

Our Reference: FPL/624/03172/2

Your Reference: 2024/2943

13 November 2024

**By email only**

European Commission  
DG for Internal Market, Industry, Entrepreneurship and SMEs  
Mr Matthias Schmidt-Gerds  
[GROW-D3@ec.europa.eu](mailto:GROW-D3@ec.europa.eu)

**Re: Request for access to documents no. 2024/2943**

**Our clients: Public.Resource.Org Inc and Right to Know CLG**

Dear Sir

We refer to your letter dated 13 November 2024 purporting to grant access under Regulation (EC) 1049/2001 to 15 identified harmonised standards which were requested by our clients on 29 July 2024.

As you know our clients' request for access to documents specified the format as follows:

With reference to Article 10 of Regulation 1049/2001 our clients therefore specifically request an electronic copy of the Requested Documents in a format that is equivalent to the format through which the Union institutions make EU law generally available via the Eur-Lex service, for example as PDF or HTML files.

In the alternative, the Commission should provide the Requested Documents in the same format in which they were received. The Commission should particularly take into account that it must provide the documents "*in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference*" (cf. Article 10(3) Regulation 1049/2001).

Your letter indicates that the documents are disclosed via a link on a "read only basis" with technical features implemented by the European Commission to prevent forwarding, downloading and printing. Your letter makes a unilateral assertion that by accessing the standards provided we agree not to circumvent these technical features.

We are instructed to write to you in advance of accessing the disclosed standards to give written notification to the Commission that neither our clients nor anyone else agrees to any terms or conditions which the Commission seeks to impose or infer, nor can any such agreement be implied. In fact it is impermissible under Regulation (EC) 1049/2001 for the Commission to seek to grant conditional access to documents.

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Furthermore, despite format being expressly identified in the request, the Commission has breached Article 10 of Regulation (EC) 1049/2001 by apparently declining to provide copies of the requested harmonised standards in an existing format or in an alternative format with full regard to the applicants' preference.

We therefore ask the Commission to provide copies of the requested documents with the technical features removed or alternatively to provide the password which would allow them to be removed. We ask the Commission to provide access in this format no later than 4pm Irish time on Friday 15 November 2024, failing which our clients intend proceeding with the action for annulment as previously advised to the Commission in our letter of 30 September 2024.

Yours faithfully

A handwritten signature in black ink, appearing to read 'FP Logue', written in a cursive style.

**FP LOGUE LLP**