

GUIDELINES FOR THE USE OF THE SERVICES DIRECTIVE NOTIFICATIONS FUNCTION IN IMI



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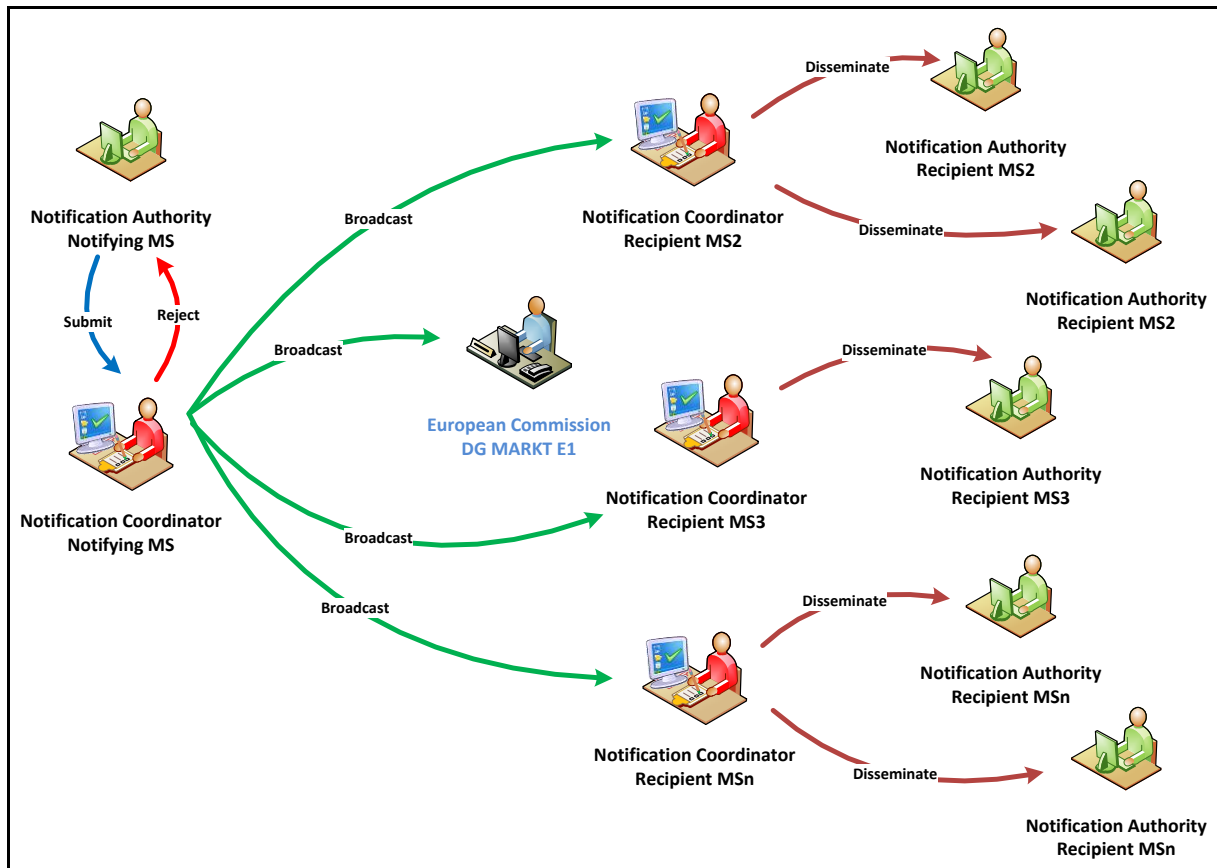
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I. BACKGROUND

The IMI Services Directive Notification (SD Notification) workflow is used for notifying new requirements imposed by a Member States on service providers in case of establishment or temporary provision of services under articles 15(7) and 39(5) of the Services Directive¹.

II. NOTIFICATION FLOW - Overview







Notification Authority: is an authority that may initiate a notification in IMI and submit it to a Notification Coordinator. Notification Authorities may also receive notifications sent by other Member States.



Notification Coordinator: is an authority responsible for the management of notifications. Notification coordinators are responsible for sending notifications to other Member States. Notification Coordinators also receive all notifications sent by other Member States.

