**ST MARY’S UNIVERSITY**

**TWICKENHAM, LONDON**

LLB, CRIMINOLOGY & BUSINESS LAW Degree Examination students registered for Level **FIVE**

Title: **Law of the European Union**

Code: **LAW5025**

Semester: **One**

Date: **10th January, 2020**

Time: **9:30 am – 11:30 am**

TIME ALLOWED: **TWO** HOURS

Answer **THREE** questions in total, including at least one from Part A and one from Part B.

**Part A**

1. ‘Article 267 TFEU embodies a method of co-operation between national courts and the Court of Justice which ensures that EU law has the same meaning in all the Member States.' How far do you consider this to be an accurate evaluation of the Article 267 preliminary reference procedure?

2. EU citizens do not have access to the justice system when they want to annul EU acts of legislation. Critically discuss this statement.

3. Critically discuss the origin, concepts and consequences of state liability.

**Part B**

4. Diana, a British national, is 19 years old. Diana had never travelled outside the UK, where all her family and friends live, until last year when she decided to settle permanently in France. She has been living in Paris for the past nine months.

Shortly after her arrival in Paris, Diana applied for unskilled work in the kitchens of a state-run secondary school. She was invited for interview, but her application was unsuccessful because she failed a French language test set at the interview. Eventually, Diana secured employment as a hotel chambermaid. However, after working in this job for a time, Diana began to feel very despondent about her low wages and she became involved in criminal activity. She has just been convicted of robbery with violence and the French court is considering ordering her expulsion from France on public policy grounds.

Advise Diana as to the application of EU law on the free movement of persons to each aspect of this situation.

5. Richard is UK manufacturer of widget-grinding machines ('WGMs'), which he has supplied to widget manufacturers in the UK and France for the past ten years. Richard now plans to import his machines into Ireland.

Richard has learned that under Irish legislation a licence is required for the import of WGMs. Licence applications are considered by the Irish authorities in January and July each year. Richard has been told that Ireland places an annual limit on the number of WGMs that may be imported and has regulations stipulating that manufacturing machinery, including WGMs, can only be sold through government sales outlets.

Ireland also has health and safety legislation requiring all WGMs to be fitted with an external 'vacuum filtration' unit to collect particles emitted by the grinding process. This legislation has recently been introduced following the publication of a research study conducted in Irish heavy industry. The study suggests that, over the past six months, the number of new cases of industrial lung disease has been significantly lower amongst widget-grinding operatives working on Irish-manufactured machines (most of which already comply with the new legislation) than amongst operatives working on imported machines (none of which currently complies). Richards’ machines do not comply with Irish legislation. They are fitted with internal 'vacuum filtration' units, which, in Richards view, operate much more efficiently than the externally fitted filtration units required by the legislation.

Advise Richard as to the application, if any, of EU law on the free movement of goods to all aspects of this situation.

**END OF EXAMINATION**