

# PROBLEM TYPE QUESTION VII

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Suppose that the European Union adopts a new legal act that increases the level of the customs duties that are imposed on agricultural products imported from third countries. An importer of agricultural products contests the payment of the increased customs duties sought by the competent national authorities and brings the case before the national courts of the importing member state. He argues that:

A. The contested act has been adopted in violation of the principle of conferral, because the European Union does not have the competence to legislate in that specific area.

B. In any event, the contested act violates the principle of subsidiarity because the member states are perfectly capable to determine on their own the level of the customs duties for agricultural products imported in their territory and it is not therefore necessary for the European Union to intervene in the area and to introduce uniform rules.

1. What do you think of the above mentioned arguments?

2. What should the national court do, in case it believes that the contested legal act is indeed invalid?