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Judgment of the Court in Case C-588/21 P | Public.Resource.Org and Right to Know v Commission and Others

The European harmonised technical standards on the safety of toys should be accessible to EU citizens

The Court annuls the Commission's decision refusing access to those standards and sets aside the judgment of the General Court upholding that refusal

In 2018, the European Commission refused the request of two non-profit organisations to be granted access to harmonised technical standards concerning the safety of toys. In 2021, the General Court upheld that refusal, however, on appeal, the Court of Justice finds that there is an overriding public interest in the disclosure of the harmonised standards on the safety of toys, since they form part of EU law owing to their legal effects. Consequently, the Court of Justice sets aside the judgment of the General Court and annuls the Commission's decision.

Public.Resource.Org and Right to Know are two non-profit organisations whose focus is to make the law freely accessible to all citizens. In 2018, they asked the Commission to grant them access to technical standards harmonised at EU level concerning the safety of toys. More specifically, those standards related to chemistry games and sets. The Commission refused their request and the General Court of the European Union, before which the associations had brought an action, upheld that refusal ¹.

On appeal, **the Court of Justice today sets aside the judgment of the General Court and annuls the Commission's decision.**

The Court recalls that EU law guarantees any citizen of the European Union, and any natural or legal person residing in a Member State, access to documents, including those held by the European Commission ². Access to a document may however be refused where its disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure.

In the present case, the documents concerning **the harmonised standards relating to the safety of toys form part of EU law**. EU legislation may confer legal effects on such standards, in particular the fact that products which meet those standards are deemed to comply with the standards laid down in that legislation and setting out the conditions to be met for marketing such products in the EU. To that effect, a harmonised standard may specify the rights conferred on individuals and their obligations. Relying in particular on the principle of the rule of law and the principle of free access to the law, the Court considers that the possibility for citizens to acquaint themselves with those standards may be necessary in order to enable them to verify whether a given product or service actually complies with the requirements of such legislation. Accordingly, **the Court finds that there is an overriding public interest in disclosure of the harmonised standards in question.**

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ Judgment of the General Court of 14 July 2021, Public.Resource.Org and Right to Know v Commission, [T-185/19](#).

² [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.