

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**Semester II Examinations, 2003/2004**

<b>Exam Code(s)</b>	3BA1, 4BA4,
<b>Exams(s)</b>	3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts (Legal Science)
<b>Module Codes(s)</b>	LW223
<b>Module(s)</b>	European Community Law II
<b>Paper No.</b>	1
<b>Repeat Paper __ Special Paper</b>	
<b>External Examiner(s)</b>	Dr. C. Barnard
<b>Internal Examiner(s)</b>	Mr. C. Carroll
<b>Instructions</b>	Students must answer any <b>THREE</b> questions. All questions carry equal marks. Students are requested to <b>indicate</b> which questions they have answered on the front of their answer book.
<b>Duration</b>	<b>TWO hours.</b>
<b>No. of AnswerBooks</b>	
<b>Requirements:</b>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
<b>Other Material</b>	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. Erasmus students are allowed to use dictionaries.
<b>Department(s)</b>	Law

PTO

1. 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.

2. Discuss how the ECJ has distinguished between Article 90(1) and 90(2).
3. 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.
4. 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.

5. 'The differences between the freedom of establishment and the freedom to provide services are minimal.' Discuss.
6. Discuss how the following situations should be resolved under EC competition law with reference to the relevant legal principles.
  - (i) An agreement between *News Today* and *The Chronicle* to fix prices. Both are major suppliers of newspapers in the UK and Ireland.

AND

- (ii) *Speed Motors Ltd.* makes engines for lawnmowers and has a 75% market share for the product in the European Union. It is refusing to supply tyres to *Grasscutter Ltd.*, a company which makes lawnmowers, because it intends to start manufacturing lawnmowers itself.

END