Date: 2 May 2018

Time: 09:00 – 13:00

Information

This exam set contains 3 questions. You may navigate between the pages by using the arrows bottom right, or the numbers on the bottom line.

Estimated time spent:

- Part 1 - 1,5 hours
- Part 2 - 1,5 hours
- Part 3 - 1 hours

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

Question 1

Lolita SA is a French company who makes perfume. The company is encountering the following difficulties with exporting their products:

- a. The Norwegian government requires that all imported perfumes to undertake a test to check the level of concentration, in order to ensure that bottles labelled as perfume are not in fact cologne, which has a lower level of concentration. The inspections cost 10 NOK per 100 litres and the Norwegian government charges Lolita SA 200 NOK per 100 litres for the inspections.
- b. The Italian government charges a levy of €3 per bottle of perfume imported into Italy.
- c. The Austrian government taxes perfume at a rate of 10 % and cologne at a rate of 2 %. There are no domestic producers of perfume but there are domestic producers of cologne.

Advise Lolita SA as to the legality of each of these policies.

Question 2

Jan is a Polish national who has been living in Acacia (a fictitious EU Member State) continuously for almost five years with his wife. He had been working as a construction worker, employed temporarily by different construction companies. In order to improve his opportunities in the labour market, he quitted his job and enrolled at a college in the field of engineering. However, although the education was free, the cost of living was higher than he had expected, especially after his wife, a Ukrainian citizen, got pregnant and

stopped working for health reasons. In such circumstances, Jan decided to apply for Income Support from the Acacian authorities.

His application for Income Support was refused as, under the relevant Acacian legislation, by quitting his job and having lost his income, in accordance with Acacian law, he lost his 'right to reside in Acacia,' the latter being a pre-condition for receiving Income Support.

Jan tried to find a new job, but the construction sector was under crises and there were no jobs to be found. He has now been told that, if he does not find a job within the next few weeks, he will have to leave Acacia together with his wife and child who was born in Acacia a few weeks ago.

Relying on relevant legislative measures and CJEU case law, advise what rights Jan and his family may have under European Union law.

Question 3

Answer question A or B

(A) 'Ensuring the freedom of cross border trade in services within the internal market is of paramount importance for its prosperity.' Critically discuss some of the challenges that the EU faced and the extent to which they have been resolved by the adoption of the Services Directive.

OR

(B) To what extent does the EU's external commercial policy complement the achievement of the internal market? Discuss critically how the exclusive competence to negotiate commercial agreements with third countries protects and enhances the concept of an integrated EU market.