

Case C-194/94 CIA Security v Signalson [1996] ECR I-2201

Facts: A company argued that the respondent had libelled it by claiming that the alarm system which it marketed had not been approved as required under Belgian legislation. The company contended that the Commission had not received proper notice of the law as required by EU law.

Held: The directive should be interpreted so that breach of the obligation to notify renders the technical regulations inapplicable, so that they are unenforceable against individuals. The national regulation should indeed have been notified under the Directive. By laying down a precise obligation to notify draft technical regulations before they are adopted, the provisions are unconditional and sufficiently precise. Part of the aim of the Directive was to protect the free movement of goods by preventive control and not just to inform the Commission. As such, it would greatly enhance the effectiveness of that control to provide that a breach of the obligation to notify would render the un-notified domestic rule inapplicable.