

**From:** [REDACTED] (ENTR)  
**Sent:** Friday, October 3, 2014 2:45 PM  
**To:** 'd83-189@ue.maec.es' <d83-189@ue.maec.es>  
**Cc:** GROW B2; [REDACTED] (ENTR)  
**Subject:** 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 the modifications are deemed '*in principle*' not to be significant. The document however indicates expressly the modification of Article 32(2), with the following note: "(...)for the purpose of complying as much as possible with provisions in Directive 98/34/EC, the current text of the Bill is reported to contain the following amendment [i.e. the addition of Article 32.2] that might be considered for this purpose."

In addition, it is also mentioned that the draft act is transposing Directive 2012/28/EC. 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



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