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## **Technical regulations in the meaning of Directive 98/34 of the European Parliament and of the Council. Legal aspects of the absence of notification**

### **Summary**

This article concerns the notification procedure of technical standards specified in Directive 98/34 of the European Parliament and of the Council of 22 June 1998 on technical standards and regulations, which provides for information in the field of technical standards and regulations as well as principles of the information society service.

The first part of the article explains notions such as 'technical standards', 'technical specification', 'other requirements', 'service provision principle', and 'draft standards'. This is followed by evaluation of the solutions adopted in Polish legal acts implementing Directive 98/34, considered from the point of view of the terms and concepts used in their wording and compliance with the requirements which the Directive has imposed of Member States.

Further, the requirement put on Member States to inform the European Commission of each legislative draft concerning technical standards before their final adoption by individual Member States is discussed, and consequences of a failure to do so are presented on the examples of numerous judgments delivered by the Court of Justice of the European Union, i.e. the Court of Justice and the General Court.

The final part of the article deals with technical standards defined in the Act on gambling of 19 November 2009 which, contrary to the requirements of Directive 98/34 EP, have not been notified, and the legal and fiscal consequences of this omission have been thoroughly analysed.

**Keywords:** technical standards – information society service – notification – gambling