

## **JUR 5441**

### **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 ALL THREE QUESTIONS!**

The exam shall be an independent work. It is permitted to use all available sources.

Apart from this, ordinary rules of exams apply:

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### **Question 1**

A member of the European Court of Justice once observed that “despite the formal disappearance of the ‘pillars’, the entry into force of the Treaty of Lisbon has not obviated the need to delimit the respective scopes of the Union’s different policies”. Please discuss this observation, and explain how this delimitation is legally done?

### **Question 2**

The Council has approved a mandate for the EU negotiation of a Partnership Agreement with the Nice Federation (NF). According to the mandate, the Agreement should contain the following elements:

- 1) A free trade area between the two parties involving the liberalization of trade in goods and services including transport;
- 2) the progressive establishment of a customs union between the EU and NF
- 3) Each EU Member State shall grant a treatment no less favourable than that accorded to its own companies for the establishment of Nicean companies on its territory

- 4) Cooperation in the field of environmental protection, in the form of regular consultations to exchange information, and to establish on good practices

**A.** You are a member of the legal service of the EU Council. You are asked to advise the Council on the following questions:

- What should be the legal bases and the procedural arrangements for the conclusion of the partnership agreement?
- Could the EU conclude the agreement on its own?

**B.** For the last three years, the French Republic has been negotiating a multilateral treaty with several states, including the Nice Federation, to establish an ‘open and safe Latin sky’. The envisaged agreement foresees the complete liberalisation of air transport, and an ambitious air defence cooperation among the Parties. The Commission considers that the French Government is violating its obligations under EU law, and is envisaging enforcement proceedings against the French government. Advise the Commission on the legal arguments it could use against the French Government.

### **Question 3**

After years of instability following the dissolution of the Arcadian Union, The Council has approved a mandate for the negotiation of an economic and political partnership with the new Republic of North Arcadia (RNA). According to the mandate, the agreement should contain the following elements:

- 1) A security cooperation to promote peace and security in RNA, including through joint EU-RNA military operations to combat local terrorist militias
- 2) A cooperation to fight illegal immigration
- 3) The progressive liberalisation of trade in goods and services to foster the economic development of RNA
- 4) The application to the Parties’ workers, legally employed on the territory of the other Party, of the principle of non-discrimination with regard to working conditions, wage and dismissal

**A.** A Member of the European Parliament is asking for your advice on the following questions:

- Who should be in charge of the negotiation of the agreement on behalf of the Union?
- What should be the legal basis (or bases) of the decision to conclude this partnership agreement?
- What role if any should the European Parliament play throughout the procedure?
- Could the EU conclude the agreement on its own?

**B.** Mr Bee has also approached you for guidance. Mr Bee is a national of RNA. He is a professional badminton player employed by the French club of Marseille, where he resides. In accordance with the rules of the French Badminton Federation, he is entitled to play on the basis of a special licence that limits the number of games in which he can take part, on the ground that he does not hold the nationality of an EU Member State. He asks you whether the entry into force of the partnership agreement would improve his professional situation.

**END**