Candidates are required to answer TWO out of four questions.

The paper is divided into two sections, reflecting heads 1-5 and 6-8 of the Law Society syllabus. Candidates will be required to answer ONE question from section A, and ONE question from section B. All four questions are of equal value.
SECTION A

Question 1

The Retained EU Law (Revocation and Reform) Bill now before Parliament provides in part:

<table>
<thead>
<tr>
<th>Sunsets of retained EU law</th>
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<tr>
<td><strong>1</strong> Sunset of EU-derived subordinate legislation and retained direct EU legislation</td>
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<tr>
<td>(1) The following are revoked at the end of 2023—</td>
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<tr>
<td>(a) EU-derived subordinate legislation;</td>
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<tr>
<td>(b) retained direct EU legislation.</td>
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<tr>
<td>(2) Subsection (1) does not apply to an instrument, or a provision of an instrument, that is specified in regulations made by a relevant national authority.</td>
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**3** Sunset of retained EU rights, powers, liabilities etc

(1) Section 4 of the European Union (Withdrawal) Act 2018 (saving for rights, powers, liabilities etc under section 2(1) of the European Communities Act 1972) is repealed at the end of 2023.

(2) Accordingly, anything which, immediately before the end of 2023, is retained EU law by virtue of that section is not recognised or available in domestic law at or after that time (and, accordingly, is not to be enforced, allowed or followed).

**Assimilation of retained EU law**

**4** Abolition of supremacy of EU law

(1) In section 5 of the European Union (Withdrawal) Act 2018 (exceptions to savings and incorporation), before subsection (1) insert—

"(A1) The principle of the supremacy of EU law is not part of domestic law. This applies after the end of 2023, in relation to any enactment or rule of law (whenever passed or made)."

**5** Abolition of general principles of EU law

(1) The European Union (Withdrawal) Act 2018 is amended as follows.

(2) In section 5 (exceptions to savings and incorporation) insert—

"(A4) No general principle of EU law is part of domestic law after the end of 2023."

Should the Bill become law, what differences will come about to the force of EU law in the UK?
Question 2

It is said that the three principles which make EU law a mature and effective legal system, all of them judge made, are direct effect, primacy, and the rules on liability of a member state where it deprives a person of his or her EU law rights. True enough. But this is inadequate to capture and express the diversity of the relationship between EU law and national law.

In light of this, discuss:

a) How is EU law given effect where it is *not* directly effective?

b) Is it always the case that EU law is supreme?

c) Are damages always available from a member state which has unlawfully deprived an individual of his or her EU law rights?

END OF SECTION A
SECTION B

Question 3

a) In his opinion in Case C-412/93 Edouard Leclerc-Siplec v TF1 Publicité (1995) Advocate-General Jacobs said:

"The importance of the ‘Cassis de Dijon’ principle cannot be overstated: if a Member State were allowed to prevent the importation and sale of products lawfully manufactured in another Member State, simply because they were not made in the manner prescribed by the law of the importing State, there would be no such thing as a common market."

Discuss how the judgment in Cassis de Dijon countered this danger, and what safeguards it left the member states.

and:

b) Rammstein is a German rock band (in the neue deutsche Härte style) based in Berlin. The band has just signed a contract for a 2 month concert tour of Denmark. However, whilst most band members are German, their bassist, Ollie, is a British national who joined the band in 2018. Ollie has been notified by the Indenrigsministeriet (the Danish Home Office) that he will require an Arbejdstilladelse (work permit) in order to take part in the tour.

Advise Ollie as to whether he can challenge the Indenrigsministeriet on the basis of EU law.

Question 4

Some Dutch universities have expanded their provision of English-language teaching as a means of augmenting their income. Full degrees are now available at several universities taught entirely in English. With student fees skyrocketing elsewhere and Dutch fees traditionally low, they have become very popular.

The Voorzitters (Principals) of a number of the relevant universities met recently in Amsterdam to discuss means of addressing any problems they have encountered. They decide

a) in order to address the surge in applications for the English language degrees they will cap the number of students offered a place; and

b) to avoid an unbecoming ‘fees war’ and assist in forward planning they will fix the fees charged for degree programmes in engineering, law and medicine at €12,000 p.a., the fees for other degree programmes at €8,000 p.a.

Two of the group were unsettled by the decision and refused to agree to it. But in their new prospectuses for 2023/24, both advertise the fees for their degree programmes at exactly the levels set by the others.

Last week the Voorzitter of one of the agreeing universities was advised by staff in the Law School that she had been unwise to take part in the agreement, and suggested she confess fully her part in the scheme, but be wary of any penalties to which such an admission might lead.
Do these events fall within the operation of EU competition law? Discuss how they might, the issues of competition law to which the conduct of each of the universities gives rise, and how, and how far, the remorseful Voorzitter might escape or minimise her university’s liability for its part in them.