



Date of acceptance : 16/06/2022



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| Published ID | : C-588/21 P |
| Document number | : 31 |
| Register number | : 1225953 |
| Date of lodgment | : 14/06/2022 |
| Date of entry in the register | : 16/06/2022 |
| Type of document | : Corrigendum > Rejoinder Corrigendum > Response |
| e-Curia lodgment reference | : Document DC168689 |
| File number | : 1 |
| Person lodging document | : Delaude Sandrine (R111952) Commission |



EUROPEAN COMMISSION

Brussels, 14 June 2022
sj.f(2022)4755185

Court of Justice of the European
Union
Registry
L-2925 Luxembourg

**Subject: Case C-588/21 P – Public.Resource.Org., Inc. and Right to Know
CLG v Commission - corrigendum**

Dear Registrar,

The Commission would like to correct two errors in its submissions.

- In its **Response, par. 52**: add “not” after “does” as follows:

“52. The second allegation of the second line of argumentation (paragraphs 61-66 of the appeal) according to which the four requested harmonised standards were not protected by copyright is also **ineffective** as it does **not** challenge what the judgement under appeal explains in its paragraph 43 as to what is requested from the Commission in terms of review, and the positive assessment made by the General Court of the Commission review in paragraph 47 of the judgment under appeal. Indeed, what is requested from the Commission is not to establish definitely that a copyright exists on a document, but to carry out a review that there are ‘objective and consistent evidence such as to support the existence of the copyright claimed’ on the document”.

As a result, **par. 52 of the French translation of the Response must be corrected** as follows:

« 52. La seconde allégation du deuxième axe d’argumentation (points 61 à 66 du pourvoi), selon laquelle les quatre normes harmonisées demandées n’étaient pas

protégées par un droit d’auteur, est également **inopérante** car elle **ne** remet pas **en** cause ce que le Tribunal explique au point 43 de l’arrêt attaqué quant à la portée du contrôle demandé à la Commission, ainsi que l’appréciation positive du contrôle de la Commission présentée par le Tribunal au point 47 de l’arrêt attaqué. En effet, il n’est pas demandé à la Commission d’établir avec certitude l’existence d’un droit d’auteur sur un document, mais de contrôler l’existence d’«indices objectifs et concordants aptes à confirmer l’existence du droit d’auteur [...] allégué» sur ce document ».

- In its **rejoinder, par. 26**: replace “The judgment” by “The Reply” as follows:

“26. The Reply refers to the following Court of Justice judgments: the *Skoma-Lux* judgment¹ and the *Consorzio del Prosciutto di Parma* judgment² on the one hand, and the recent judgment of 22 February 2022 in case C-160/20 *Stichting Rookpreventie Jeugd* on the other hand. The **judgment Reply** contends that the two first judgments are not relevant because while they accepted that the ‘principle of legal certainty does not require a publication in all Member State languages’, ‘the EU law was publicly available for free in these cases at least in the most relevant languages’. The third judgment would indicate that ‘standards are not binding on the public if they are not published in the OJ’ (paragraph 56 of the Reply). Finally, the Reply complains that ‘even if an appropriate publicity were required, this test would not be met here’ and refers to ‘prices of up to EUR 900 for a single harmonised standard, or corresponding prices of EUR 8.13 per single page’ (paragraph 57 of the Reply)”.

The French translation of the Rejoinder includes that modification.

The Legal Service apologises for those two errors.

Yours faithfully,

Sandrine Delaude

Giacomo Gattinara
Agents for the Commission

François Thiran

¹ Judgment of 11 December 2007, C-161/06, *Skoma-Lux*, EU:C:2007:773, paragraph 38.

² Judgment of 20 May 2003, C-108/01, *Consorzio del Prosciutto di Parma et Salumificio S. Rita*, EU:C:2003:296, paragraphs 95-96.