

## **REVISION TUTORIAL – APRIL 2025**

*Please prepare all the questions. This is a revision tutorial which covers a range of topics that we have seen over the year.*

*There is no recommended reading for this tutorial. To prepare for the ‘open book’ exam, you are meant to identify relevant material yourself.*

### **Tutorial question:**

1. Discuss the strengths and drawbacks of the following concepts:
  - Direct discrimination
  - Indirect discrimination
  - Product requirement
  - Selling arrangement
  - Market access
2. How are Vale and Polbud different from Centros and Daily Mail? 
3. What are the most important decisions by the Court of Justice on the free movement of goods? Can you explain why you think that these decisions are important?

**summary**

### **Problem Question:**

Markus is an Austrian computer engineer. He works in the technology department of a large company in Italy. He recently heard of a vacancy at a high-tech start-up firm in the Netherlands. The job opportunity looks promising. However, it offers considerably less salary. Moreover, Markus is conscious that upon leaving his company in Italy, he will not benefit from the special subsistence payment that he is entitled to under his contract of employment if the company terminates his employment. Nevertheless, Markus goes ahead and accepts the new job in the Netherlands. However, given that he is financially worse off, he decides to challenge non-payment of the special subsistence payment before the Italian courts. Whilst the case is pending before the Italian courts, Markus moves, together with his son, Dirk, to the Netherlands to start his new job. Markus enjoys his work and Dirk is popular at school. However, after a year, Markus becomes dissatisfied with his new job. He decides to leave the start-up firm. Markus looks for a new job for over a year. But he remains unsuccessful in finding a job that matches his specialised skills in the Netherlands. Eventually, the Dutch authorities tell Markus that he and Dirk must leave the country since Markus has remained unemployed for a year. Both are

upset. To make matters worse, the Italian courts reject Markus's challenge. They justify their decision by highlighting the need to maintain social cohesion in Italy.

Brigitte is a Belgian waitress who works at the 'Mushy Pea' in Dublin, a high-end restaurant. She works there once a week for a couple of hours, serving lunch to customers. The job hardly pays, but she does benefit from the collective agreement governing the catering sector. She likes the catering sector, but dreams of moving up the career ladder. She decides to leave her work in order to enrol in an evening accountancy course at the Dublin 'Ready for Work' Academy. However, she soon finds herself short of money. She applies for maintenance assistance, but the Irish authorities refuse to grant her maintenance assistance. They argue that students do not have access to maintenance assistance.

Maria is a Spanish engineer who specialises in anti-missile technology. She applies for a fixed term job as person in charge of inter-ministerial coordination at the Polish Ministry of Defence in Warsaw. She is refused the job because she does not speak English and because she is not from a Member State that has a direct border with Poland.

Markus, Brigitte and Maria seek your advice on their legal position under EU law.