**Legal aspects of European Integration - Exam topics February 2024**

**A. Please choose answers a,b,c or d to the following questions: (0,4 points each question)**

1. When is the qualified majority of the Council reached under the Treaty of Lisbon?
   1. When at least 15 out of its current members vote in favour of a proposal
   2. When all members of the Council vote in favour of a proposal
   3. When at least 55% of its members vote in favour of a proposal, representing at least 65% of the population ☑
   4. When the Commission proposes a legislative instrument and at least 50% of the Council members vote favourably
2. What is enhanced cooperation?
   1. The procedure where a minimum of 6 Member States are allowed to set up advanced integration or cooperation in the field of defence
   2. The procedure where a minimum of 6 Member States are allowed to set up advanced integration or cooperation in the field of Common Security and Foreign Policy
   3. The procedure where a minimum of 7 Member States are allowed to set up advanced integration or cooperation in the internal market
   4. The procedure where a minimum of 9 EU Member States are allowed to set up advanced integration or cooperation in a particular field within the EU ☑
3. The European Council issues
   1. Directives and Regulations
   2. Recommendations
   3. Conclusions ☑
   4. Decisions
4. What is called primary law of the EU?
   1. Directives, Regulations and Decisions
   2. Soft and hard EU law
   3. The Treaties of the EU, the Charter of Fundamental Rights and the general principles of EU law ☑
   4. The Treaties, Directives, Regulations and Decisions
5. Regulations are…
   1. of general application, biding for their recipients and directly applicable
   2. of general application, binding in their entirety and directly applicable ☑
   3. of general application, binding in their entirety and applicable when transposed in the national legal order
   4. partially binding and directly applicable
6. Directives are…
   1. of general application, binding in their entirety and directly applicable
   2. of general application and they have to be transposed by Member States in their national legal order ☑
   3. binding as to the result to be achieved and directly applicable
   4. directly applicable
7. What is the ordinary legislative procedure?
   1. The citizens propose legislation and the European Parliament and the Council of the EU adopt it jointly
   2. The European Council proposes legislation and the European Parliament and the Council of the EU adopt it jointly
   3. The European Parliament proposes legislation and the Council of the EU adopt it jointly with the European Commission
   4. The European Commission proposes legislation and the European Parliament and the Council of the EU adopt it jointly ☑
8. What is the European Citizens’ initiative?
   1. It is an instrument, allowing one million citizens residing in one quarter of the Member States to invite the Commission to submit a proposal for a legal act to amend the EU Treaties
   2. It is an instrument, allowing one million citizens residing in at least 14 of the Member States to invite the Commission to submit a proposal for a legal act to amend the EU Treaties
   3. It is an instrument allowing one million citizens residing in one quarter of the Member States to oblige the Commission to submit a proposal for a legal act to implement the EU Treaties
   4. It is an instrument, allowing one million citizens residing in one quarter of the Member States to invite the Commission to submit a proposal for a legal act to implement the EU Treaties ☑
9. In order to amend the Treaties…
   1. any Member State, the Parliament or the Commission submit a proposal and the amendment should be voted unanimously by all Member States ☑
   2. the Commission submits a proposal which is voted by qualified majority
   3. the Commission submits a proposal which is then ratified by all Member States
   4. a conference must be organised in order to approve the amendments
10. The right to diplomatic protection in the territory of a third country is part of….
    1. the EU citizenship ☑
    2. the free movement of persons
    3. the international agreements concluded by the EU
    4. the principle of subsidiarity
11. What are the 3 categories of EU competences?
    1. Exclusive, shared, coordinating ☑
    2. Exclusive, shared, mixed
    3. Shared, mixed and coordinating
    4. Shared, mixed and ancillary
12. The principle of subsidiarity
    1. requires that the EU takes action only if it is less costly than action taken at the national, regional or local level.
    2. aims to ensure that decisions are taken at the closest possible level to the citizen ☑
    3. applies only in the area of coordinating competences
    4. applies only in the area of exclusive competences
13. According to the principle of supremacy of EU law
    1. EU law supersedes national law ☑
    2. EU primary law supersedes EU secondary law
    3. EU law supersedes international law
    4. EU law is applied to all situations by all national courts
14. Who benefits from the free movement of capital?
    1. EU citizens
    2. EU citizens and third country nationals ☑
    3. Third country nationals
    4. Nationals of third countries with which the EU has concluded special agreements
15. Which activities are excluded from the freedom of establishment and provision of services?
    1. Activities linked to the exercise of public authority ☑
    2. Activities linked to public health
    3. Activities linked to public security
    4. Activities decided by the Court

**B. Please provide your answer to the following cases in the space provided (2 points each case)**

1. The famous architect Kakatrava is commuting from Madrid to Athens twice every month to monitor the progress of the construction of a bridge commissioned by the Greek state.

a) Which fundamental EU freedom is he availing of?

b) The answer is the same if he has opened up an office in Athens and he splits his working time between his Athens and Madrid offices?

c) Is the architect availing of the EU free movement rules, if he is overseeing the construction of a bridge in Barcelona, while being based in Madrid? Pls justify your answers.

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a) The architect Kakatrava is availing of the EU fundamental freedom to provide services. The persons providing a ‘service’ may, in order to do so, temporarily pursue their activity in the Member State where the service is provided, under the same conditions as are imposed by that Member State on its own nationals.

1. The architect Kakatrava is availing of the EU fundamental freedom of establishment. The right of establishment includes the right to take up and pursue activities as a self-employed person, and to set up and manage undertakings, for a permanent activity of a stable and continuous nature, under the same conditions as those laid down by the law of the Member State concerned regarding establishment for its own nationals.
2. The architect Kakatrava is not availing of the EU free movement rules. The freedom of establishment and the freedom to provide services require the movement of professionals from an EU Member State to another. In this case, the architect is not moving to another EU Member State.

2. Wines are imported from France to Greece. The Greek authorities impose customs duties on the imported products, arguing that alcohol is hazardous for human health and thus necessary to discourage this unhealthy habit by making more expensive to buy them.

a) Is this imposition of duties allowed on the basis of the public health protection?

b) Would the answer be the same if the wines were imported from Australia to Greece?

c) If coconuts were imported instead of wines and these were imported from Australia to Greece and then to Italy, would they be subject to further customs duties (when imported from Greece to Italy)?

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1. The imposition of duties is not allowed on imports and exports between Member States. According to article 28 TFEU: ‘*The Union shall comprise a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries’*. Therefore, the Greek authorities cannot impose customs duties on the wines imported from France, even for health reasons.
2. If the wines were imported from Australia, the imposition of duties would be allowed. According to article 29 TFEU: ‘*Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties payable have been levied in that MS. and if they have not benefited from a total or partial drawback of such duties*’. In practice, they may be subject to the imposition of custom duties, but this is decided according to the provisions of the common custom tariff and not of the national legislation of the MS concerned. This means that the custom duties imposed on a given product coming from a 3rd country are always the same regardless of the MS through which the products are imported.
3. No further custom duties could be imposed to the imported coconuts. Once the import formalities have been completed and any customs duties and charges having equivalent effect have been levied in the importing Member States (here: Greece), the imported 3rd country products acquire free circulation status, ie they can be exported to the other Member State (here: Italy) without being subject to the imposition of any further custom duties and charges having equivalent effect.