¹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0123:EN:NOT>)

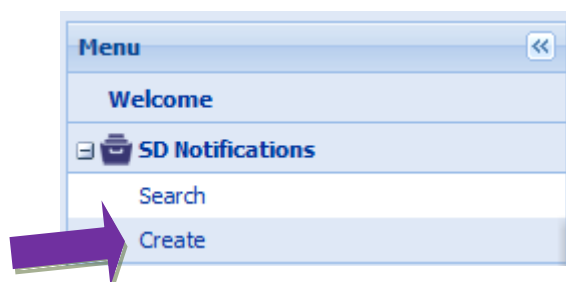



Authority role	User role	Notifying MS	Recipient MS
Notification (Initiating) Authority 	handler	create modify withdraw	comment
Notification Coordinator 	handler	<div style="text-align: center;">  </div> broadcast reject	<div style="text-align: center;">  </div> disseminate comment
	approver		



1) CREATION

A notification is created by a user with handler rights in a Notification Authority/Coordinator.




Fill in the appropriate fields – for guidance consult the InfoPoints  .

 A screenshot of a web form titled 'Details of the Act'. The form has several tabs: 'Details of the Act' (selected), 'Service Activities', 'Details of the Requirement', and 'Comments and Attachments'. At the top right, there are 'Next' and 'Cancel' buttons, with a purple arrow pointing to the 'Next' button. The form contains the following sections:

- General information on the notified act**
 - * Member State: A dropdown menu with an InfoPoint icon.
 - * Title of the act, article(s) and references: A text area with a language dropdown set to 'English (en)'.
 - * Status of the act: Radio buttons for 'Draft' and 'Final'.
 - * Text of the specific Article(s): A text area with a language dropdown set to 'English (en)' and an InfoPoint icon.
 - Additional text of the Article(s): A text area with a language dropdown set to 'English (en)' and an InfoPoint icon.
 - Text of the legislation on the Internet: A text field with an InfoPoint icon.
- Information on the imposing authority**
 - * Level of the imposing authority: A dropdown menu with an InfoPoint icon.
 - * Is the imposing authority the sender of this notification?: Radio buttons for 'Yes' and 'No'.



Click on 'Next' to proceed from tab to tab.



Details of the Act | **Service Activities** | Details of the Requirement | Comments and Attachments

Service activities and applicability

*** Service activities** *Please click on the value(s) you want to select*

* Competence not sector specific

- Accounting services
- Advertising and marketing services
- Agricultural and aquaculture services
- Architectural services

Selected values (to remove a value, click again on the appropriate value in the top table)

Additional information about the service activity

Please indicate the language of your text: English (en)

*** Applicability**

☐ Establishment only (Type A)

☐ Cross-border or both cross-border and establishment (Type B)

The tab 'Details of the Requirement' differs depending on the 'Applicability' of the notified text.

Details of the Act | Service Activities | **Details of the Requirement** | Comments and Attachments

Type A Requirement - Establishment only

*** Notified requirement**

*** Requirement description**

Please indicate the language of your text: English (en)

*** Is this service of general economic interest?**

☐ Yes

☐ No

*** Justification** *Please click on the value(s) you want to select*

- Public policy
- Public security
- Public safety
- Public health
- Preserving the financial equilibrium of the social security system

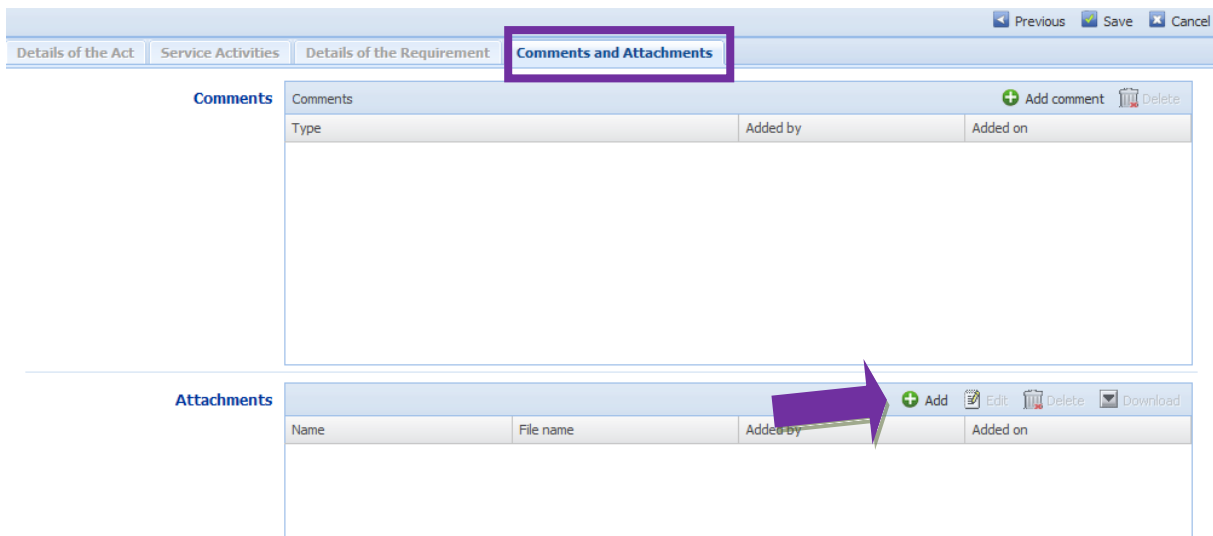
Selected values (double click to remove a value from the list)

