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Public Works for a Better Government

January 30, 2013

The Honorable Neelie Kroes
Vice-President of the European Commission
European Commission
BERL 10/224
1049 Brussels Belgium

Dear Vice-President Kroes:

Under your leadership the European Union has taken great strides towards implementing a Digital Agenda for Europe. Your work in this area is truly transformative and sets a standard for the rest of the world.

I am writing today to call your attention to our recent publication of 10,062 legally-mandated public safety standards from around the world:

<https://law.resource.org/pub/12tables.html>

In our modern world, technical public safety standards are some of the most important laws that our governments impose. These laws regulate building, electrical, and fire safety in our homes and businesses, they regulate the safety of our food supply and the transport of hazardous materials, and they impose important standards for the safety of our workplaces and the products we buy.

As part of our efforts to make these legally-mandated edicts of government available, we have spent considerable time making sure that the citizens of the European Union have access to the technical regulations that each country must enact without modification.

While these standards are required in each country, the prices for these laws vary wildly. In some cases, the governments simply refuse to sell them. In other cases, the standards are not available online. As one of the objectives of the European Union is a common market, the lack of access to the rules needed to trade across national lines forms a substantial barrier to trade.

In addition, even after paying considerable sums for a copy of the law, the policies of many of the publishers do not allow citizens to speak the law by making copies or otherwise informing fellow citizens of their obligations. As such, innovation in this vital area has ground to a halt because new transformative uses, such as access to building codes by the visually impaired, are specifically prohibited by the publishers.

You will find in our collection of standards recently published a large number that are in effect in the entire European Union. These include standards for **agricultural and**

forestry machinery, the entire Eurocode, standards for product safety under Directive 2001/95/EC, the safety of toys under Directive 2009/48/EC, implantable medical devices under Directive 90/385/EEC, food processing machinery under Directive 2006/42/EC, personal protective equipment under Directive 89/686/EEC, and numerous other standards.

The standards that have been published illustrate the importance of the high-quality work that European standards bodies conduct. Their work saves lives and makes the economy function better. But, we must not forget that the rule of law and basic provisions of human rights require that citizens understand the laws they must obey. Publication of the laws we must obey makes for a better informed citizenry and is a key component of any efforts to provide scientific, technical, and engineering education to our students and young workers.

Our publication of these standards is conducted on a noncommercial basis under longstanding provisions of EU and national laws that make access to the law a vital component of human rights and the rule of law. We do not aim to provoke a legal fight, and we understand that it is important to support the vital work that our standards bodies perform. My hope, and the purpose of this letter today, is that a leader such as yourself can begin the process of bringing all the parties to the table to discuss how we can promote public safety, keep our standards bodies doing the wonderful work they do, and yet still allow our citizens and businesses to know and speak the laws they must follow.

I hope you will be able to help begin that process and look forward to your response. Please do not hesitate to let me know if you have any questions.

Sincerely yours,

Carl Malamud
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