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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, mentioned that the text has undergone amendments, not only following the Commission's comments, but also those of various national advisory bodies and that it was further the subject of negotiations between parliamentary groups.

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]
Administrative Management



European Commission
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