Additional information about the justification

Please indicate the language of your text: English (en)



You may wish to provide the full legal text as an attachment.



Details of the Act | Service Activities | Details of the Requirement | **Comments and Attachments**

Comments

Comments


+ Add comment Delete

Type	Added by	Added on


Attachments

+ Add Edit Delete Download

Name	File name	Added by	Added on

The system does not automatically save the data filled in. In order to save the encoded data, please click on the  **Save** button.

To finish the process, the initiating authority has to submit the notification to the Coordinator.

 **Submit for approval**

Once the Coordinator approves the notification, it is broadcast to the other Member States and the European Commission.

Please note that after submission, the initiating authority can withdraw the notification at any moment (before the automatic closure).



In order to save time when sending many similar notifications, you can create a template version of a notification with the common fields filled in. Keep it in the 'draft' status and use the copy function every time you need to notify a new piece of legislation.



In the 'Management Information' tab, you will find the number of the notification, its status as well as other information concerning its processing within IMI.


The screenshot shows the 'Management Information' tab selected. The notification details are as follows:

Form	Services Directive Notification - Art. 15(7) and 39(5)
Legislative area	Services
Entry number	250
Status	Draft
Version	1
Last update	13/05/2013 - 11:54

Below the details is a history table:

Version	Action	Modified by	Date
1	Creation of draft version	CZ - CZ SD Notification Center	13/05/2013 11:54

2) BROADCAST

Once the notification is prepared it needs to be approved and sent to the other Member States and the European Commission. In IMI this action is called 'Broadcast'  **Approve & Broadcast** and is performed by a user with approver rights in the Notification Coordinator.

There are other options available to coordinators before broadcasting a notification:



Your own
notification

3) MODIFICATION after broadcast

Once a notification is broadcast there are two ways in which the authority that initiated it can modify it.

1) To inform other Member States and the Commission of small changes concerning the notified act, the initiator should add a comment in which he/she explains the changes that have been made. If considered necessary the new text may be added as an attachment.



Details of the Act | Service Activities | Details of the Requirement | **Comments and Attachments**

Comments

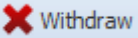
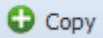
Type | Added by | Added on

Add comment

* Type

* Comment

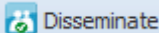
- Additional information
- General comment
- Legal remark
- Proposal to withdraw notification
- Reply to a request of clarification
- Request for clarification
- Request for supporting document
- Request for translation
- Other

2) If the changes to the original text are more substantial, the authority that initiated the notification should  **Withdraw** the original proposal and then **create and submit a new notification** using the  **Copy** function. The new notification will trigger a new consultation period.

If in doubt about which of the two procedures to use, the notifying Member State is advised to consult the Commission.

4) DISSEMINATION

The broadcast notification is sent to all Notification Coordinators in all Member States.

It is the role of the Coordinator to  **Disseminate** the incoming notifications to the relevant authorities within his/her Member State.

Each time a notification is broadcast in IMI, Notification Coordinators receive an automatic e-mail with a link to the notification.

Welcome | Search SD Notif | **SDNT 601.1**

Details of the Act | Service Activities | Details of the Requirement | Comments and Attachments | **Recipients** | Management Information

Disseminate | Print | Refresh

This notification is broadcast to all Member States.

List of recipient authorities

Informal title	Name	Country
500 HU-NIMIC - 26/04 éäää	500 HU-NIMIC XXXX	Hungary

Authority search

This search allows you to add new recipients to this notification.

Specify one or more general criteria

Country: Czech Republic

Authority Name:





Filtering the list of Notification recipients (e.g. displaying only recipients from your country)

By applying a filter on the country column in the list of notification recipients, you may decide to reduce the full list and display only recipients from your country. In the list of recipients, click on the right end of the country column and set your filter.

