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 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

a) Discuss the constitutional position in which Northern Ireland finds itself as a result of Brexit.

and:

b) Should ‘Indyref2’ result in a majority of voters supporting independence and a return of Scotland to the European Union, discuss how the latter could be achieved, and the legal and practical difficulties it would likely encounter?

Question 2

EU law as a ‘mature’ legal system can be said to rest upon three judicially created principles:

▪ the direct effect of EU law
▪ the primacy of EU law
▪ the non-contractual liability of the member states when causing loss in the context of EU law.

Discuss how each came about and developed, and what they entail. Have they been accepted unquestioningly by national courts?

END OF SECTION A
SECTION B

Question 3

a) A bill has been introduced by the Freiheitliche Partei Österreichs (FPÖ), a populist party founded in the 1950s by ex-Nazis, into the Parliament of Land Niederösterreich (Austria) to ban the sale of kosher or halal meat except to devout jews and muslims who can prove their devotion by means of religious tests administered by the Ministry of Religious Affairs.

Discuss if and how such a law, if adopted, would run foul of EU law.

and:

b) 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:

c) Discuss all the rights of free movement British citizens enjoyed in another EU member state, which were lost on 1 January 2021.
Question 4

a) There are three distinct means by which an anticompetitive agreement or practice may escape the prohibition of Article 101(1) TFEU:

i) its effects are not ‘appreciable’;
ii) it falls within the reasoning of the Court of Justice set out in its judgment in Wouters v Algemene Raad van de Nederlandse Orde van Advokaten (2002);
iii) it satisfies the tests of Article 101(3).

Discuss the circumstances which apply in each of these to take an agreement or practice outside Article 101(1).

and:

b) Discuss the various ways in which an undertaking might abuse market power in a manner which has been recognised to fall foul of Article 102 TFEU.

END OF SECTION B

END OF QUESTION PAPER