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ОБЩ СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ
TRIBUNAL GENERAL DE LA UNIÓN EUROPEA
TRIBUNÁL EVROPSKÉ UNIE
DEN EUROPÆISKE UNIONS RET
GERICHT DER EUROPÄISCHEN UNION
EUROOPA LIIDU ÜLDKOHUS
ΓΕΝΙΚΟ ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
GENERAL COURT OF THE EUROPEAN UNION
TRIBUNAL DE L'UNION EUROPÉENNE
CÚIRT GHINEARÁLTA AN AONTAIS EORPAIGH
OPĆI SUD EUROPSKE UNIJE
TRIBUNALE DELL'UNIONE EUROPEA

EIROPAS SAVIENĪBAS VISPĀRĒJĀ TIESA
EUROPOS SĄJUNGOS BENDRASIS TEISMAS
AZ EURÓPAI UNIÓ TÖRVÉNYSZÉKE
IL-QORTI ĠENERALI TAL-UNJONI EWROPEA
GERECHT VAN DE EUROPESE UNIE
SĄD UNII EUROPEJSKIEJ
TRIBUNAL GERAL DA UNIÃO EUROPEIA
TRIBUNALUL UNIUNII EUROPENE
VŠEOBECNÝ SÚD EURÓPSKEJ ÚNIE
SPLOŠNO SODIŠČE EVROPSKE UNIJE
EUROOPAN UNIONIN YLEINEN TUOMIOISTUIN
EUROPEISKA UNIONENS TRIBUNAL

ORDER OF THE GENERAL COURT (Fifth Chamber)

17 June 2020 *

- 950255 -

(Access to documents of the institutions — Measures of inquiry — Production of documents)

In Case T-185/19,

Public.Resource.Org, Inc., established in Sebastopol, California (United States),

Right to Know CLG, established in Dublin (Ireland),

represented by F. Logue, Solicitor, A. Grünwald, J. Hackl and C. Nüßing,
lawyers,

applicants,

v

European Commission, represented by G. Gattinara, F. Thiran and S. Delaude,
acting as Agents,

defendant,

supported by

European Committee for Standardisation (CEN), established in Brussels (Belgium), and the other interveners whose names are set out in the annex,¹
represented by U. Karpenstein, K. Dingemann and M. Kottmann, lawyers,

interveners,

* Language of the case: English.

¹ The list of the other applicants is annexed only to the version sent to the parties.

APPLICATION on the basis of Article 263 TFEU for annulment of the decision of the European Commission of 22 January 2019 refusing to grant the request for access to four harmonised standards adopted by CEN,

THE GENERAL COURT (Fifth Chamber),

composed of D. Spielmann, President, U. Öberg and O. Spineanu-Matei (Rapporteur), Judges,

Registrar: E. Coulon,

having regard to the first paragraph of Article 24 the Statute of the Court of Justice of the European Union;

having regard to Article 91(c) and Article 104 of the Rules of Procedure of the General Court,

makes the following

Order

- 1 On 25 September 2018, the applicants, Public.Resource.Org, Inc. and Right to Know CLG, filed with the European Commission Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43) and Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13), a request for access to documents held by the Commission ('the request for access').
- 2 The request for access concerned four harmonised standards adopted by the European Committee for Standardisation (CEN), in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ 2012 L 316, p. 12), namely standard EN 71-5: 2015, entitled 'Safety of toys — Part 5: Chemical toys (sets) other than experimental sets'; standard EN 71-4: 2013, entitled 'Safety of toys — Part 4: Experimental sets for chemistry and related activities'; standard EN 71-12: 2013, entitled 'Safety of toys — Part 12: N-nitrosamines and N-nitrosatable substances'; and standard

EN 12472:2005+A1:2009, entitled ‘Method for the simulation of wear and corrosion for the detection of nickel release from coated items’ (‘the harmonised standards requested’).

- 3 By decision of 22 January 2019, following a confirmatory application by the applicants, the Commission refused all access to the harmonised standards requested (‘the contested decision’).
- 4 By application lodged at the Court Registry on 28 March 2019, the applicants brought the present action for annulment of the contested decision.
- 5 In order to enable the Court to review the legality of the contested decision, it is appropriate to order the Commission to produce the harmonised standards requested to which access was refused in the contested decision.
- 6 In accordance with Article 104 of the Rules of Procedure of the General Court, the documents produced by the Commission are not to be communicated to the applicants.

On those grounds,

THE GENERAL COURT (Fifth Chamber)

hereby orders:

1. **The Commission shall produce, within a time limit prescribed by the Registry of the General Court, the harmonised standards requested to which access was refused in the Commission’s decision of 22 January 2019.**
2. **The documents produced by the Commission shall not be communicated to Public.Resource.Org, Inc. and to Right to Know CLG.**
3. **The costs are reserved.**

Luxembourg, 17 June 2020.

E. Coulon

D. Spielmann

Registrar

President

Annex

Asociación Española de Normalización y Certificación (AENOR), established in Madrid (Spain),

Asociația de Standardizare din România (ASRO), established in Bucharest (Romania),

Association française de normalisation (AFNOR), established in Saint-Denis (France),

Austrian Standards International (ASI), established in Vienna (Austria),

British Standards Institution (BSI), established in London (United Kingdom),

Bureau de normalisation/Bureau voor Normalisatie (NBN), established in Brussels (Belgium),

Dansk Standard (DS), established in Copenhagen (Denmark),

Deutsches Institut für Normung eV (DIN), established in Berlin (Germany),

Koninklijk Nederlands Normalisatie Instituut (NEN), established in AX Delft (Netherlands),

Schweizerische Normen- Vereinigung (SNV), established in Winterthur (Switzerland),

Standard Norge (SN), established in Oslo (Norway),

Suomen Standardisoimisliitto r. y. (SFS), established in Helsinki (Finland),

Svenska Institutet för standarder (SIS), established in Stockholm (Sweden),

Institut za standardizaciju Srbije (ISS), established in Belgrade (Serbia).