Informal title	Name	Country
Central Services Department (Saarland)	Landesamt für Zentrale Dienste Saarland (SDIMIC)	Germany
Atvinnuvega- og nýsköpunarráðuneytið	Atvinnuvega- og nýsköpunarráðuneytið	Iceland
Commerce Department (NIMIC - SOLVIT Centre)	Commerce Department (NIMIC - SOLVIT Centre) Dipartimento tal-Kummerċ (NIMIC - SOLVIT Centre)	Malta
Coordinator for Services	Ministerstwo Gospodarki - Koordynator modulu usługi	Poland
Coordinator of the Notification Module for the Services	Subd. Gral. de Asuntos Industriales, Energéticos, de Transporte	Spain

5) WITHDRAWAL

The Initiating authority can withdraw its notification at any time before the notification is closed. This might be necessary because the legislation containing the notified requirement has changed significantly, or has not been adopted. Withdrawal might as well be necessary in order to modify the content of the notification after broadcast and before closure. When withdrawing a notification the user needs to justify the action which does not require the approval of a Notification coordinator. Recipients of the notification are informed by e-mail about the withdrawal. Withdrawn notifications can be copied which is useful if after introducing changes to the notification the Initiating authority wants to re-notify the requirement.


6) COMMENTING

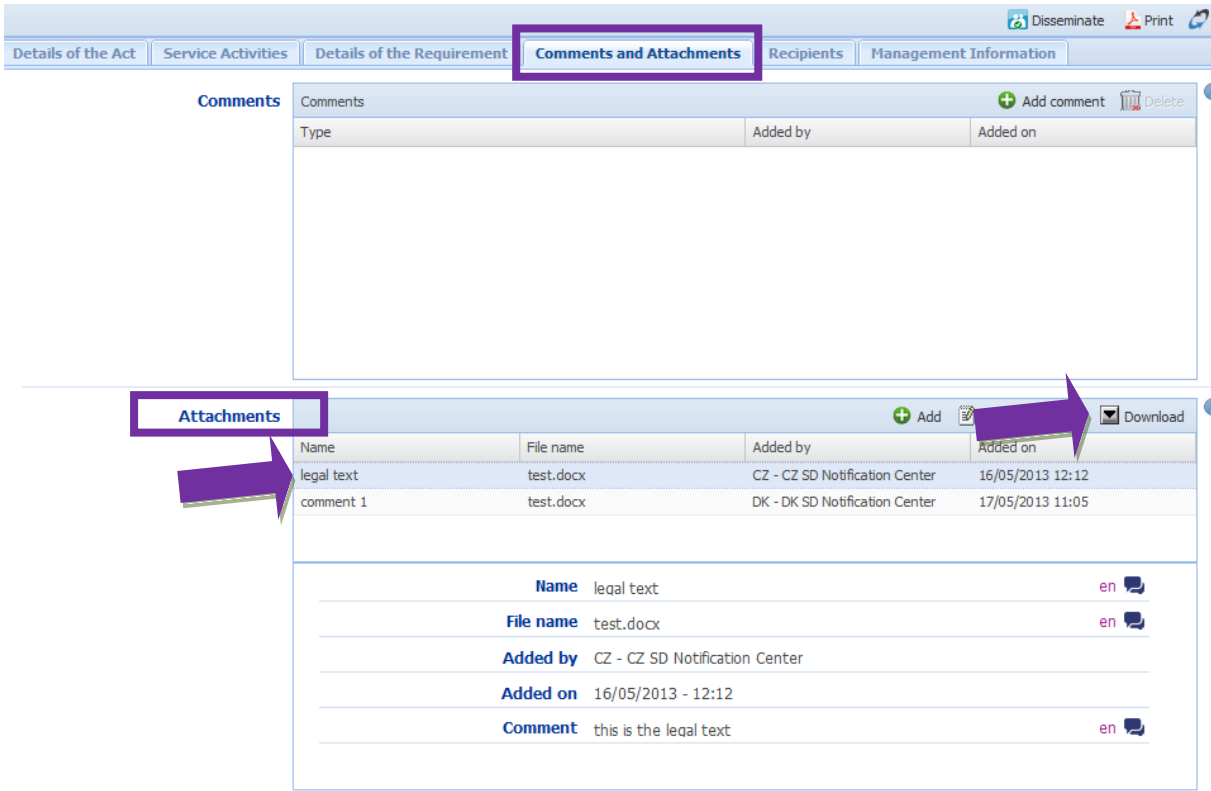
Once a notification has been broadcast, Member States have a period of 3 months in which they can comment on it.

