

[REDACTED] (GROW)

From: Directiva D83-189 <d83-189@ue.maec.es>
Sent: 03 November 2014 14:03
To: [REDACTED] (ENTR)
Cc: [REDACTED] (ENTR)
Subject: RE: Notification 2013/244/E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

De: [REDACTED]@ec.europa.eu [mailto:[REDACTED]@ec.europa.eu]
Enviado el: viernes, 03 de octubre de 2014 14:45
Para: Directiva D83-189
CC: ENTR-PREVENTION-TECHNICAL-BARRIERS@ec.europa.eu; [REDACTED]@ec.europa.eu
Asunto: FW: Notification 2013/244/E

Dear [REDACTED],

Thank you for your reply.

Following the statements in the note submitted by the Ministry of Education, Culture and Sport, could you please clarify if the Spanish authorities intend to re-notify the act in accordance with Article 8(1) of Directive 98/34/EC?

More specifically, from the attached document, we understand that [REDACTED]

[REDACTED]

In addition, it is also mentioned that [REDACTED] We take this opportunity to remind you that, according to the case law, if the provisions of a directive leave Member States sufficient room for manoeuvre, the technical regulations contained in the transposition measures cannot benefit from the exception of the first indent of Article 10(1) of Directive 93/84/EC (see case C 443/98 Unilever, par 29).

Kind 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.

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From: Directiva D83-189 [<mailto:d83-189@ue.maec.es>]
Sent: Wednesday, October 01, 2014 11:56 AM
To: [REDACTED] (ENTR)
Cc: [REDACTED] (ENTR)
Subject: RE: Notification 2013/244/E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

De: [REDACTED]@ec.europa.eu [[mailto:\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)]
Enviado el: jueves, 25 de septiembre de 2014 14:43
Para: Directiva D83-189; Directiva D83-189
CC: [REDACTED]@ec.europa.eu
Asunto: FW: Notification 2013/244/E

Dear [REDACTED],

The Commission has received information that the draft act notified under 2013/244/E has been modified. Moreover, the Spanish authorities, in their reply to the Commission's comments in relation to this notification, [REDACTED]

[REDACTED]

As communicated in our message of 28 May, Article 8(1) of Directive 98/34/EC requires the Member States to notify a draft again *"if they make changes to the draft that have the effect of significantly altering its scope, shortening the timetable originally envisaged for implementation, adding specifications or requirements, or making the latter more restrictive."* The Commission would also like to remind the Spanish authorities about the established case law (see in particular the judgement in the case C-194/94 CIA Security and in Case C-307/13 Ivansson et al), which states that failure to notify in accordance with Directive 98/34/EC renders a national measure inapplicable, so that it cannot be enforced against individuals.

Kind regards,

[REDACTED]

[REDACTED]



European Commission
DG Enterprise and Industry
Unit C/3 Prevention of Technical Barriers

B-1049 Brussels/Belgium

[REDACTED]

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From: [REDACTED] (ENTR)
Sent: Wednesday, May 28, 2014 1:38 PM
To: [REDACTED] d83-189@ue.maec.es
Cc: [REDACTED] (ENTR)
Subject: RE: Intellectual Property Rights

Dear [REDACTED],

Thank you for the information.

The Commission services would like to highlight the obligation under Article 8(1) of Directive 98/34/EC to re-notify a draft where there had been changes that *"have the effect of significantly altering its scope, shortening the timetable originally envisaged for implementation, adding specifications or requirements, or making the latter more restrictive."*

Kind regards,

[REDACTED]

[Redacted]



European Commission
DG Enterprise and Industry
Unit C3 – Prevention of technical barriers

[Redacted]

B-1049 Brussels/Belgium

[Redacted]

Dir93-189-Central@ec.europa.eu

From: Directiva D83-189 [<mailto:d83-189@ue.maec.es>]

Sent: Wednesday, May 28, 2014 11:46 AM

To: [Redacted] (ENTR)

Cc: [Redacted] (ENTR)

Subject: RE: Intellectual Property Rights

[Redacted]

[Redacted]

[Redacted]

[Redacted]

De: [Redacted]@ec.europa.eu [[mailto:\[Redacted\]@ec.europa.eu](mailto:[Redacted]@ec.europa.eu)]

Enviado el: martes, 27 de mayo de 2014 17:45

Para: [Redacted]; Directiva D83-189

CC: [Redacted]@ec.europa.eu

Asunto: Intellectual Property Rights

Dear Contact point,

The Commission services have received information that a draft law concerning Intellectual Property Rights is in the process of adoption. Considering that the draft act might contain technical regulations in the sense of Directive 98/34/EC, in particular rules on Information Society Services, the Commission services would like to remind the Spanish authorities about their obligation to notify the draft act, in accordance with Article 8(1) of the said directive, should it contain technical regulations.

Thank you,

Best Regards,

[Redacted signature]



European Commission
DG Enterprise and Industry
Unit C3 – Prevention of technical barriers

[Redacted address line]

B-1049 Brussels/Belgium

[Redacted address line]

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