

i 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.

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

Due to the extraordinary situation at the faculty this spring the dean has decided that the exam shall be written at home and that the following apply:

The exam shall be an independent work. It is permitted to use all available sources. Apart from this, ordinary rules of exams apply:

- It is not permitted to communicate with other persons about the test, or to distribute a draft exam or full exam, during the exam. Such communication is regarded as cheating.
- Exams that are handed in will be processed in UiO's data system for control of text and plagiarism.

If you have any problems during the exam, please contact our Information desk at: email: info@jus.uio.no
name the ticket: URGENT - EXAM - JUR1440

1. Ina is a German national and employed as a journalist with a small regional German newspaper. She specialises in reporting on sport events. Her husband, Hans, a Swiss national, is a poet. Hans is a member of a German group, X, which describes itself as a “non-violent revolutionary cell dedicated to the cause of social justice.” They decide to emigrate to France seeking employment and have now been living in Paris for 8 weeks.

Hans writes columns and the occasional poem for a magazine published by the French 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 vacancy for a sports journalist. The position appeals to Ina and so she applies for it. It is TV8 policy to hire as reporters only those whose first language is French. Ina is fluent in French, but speaks with a noticeable, but not pronounced, German accent. TV8 rejects her application without giving reasons. However, Ina believes she has been rejected because of her husband’s radical leanings.

Ina and Hans have two children, Heidi and Johan who are of German nationality. Heidi who is 20 years old, is unemployed and lives at home with her parents. Johan is 18, has just completed his final year at school and has decided to go to University to study medicine. Johan is concerned as to whether he can study at a French University.

However, recently, Hans and the children were arrested and charged with rioting and disturbance of the peace during a demonstration organized by members of the French section of X group. During their investigation of the rioting incident, the French police obtained Hans’ records which show two convictions for possession of cocaine and an arrest, but not a conviction for violence.

The French authorities seek to deport Heidi, Jens and Hans.

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

1 Answers question 1

Fill in your answer here

Format ↓ **B** *I* U x_2 x^2 I_x ABC ↓

Words: 0

Maximum marks: 0

2. Following the withdrawal of the United Kingdom from the European Union (EU), the EU and the UK have negotiated a new trade partnership. It contains the following elements:

- i. The establishment of a comprehensive free trade area covering all goods and services;
- ii. An ambitious regulatory cooperation to secure UK alignment with internal market rules

The Council of the European Union concluded the new Partnership Agreement by a decision based on Article 8 TEU, Article 114 TFEU and Article 207 TFEU.

(A) The European Commission holds that the legal basis of the Council Decision is incorrect in view of the primary trade objective of the agreement. It thus considers challenging the legality of the Decision before the European Court of Justice.

You are a member of the Legal Service of the Commission, and you are asked to provide legal arguments that it could use before the Court to support its action.

(B) As the negotiation between the UK and the EU was still ongoing, the Dutch Government started negotiating a financial agreement with the UK. The envisaged agreement foresees the free movement of financial services between the UK and the Netherlands.

The Commission considers that the Dutch Government is violating its obligations under EU law, and is considering enforcement proceedings against The Netherlands.

Advise the Commission as to the legal arguments it could use against that Member State.

2 Answers question 2

Fill in your answer here

Format - **B** *I* U x_2 x^2 I_x           ABC 

Words: 0

Maximum marks: 0

3. Advise Lolita SA and Kokoa SA in the following situations as to what are their rights, if any, under EU Law .

(A) Lolita SA is a French company who makes perfume. The company is encountering the following difficulties with importing their products into Spain and Luxembourg:

(a) Spanish law requires that all imported perfumes 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.

(b) Luxembourg law imposes a levy of €3 per bottle on imported perfume. Furthermore, Luxembourg 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.

(B) Kokoa SA is a Belgium company which produces chocolate. They are encountering the following difficulties when exporting their products to other EU Member States:

(a) The German government prohibits chocolate products from being sold in supermarkets. The success of Kokoa's products has been the distribution of its chocolates only via supermarkets. Their marketing strategy is to make chocolates affordable and part of a weekly shop.

(b) The Portuguese government requires that products high in sugar, including chocolate, are packaged in bright red packages. They contend that this is necessary to raise public awareness of products that are high in sugar and to encourage the public to make healthy dietary choices. Evidence suggests that Portugal has the fastest-growing rate of child obesity in Europe.

3 Answers question 3

Fill in your answer here

Format | **B** | *I* | U | x_2 | x^2 | I_x |  |  |  |  |  |  |  |  |  |  |  | 

Words: 0

Maximum marks: 0