

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	2BL1, 2BL2, 3BL1, 3BL2, 4BL2
Exams(s)	2 nd 3 rd & 4 th LL.B
Module Codes(s)	LW224
Module(s)	European Community Law
Paper No.	1
Repeat Paper <input type="checkbox"/> Special Paper <input type="checkbox"/>	
External Examiner(s)	Dr. C. Barnard
Internal Examiner(s)	Mr. C. Carroll
<u>Instructions</u>	Candidates must answer FOUR questions. Candidates must answer at least ONE question from PART A and at least ONE question from PART B . All questions carry equal marks. Students are requested to indicate which questions they have answered on the front of their answer book.
Duration	THREE Hours
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	Materials permitted: Students are allowed to refer to the Treaty Establishing the European Community (consolidated version including the Treaty of Amsterdam) and the Treaty of Nice 2001 or to photocopies or downloaded versions thereof or to copies of Foster, N., Blackstone's EC Legislation (any edition) in the examination room. Students may also refer to any EC law in downloaded or photocopied version.
Department(s)	Law

Part A.

1. Answer (i) and (ii).
 - (i) Discuss the main reasons for the negotiation of and the stages leading to the signing of the EEC Treaty 1957.
 - (ii) Explain the significance and contribution of the Treaty on European Union 1992 (Maastricht Treaty).
2. Are the Community legislative processes democratic? Discuss.
3. Explain the meaning and scope of the principle of direct effect with reference to relevant case law. Explain briefly how the ECJ has attempted to compensate for the limitations of the direct effect of directives.
4. 'The bedrock principle of the supremacy of EC law over national law is a creation of the European Court, dating from the early years of its existence.'

Discuss the development of the principle of supremacy with reference to the relevant case law of the ECJ.

Part B.

5. Answer (i) OR (ii)
 - (i) Fairway is a British company producing golf clubs using the latest technology. It wishes to penetrate the Irish market. It approaches Mr. Murphy, an Irish entrepreneur, and asks him if he would be interested in promoting and selling its products in Ireland. Mr. Murphy agrees. The first consignment of goods is inspected at Rosslare by the Customs Authorities and a fee of ten euros per golf club is levied. When challenged by Mr. Murphy, the Irish authorities say that the inspection applies to all golf clubs imported into Ireland to ensure that the goods satisfy safety standards. The charge simply covers the cost of the inspection. Mr. Murphy consults Fairways Ltd. who inform him that the clubs have been manufactured in accordance with European Sports Equipment Safety Standards Directive.

Advise Mr. Murphy how EC law might apply.

OR

- (ii) Discuss the approach of the ECJ to the distinction between Article 90(1) and 90(2).
6. The Irish Government is planning to ban 24-hour shop services and this will affect Marie who owns a 24-hour garage in Dublin. Explain how Marie may challenge the ban by reference to relevant Treaty provisions, secondary EC legislation and case law of the ECJ.
7. Michel, a French national, has received a position as a part-time language teacher with a local school in Galway. He was recently caught up in a fight outside a local nightclub and arrested for drunken and disorderly behaviour. It is discovered that he has not notified the authorities of his presence in Ireland nor has he obtained a residence permit. The Irish authorities intend to deport Michel for failure to comply with these administrative requirements and also feel justified in doing so on grounds of public policy and security because Michel holds a criminal record.

Advise Michel on his rights as a worker under EC law in this situation.

8. 'The differences between the freedom of establishment and the freedom to provide services are minimal.' Discuss.

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