

SEMESTER II EXAMINATIONS - SUMMER 1998/99

BACHELOR OF ARTS (LEGAL SCIENCE)- SECOND YEAR
BACHELOR OF COMMERCE - THIRD YEAR
BACHELOR OF CORPORATE LAW - SECOND YEAR
OCCASIONAL STUDENTS

EUROPEAN COMMUNITY LAW II (LW223)

Professor D. O'Keeffe
Ms. Sara Drake

Time Allowed: TWO Hours. ERASMUS students have 2½ Hours
Answer THREE Questions

1. Discuss the relationship, if any, between Articles 12 - 17 EC and Articles 95- 99 of the Treaty.
2. Diamond Geezer Ltd, a British company, has recently produced a new alcopop drink called Bullet. It wishes to launch the drink on the club scene in Ibiza in July 1999 and has devised an extensive marketing campaign. On 1 May 1999, the Spanish Government introduce legislation prohibiting both the advertising of alcopops and the sale of alcopops in tinned cans. The authorities claim that the legislation is necessary in order to protect the health of children who, in their view, are the real target of such marketing campaigns.

Diamond Geezer Ltd seeks your advice on its Community rights in relation to the above issues.
3. Gianluca, an Italian professional footballer, has been offered a contract to play football for Galway City Football Club subject to him passing a medical test and an Irish language exam. On arrival, he is detained by the Irish immigration authorities on the ground that he has a previous conviction for money laundering and has connections with the Mafia.

Gianluca seeks your advice on his right to free movement under Community law and asks whether he has grounds to appeal against the immigration decision.
4. *What Article 48 provides for the employee, Articles 52-59 provide for the employer, the entrepreneur and the professional. (Wyatt and Dashwood) Discuss.*
5. *It is the abuse of a dominant position, not its existence, which is unlawful. (Weatherill). Discuss.*
6. The five major manufacturers of mobile phones in the European Union did not compete in each others territory, each confining its sales operation to its own country. The manufacturers never made an agreement not to compete but in practice, as each realised that none of them could afford competition in their respective home markets, they followed each others price rises very closely in order to discourage importers from bringing mobile phones into their areas. This mutual alteration of prices occurred several times over the last five years although there has never been any formal communication between the manufacturers on these matters.

The five manufacturers, however, operated a joint sales committee to control the export of their mobile phones outside the European Union, but the committee members were careful not to discuss trading within the European Union.

Advise the manufacturers on the compatibility of their behavior with Article 85 of the Treaty.