

## **Copyright protection of Harmonized Standards not in question, says the ECJ – however, there is an overriding public interest in their disclosure**

**Berlin/Frankfurt a. M., March 05, 2024.** Today the European Court of Justice (ECJ) delivered its judgment in Case C-588/21 P concerning public access to four Harmonized Standards under Regulation 1049/2001.

The judgment does not call into question that Harmonized Standards are subject to copyright protection.

However, the ECJ finds that there is an overriding public interest in the disclosure of Harmonized Standards under Regulation 1049/2001, and therefore annuls the European Commission's decision to refuse access to the four standards requested.

CEN and CENELEC, as two of the official European Standardization Organizations (ESOs), and their members – the National Standardization Bodies and National Committees in 34 European countries – welcome that the Court does not follow the main argument of the applicants and the Advocate General, who had proposed to exclude copyright protection for Harmonized Standards in general. Nor does the judgment call into question the fact that access to documents under Regulation 1049/2001 is without prejudice to any existing copyright rules which may limit the right of third parties to reproduce or use released documents.

The success of European Standardization has been made possible by the expertise and voluntary contributions from engaged stakeholders from different backgrounds, such as business, government, consumers, trade associations, academia, and research.

This inclusive system ensures that standards are easy to implement, constantly adapted to the state of the art, and largely identical to international standards. As such, they provide European businesses with a timely and accurate solution to access the Single and global market, ensure conformity with European legislation, and increase their competitiveness.

Based on this, the whole CEN and CENELEC community will continue to work closely with the European Commission and all relevant stakeholders involved in European standardization to make our system fit for the future, to the benefit of the Single Market and Europe's businesses and citizens.

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The DKE German Commission for Electrical, Electronic & Information Technologies (DKE) is the national platform for about 9000 experts from industry, science and public administration to elaborate standards and safety specifications for electrical engineering, electronics and information technology. Standards support global trade and, among other things, the safety, interoperability and functionality of products and systems. As a competence centre for electrotechnical standardization, the DKE represents the interests of German industry in European (CENELEC, ETSI) and international standardization organizations (IEC). In addition, the DKE provides comprehensive services in the field of standardization and VDE specifications.

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