

## Feedback — Period Two Graded Quiz

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You submitted this quiz on **Mon 16 Feb 2015 7:15 AM PST**. You got a score of **8.17** out of **10.00**. You can [attempt again](#), if you'd like.

### Question 1

Article 101(3) TFEU sets out an exception rule, which provides a defense to undertakings against a finding of an infringement of Article 101(1). Agreements, decisions of associations of undertakings and concerted practices caught by Article 101(1) which satisfy the conditions of Article 101(3) are valid and enforceable.

Your Answer		Score	Explanation
<input checked="" type="radio"/> True	✓	1.00	
<input type="radio"/> False			
Total		1.00 / 1.00	

#### Question Explanation

The answer is True: Article 101 (3) does provide a safe harbour for undertakings.

## Question 2

Please decide if the following statement is true or false: The Commission may by decision impose fines on undertakings and associations of undertakings where, either intentionally or negligently: (a) they infringe Article 81 or Article 82 of the Treaty; or (b) they contravene a decision ordering interim measures under Article 8; or (c) they fail to comply with a commitment made binding by a decision pursuant to Article 9. For each undertaking and association of undertakings participating in the infringement, the fine shall not exceed 10 % of its total turnover in the preceding business year. Where the infringement of an association relates to the activities of its members, the fine shall not exceed 10 % of the sum of the total turnover of each member active on the market affected by the infringement of the association.

Your Answer	Score	Explanation
<input checked="" type="radio"/> True	✓ 1.00	
<input type="radio"/> False		
Total	1.00 / 1.00	

### Question Explanation

Article 23 (2) Regulation 1/2003 give the Commission this decision making power.

## Question 3

'Competition on the merits' can be defined as business conduct and strategies that do not constitute abuse under Art 102 TFEU, right?

Your Answer	Score	Explanation
<input type="radio"/> False		
<input checked="" type="radio"/> True	✓ 1.00	
Total	1.00 / 1.00	

## Question 4

Which of the following aid measures have to be notified to the Commission before being granted?

Your Answer	Score	Explanation
<input type="radio"/> Compensation for services of general economic interest in compliance with the conditions in the Altmark case?		
<input type="radio"/> State aid in support of a service of general economic interest fulfilling the conditions in the Commission Decision on the application of Article 106.2 regarding services of general economic interest?		
<input checked="" type="radio"/> State aid in support of a service of general economic interest fulfilling the	✓ 1.00	

condition in the Commission framework for state aid in form of public service compensation?

Total

1.00 / 1.00

#### Question Explanation

Compliance with the framework does not relieve the Member States from their notification obligation.

## Question 5

What are the consequences of a negative decision in State aid?

Your Answer	Score	Explanation
<input type="radio"/> They normally carry no real effect.		
<input type="radio"/> The aid must be repaid.		
<input type="radio"/> The payments must stop but the recipient can keep the paid amounts.		
<input checked="" type="radio"/> The decision to pay the aid is invalid.	✗ 0.00	
Total	0.00 / 1.00	

## Question 6

Regarding public procurement, what is a contract notice? (Please select all that apply)

Your Answer	Score	Explanation
<input type="checkbox"/> The notice informing all tenderers about the winner	✓ 0.33	
<input checked="" type="checkbox"/> A notice that provides specific details of the contract as well as criteria for applicants to be selected	✓ 0.33	
<input type="checkbox"/> A notice that acts as a call for competition for a specific contract	✗ 0.00	
Total	0.67 / 1.00	

### Question Explanation

This notice acts as a call for competition for a specific contract and should be published via the TED as soon as possible after the intention to tender has been formed. It provides specific details of the contract as well as criteria for applicants to be selected for invitation to tender in the restricted and competitive procedures. Publication is mandatory other than for contracts relating to Part B services.

## Question 7

Is it a breach on EU law for member states to tax at a higher rate dividends distributed to non-residents taxpayers?

Your Answer	Score	Explanation
<input type="radio"/> It is not a breach since the principle of subsidiary allows a member state to levy a tax for non-residents and not at the same time levy it on residents.		
<input checked="" type="radio"/> There is a risk such measure would infringe article 63 TFEU, the free movement of capital, which forbids restrictions on capital.	✓ 1.00	
<input type="radio"/> The member state can levy a tax at a higher dividends distributed on non-residents as long as the tax is equal for all non-residents.		
Total	1.00 / 1.00	

## Question 8

Why does comparative company law often focus on rule-functions rather than the content of rules? (Please select all that apply)

Your Answer	Score	Explanation
<input type="checkbox"/> Because rules as such cannot be compared with each other	✓ 0.25	
<input type="checkbox"/> Because a multiplicity of rules is consistent with a much more limited set of functions	✗ 0.00	

<input checked="" type="checkbox"/> Because functions are viewed as more universal than rules	✓	0.25
<input type="checkbox"/> Because rules as such are viewed as uninteresting	✓	0.25
Total		0.75 / 1.00

**Question Explanation**

Company forms are constituted by rules and to a great extent these rules vary between different legal systems. Consequently, the very boundaries and content of company law varies.

## Question 9

Rules regarding the representational authority on behalf of the company fall into two groups. Which two? (Please select all that apply)

Your Answer	Score	Explanation
<input checked="" type="checkbox"/> One group of rules identifies the conditions, under which a person or set of persons is empowered to effect changes in the company's external legal relations.	✓ 0.25	
<input checked="" type="checkbox"/> One group of rules draws the limit between valid and invalid legal acts which a representative has performed on behalf of the company.	✓ 0.25	
<input checked="" type="checkbox"/> One group of rules tells us when a representative is allowed to perform legal acts	✗ 0.00	

on behalf of the company

<input type="checkbox"/>	One group of rules tells us when a representative has acted wrongly.	✓	0.25
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Total	0.75 / 1.00
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#### Question Explanation

Rules telling us when representatives are wrong and when they are allowed to perform legal acts on behalf of the company follow directly from the rules regarding the decision making authority. Thus: a representative A is forbidden to perform a legal act X if and only if a lawful company decision does not exist with regard to the performance of X.

## Question 10

The legal definition of a “dominant position” was defined by the Court of Justice in Hoffman-La Roche and United Brands in terms an undertaking’s independence from competitive pressure and ability to prevent effective competition.

Your Answer	Score	Explanation
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<input checked="" type="radio"/> True	✓	1.00
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<input type="radio"/> False		
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Total	1.00 / 1.00
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