

BUSINESS LAW - EC INTERNAL MARKET LAW
for students of the MBA program of the Faculty of Economics and Management

21/11/2007

Test 1
(Interim examination)

Question 1: Which fundamental freedoms are guaranteed in the Treaty establishing the European Community? Where exactly? Which individual activities are protected?
(5/10 points)

• *Answer: see Diagram 1*

Question 2: Who are the *addressees* (obliged subjects) of the fundamental freedoms? Are there *differences* between the individual fundamental freedoms?
(3/10 points)

• *Answer: see Diagrams 2, 3, 4*

Question 3: Explain one of the following decisions of the European Court of Justice: *Dassonville*, *Cassis de Dijon* or *Keck*
(2/10 points)

• *Answer: see Diagram 3*

Additional Question (to get 1 additional point): Is studying in another member state generally protected by the fundamental freedoms? Under which conditions can it be protected?

• *Answer: It is generally not protected, because it is not an economic activity. Moving and residing in another member state is only protected by the general freedom of movement and residence (art. 18 EC Treaty) which is not a fundamental freedom. However, studying for a commercial fee at a private, commercial institution of education in another member state is protected by the freedom to provide services (here: to receive services in another member state, so-called "passive Dienstleistungsfreiheit")*

The papers will (probably) be given back on Tuesday, November 28. Every participant has the option to talk individually about the good and not so good aspects of his paper!