



Date of acceptance : 07/10/2020

**Case T-185/19**

**Public.Resource.Org, Inc. and Right to Know CLG**  
**v**  
**European Commission**  
**European Committee for Standardisation and Others, intervener**

**Measures of organisation of procedure**

*Question to the parties within the meaning of Article 89(3) of the Rules of Procedure of the General Court to be answered orally at the hearing.*

As regards the applicants' argument that, in accordance with the judgment of 27 October 2016, *James Elliott Construction* (C-613/14, EU:C:2016:821, paragraph 40), the harmonised standards requested in the present case form part of EU law, the parties are invited to submit orally to the General Court, at the hearing, their positions on the following subjects:

1. the key criteria for assessing whether the harmonised standards requested in the present case form part of EU law;
2. the existence, in the EU legal order, of a principle of free and open access to EU legislation and, where appropriate, its scope;
3. the possibility, in the event that such a principle is not already enshrined as such in the EU legal order, that it be recognised by the Court on the basis of any constitutional traditions common to the Member States;
4. the possibility, in that legal order, that texts forming part of EU law may be protected by copyright;
5. the possible application of those principles in the present case.

To that effect, the parties are invited to submit their views on whether there is any similarity between the legal scheme of harmonised standards and that of national standards which are referred to in the Member States' legislation and which have been a matter of concern for a number of those States' highest courts (see, inter alia, judgments of 26 April 1990, of the Bundesgerichtshof (Federal Court of Justice, Germany), *DIN-Normen*, I ZR 79/88; of 29 July 1998, of the Bundesverfassungsgericht (Federal Constitutional Court, Germany), DE:BVerfG:1998:rk19980729.1bvr114390; of 22 June 2001, of the Hoge Raad der Nederlanden (Supreme Court of the Netherlands), *Knooble*, LJN BW0393, NL:PHR:2012:BW0393; of 10 February 2016, of the Conseil d'État (Council of State, France), FR:CESSR:2016:383756.20160210; of 15 March 2017 and of 27 June 2019, of the Högsta domstolen (Supreme Court, Sweden), the case known as *Laserpekaren II and III*, NJA 2017 s. 157 and NJA 2019 s. 577).