

European Law and Institutions

Thursday 7 November 2025

12pm to 1.30pm

Candidates are required to answer TWO out of four questions.

The paper is divided into two sections. 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

1“Since Lisbon, the Treaties promise a clear, constitutional settlement of who does what in the EU. In practice, however, the boundaries between exclusive, shared and supporting competences remain fluid, with subsidiarity and proportionality doing more political than legal work.”

Critically discuss.

Question 2

“The ordinary legislative procedure (OLP) reflects a carefully crafted institutional balance yet delegated and implementing acts and interinstitutional practice complicate claims to transparency and democratic legitimacy.”

Critically discuss.

END OF SECTION A

Section B

Question 3

Bike Link is a dominant EU-wide online marketplace for bicycle components. It engages into the following conduct:

- (i) Enters contracts with premium brands Pinnion and HeliX, containing clauses requiring them not to offer lower prices on any other platform.
- (ii) Offers large rebates to top-tier sellers conditional on 90%+ exclusivity to Bike Link.
- (iii) Coordinates via a closed WhatsApp group with three rival platforms, aiming at “cooling off” a planned price war for Spring 2026.

After a complaint from a national consumer body, the National Competition Authority (NCA) in Member State R launches inspections (including a dawn raid) and issues Requests for Information. In parallel, the European Commission opens proceedings regarding the clauses in the contracts with Pinnion and HeliX and invites leniency applications in respect of the WhatsApp conduct. Pinnion seeks a commitment decision. HeliX wants to settle. The three rival platforms argue that the WhatsApp chat was “industry benchmarking”. Bike Link claims any exclusivity is necessary to fight free-riding and deliver platform investment efficiencies.

Advise Bike Link on the compatibility or otherwise of its conduct with European Union law.

Question 4

Nova Tech, a hardware firm in Member State H, advertises a “Lead Systems Engineer” post as “not suitable for candidates planning maternity leave in the next 18 months”. The successful candidate, Amira, is dismissed when she informs Human Resources that she is pregnant. Nova Tech says the project’s client refuses “any maternity disruption”. A replacement fixed-term hire, Jess, is later dismissed when Nova Tech realises that she is also pregnant.

Inside Nova Tech, Mara (doing work of equal value to a male comparator, Jon) is paid 8% less due to a “market-rate uplift” applied only to men recruited by a head-hunter. When Mara complains of sexist comments by her team lead, Nova Tech dismisses this as “a joke”.

In a separate situation, Aurora Fitness, a private gym chain, offers a premium spa package but refuses a trans woman, S, access to women-only sessions.

Advise Amira, Jess, Mara and S on their rights under European Union law.

END OF SECTION B

END OF PAPER