Following broadcast, the European Commission may provide an English translation of the legal text as an attachment to the notification. The European Commission may also comment on the notification.



Where a notification concerns article 15 (Establishment cases), the European Commission may request the notifying MS to refrain from adopting the legislation, or to abolish the adopted legislation.

In order to view an **attachment**, click on the relevant row in the list. This will activate the  **Download** button.



Comments and Attachments

Comments

Type	Added by	Added on

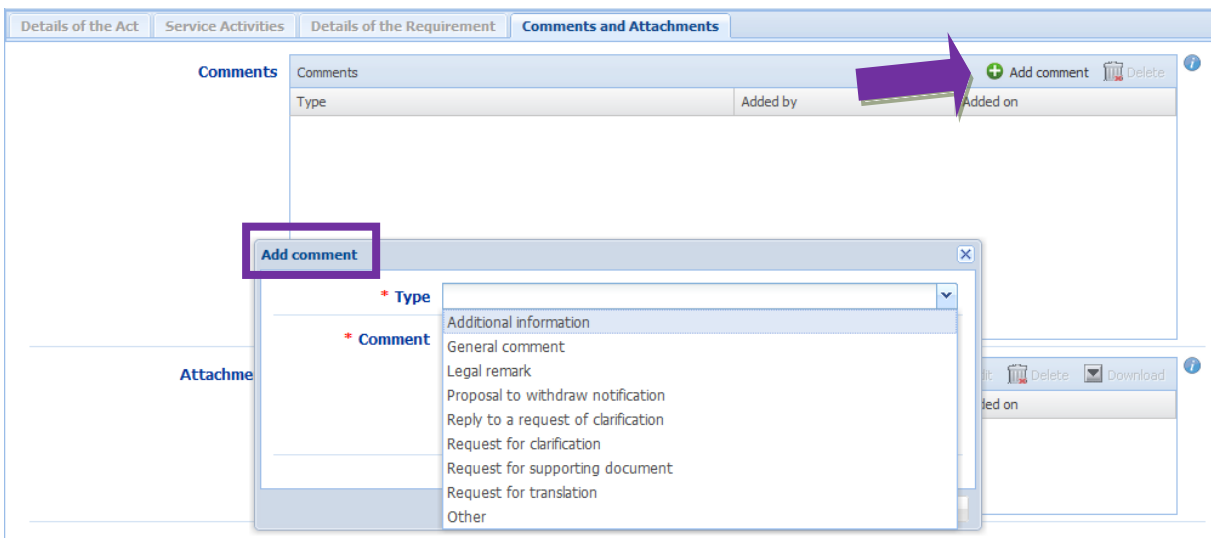
Attachments

Name	File name	Added by	Added on
legal text	test.docx	CZ - CZ SD Notification Center	16/05/2013 12:12
comment 1	test.docx	DK - DK SD Notification Center	17/05/2013 11:05

Details:

- Name:** legal text
- File name:** test.docx
- Added by:** CZ - CZ SD Notification Center
- Added on:** 16/05/2013 - 12:12
- Comment:** this is the legal text

When adding a **comment**, select the relevant 'type' from the dropdown list.



Comments and Attachments

Comments

Type	Added by	Added on

Add comment

Type

- Additional information
- General comment
- Legal remark
- Proposal to withdraw notification
- Reply to a request of clarification
- Request for clarification
- Request for supporting document
- Request for translation
- Other





Please note that the comments

- ✓ do not need to be approved by the Coordinator
- ✓ are immediately visible to the recipients of the notification
- ✓ cannot be edited
- ✓ can be deleted by their author (i.e. by users of the authority which added the comment)

If a comment is added or deleted all recipients are informed by e-mail.


7) CLOSURE


Three months after broadcast, the notification will be automatically closed in IMI. The closure will take place regardless of whether the European Commission has provided a decision or not.

From this point, all competent authorities with access to the SD Notification workflow will be able to consult the closed notification.

8) MODIFICATION after closure

Once a notification is closed there are two ways in which the authority that initiated it can modify it.

1/ If the change concerns only the imposing authority and this authority is not registered in IMI, then the initiating authority will be able to change the contact details of the imposing authority via the button  Edit.

