

Case study 1

I. The European Union and the Republic of R. are preparing a "Friendship Treaty" to deepen their relations. In this treaty, R. will commit itself to supporting the actual "fight against terrorism", while the Union promises economical, educational and military support, including a special professional training for medical doctors and a flow of goods and arms to X.

Some members of the European Parliament doubt if this treaty is compatible with the founding treaties of the Union. The Republic of R. has been an important market place for human organs during the last years. The provisions in the drafted treaty provide especially for a professional training of surgeons and internists. Later, many of the trained specialists will probably work in hospitals specialised in the transplantation of organs to rich patients coming from Europe and North America. As well, the planned flow of goods and arms includes special instruments which can be used to torture human beings and which have been used for this purpose in the past.

The worried members of the European Parliament think that after the solemn proclamation of the Charter of Fundamental Rights of the European Union, the institutions of the Union are not allowed to sign or implement this treaty. Are they right?

II. Unemployment has become a very serious problem in the European Union. In order to make employment more attractive to the potential employers, the directives of the Union concerning the rights of workers and the working conditions have been replaced by other instruments, which are more "liberal". A provision in a new directive obliges the legislation of the member states to provide for an "adequate annual leave". Now, legal experts are discussing what that means.

The parliament of your member state has passed an act, which allows special employment contracts with long-term unemployed persons, which provide for an unpaid annual leave for the first four years and a paid annual leave for the following years. Is this a correct implementation of the EC directive?