

PROBLEM TYPE QUESTION I

1

In April 2016, Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data was adopted. It came into force on May 25, 2018.

The government of Member State X claims that this Regulation does not produce any legal effects in its national territory because:

- A. A couple of months ago, Member State X decided in a referendum to leave the European Union.
- B. That Regulation was never implemented in the national legal order of Member State X by means of a domestic legislative act.

Q1: What do you think of the above mentioned arguments of the government?

One year later, general elections take place in Member State X leading to a change of government. The new government declares that it intends to restore the position of the country in the European Union.

Q2: What should the new government do in case that:

- Member State X has not left yet the European Union at the time it comes to power?
- Member State X has already left the European Union at the time it comes to power?

PROBLEM TYPE QUESTION II

2

Suppose that on January 1 2022 a Directive is adopted, according to which all employees who use a computer for more than three hours a day should be given by their employer a special paid leave of one day per month. The Directive stipulates that Member States shall take the necessary measures to transpose its rules within one year from its adoption.

To date, the necessary measures to transpose the Directive into Greek law have not yet been adopted.

A and B work in Greece. A works in a private company and B is employed by a state-owned company. They both use a computer for more than three hours a day. They would like to be informed of the following:

1. Can they claim today the special paid leave?
2. Could they claim today that special paid leave if the Directive had been transposed by the Greek legislature in September 2022?
3. Will they be in a position to claim the special paid leave on March 2023, if the Directive has not been implemented yet in Greece?
4. Would the answer to the above questions be the same if we were talking about a Regulation with entry into force as of September 30 2022?