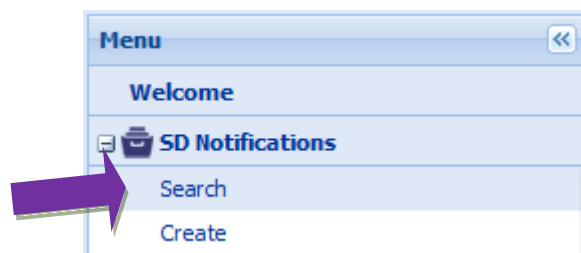
2) For all other changes, the initiator has to create a  New version of the notification. The initiator will have to indicate how and why the content of the notification has been changed. This new notification will have to pass through all the steps of the procedure (approval by Coordinator, broadcast to other MS, dissemination within other MS, commenting, closure). The number of the notification as well as the Management Information will clearly indicate the version of the notification.

Once a notification has been automatically closed in the IMI system, the initiating authority can decide to make it invisible to the other users by using the **deactivation**. **This action should be used only if a notification was sent by mistake and only with the agreement of the European Commission.** Only the Initiating authority can deactivate its own notification. The system requires a justification for the action, but not the approval of a Notification Coordinator. Should an authority consider deactivating its notification the Commission Services responsible for the Services Directive should be consulted.



III. SEARCH NOTIFICATIONS

Use the search option to find a notification.



Basic search criteria are presented, to refine your search further, click on 'advanced criteria'.

Please note that you can adapt the results table to your needs by clicking on the first line. The results can be exported as an Excel file which you will find in the Activity panel at the bottom of the screen.

Entry number	Member State	Status of the act	Applicability	Service activities
138	Czech Republic	Draft	(Type B)	Architectural services, Accounting se...
137	Czech Republic	Draft	(Type B)	Advertising and marketing services
136	Czech Republic	Final	(Type B)	Agricultural and aquaculture services...
135	Czech Republic	Draft	(Type B)	Agricultural and aquaculture services...
134	Czech Republic	Draft	(Type B)	Agricultural and aquaculture services...
133	Czech Republic	Final	(Type B)	Agricultural and aquaculture services...
132	Czech Republic	Draft	(Type B)	Agricultural and aquaculture services...
131	Czech Republic	Draft	(Type B)	Agricultural and aquaculture services...
130	Czech Republic	Draft	(Type B)	Agricultural and aquaculture services...






Please note that those notifications where the commenting period is still ongoing, are visible only to the recipient authorities. Once the commenting period is closed, the notification becomes visible to all authorities with access to the SD Notification workflow.

You can also create an excel table listing all the notifications returned by the search, via the 'Export' button. For more information, please consult http://ec.europa.eu/internal_market/imi-net/docs/create_report.pdf.

IV. PRINTING NOTIFICATIONS

Via the button  you can print the details of the notification. For more information, please consult the training material about Reports in IMI http://ec.europa.eu/internal_market/imi-net/training/new_training_material.html.

V. MACHINE TRANSLATION

Information provided as free text can be translated via a machine translation service. For information about machine translation in IMI, please consult the following manual http://ec.europa.eu/internal_market/imi-net/training/new_training_material.html Please refer to the 'Registers' part of the manual.

VI. FOR MORE INFORMATION AND HELP

You can contact your National IMI Helpdesk

http://ec.europa.eu/internal_market/imi-net/imi_helpdesks/index.html



Annex I. Workflow status of SD Notifications

MAIN STATUSES

1. Draft

The initiating authority can still Edit (i.e. fully modify the notification), eventually it can Delete the draft, or it can Submit for approval

2. Awaiting approval

The initiating authority can only withdraw the notification. The Initiating Coordinator can Edit (i.e. fully modify the notification), it Reject it, or it can Approve and Broadcast the Notification

3. Open for comments

The initiating authority can withdraw the notification. The Notification Coordinators can 'Disseminate' the notification to Notification authorities, all recipients including the EC can comment on the Notification or Add attachments to it. The commenting period is 3 months long in the real system and is set to 3 days in the Training Database.

5. Published

The notification is visible to all users and authorities with access to the workflow. Even those who did not receive it directly can consult the notification in the repository. The IA can Edit the non-critical data of the notification, it can create a new version (i.e. re-initiate the notification)

ADDITIONAL STATUSES

A) Rejected

If in status 2 the initiating coordinator does not approve the notification it gets this status.

B) Withdrawn

If in status 2, 3 or 4 the initiating authority decides to withdraw its notification it gets this status

B) Inactive

If in status 5 the initiating authority deactivates the notification it gets this status. Deactivation is an action by which the initiating authority can make the notification invisible to other users. This action should be used only if a notification was sent by mistake and only with the agreement of the European Commission.

