

(GROW)

**From:** [REDACTED] (ENTR)  
**Sent:** 28 October 2014 13:43  
**To:** [REDACTED]  
**Cc:** ENTR /C/3 PREVENTION TECHNICAL BARRIERS  
**Subject:** RE: FORMAL COMPLAINT - Spain's Failure to Notify a Draft Technical Regulation in the Area of Intellectual Property Law

Dear [REDACTED],

Thank you for your message.

In reply to your first question, please be informed that the e-mail does not contain any formal requirement imposed on the Spanish authorities.

As concerns the second question, on the eventuality of an adoption without notification: should the modification be found significant in nature and subject to the notification obligation under Directive 98/34/EC, individuals may rely on Articles 8 and 9 thereof before the national court, which must decline to apply the national technical regulation that has not been notified in accordance with the directive (see case C-194/94 CIA Security – mentioned also in your complaint and C-307/13 Ivansson et al.).

While the Commission will monitor the development of the situation, once the act is adopted you may submit a complaint for the analysis by the relevant Commission services.

Best regards,

[REDACTED]



European Commission  
DG Enterprise and Industry  
Unit C|3  
[REDACTED]

The views expressed in this e-mail are purely of the writer and may not be interpreted as stating an official position of the European Commission.

**From:** [REDACTED]  
**Sent:** Wednesday, October 15, 2014 4:48 PM  
**To:** ENTR /C/3 PREVENTION TECHNICAL BARRIERS  
**Cc:** [REDACTED] (ENTR)  
**Subject:** Re: FORMAL COMPLAINT - Spain's Failure to Notify a Draft Technical Regulation in the Area of Intellectual Property Law

Dear Sir or Madam, dear [REDACTED],

I thank you very much for this action and for informing me about it. I would like to address two follow-up questions:

1) Are Spanish authorities required to respond to your message and 'friendly reminder' to re-notify the law?

2) What would be the next steps should Spain decide to move ahead and adopt the law without notifying it?

Thank you for your answer in advance.

Best

██████████

On Wed, Oct 15, 2014 at 4:35 PM, <[ENTR-PREVENTION-TECHNICAL-BARRIERS@ec.europa.eu](mailto:ENTR-PREVENTION-TECHNICAL-BARRIERS@ec.europa.eu)> wrote:

Dear ██████████,

Please find attached a letter concerning the above-mentioned subject signed by ██████████

██████████

Best regards,

*Watch our promotional videos:*

**Directive 98/34** | <http://youtu.be/ziuAkIsNKdI>

**TBT Agreement** | <http://youtu.be/czCILU3pdqk>



**European Commission**  
DG Enterprise and Industry

Unit C3 | Prevention of Technical Barriers

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**From:** [REDACTED]  
**Sent:** Thursday, October 09, 2014 11:34 AM  
**To:** ENTR /C/3 PREVENTION TECHNICAL BARRIERS; [REDACTED] (ENTR)  
**Cc:** [REDACTED] (ENTR)  
**Subject:** FORMAL COMPLAINT - Spain's Failure to Notify a Draft Technical Regulation in the Area of Intellectual Property Law

Dear [REDACTED],

Herewith, I would like to file a formal COMPLAINT on Spain's failure to notify a draft technical regulation in the area of intellectual property law.

Please find our association's complaint as well as a non-official translation of the draft technical regulation attached.

I thank you for your time and remain at your and your team's disposal for any further questions.

Best,

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]