Dear Mr Veale,

**Subject: Your application for access to documents – Ref GestDem 2022/4308**

We refer to your email dated 27 July 2022 in which you make a request for access to documents, registered on the same date under the above-mentioned reference number. We also refer to our email of 19 August 2022 extending the time limit to respond to your request according to Article 7(3) of Regulation (EC) No 1049/2001.

1. **Scope of your request**

In your request Ref GestDem 2022/4308, you ask, on the basis of Regulation (EC) No 1049/2001, access to:

“All ISO standards referred to in Directive 2014/40, art 4, in particular:

- ISO standard 8243
- ISO standard 10315
- ISO standard 8454
- ISO standard 8243.”

2. **Identification and assessment of the relevant document**

We have identified 4 documents that fall within the scope of your request. Having examined all the documents under the provisions of Regulation (EC) No 1049/2001, we have come to the conclusion that no access can be granted to those documents as their disclosure is prevented by an exception to the right of access laid down in Article 4 of the Regulation, as further explained.

3. **Reasons for refusal**

*Protection of the commercial interests of a legal person, including intellectual property - Article 4(2), first indent, of Regulation (EC) No 1049/2001*

The documents you are asking access to originate from the International Standard Organization and are subject to copyright protection. Disclosure of these documents would

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undermine the protection of commercial interests of the International Standard Organisation, which makes access to these documents upon request and provided a fee is paid. Therefore, their release would directly infringe upon their intellectual property rights of the originator.

We have considered whether partial access could be granted to these documents, in accordance with Article 4(6) of the Regulation. However, it follows from the assessment made above that these documents are entirely covered by the exception laid down in Article 4(2), first indent.

Therefore, no access can be granted.

4. **Overriding public interest**

The exceptions to the right of access provided for in Article 4(2) of Regulation (EC) No 1049/2001 must be waived if there is an overriding public interest in disclosing the requested document. In your application, you did not submit any grounds concerning a public interest on the basis of which the interests protected in Regulation (EC) No 1049/2001 would have to be overridden, and we could not identify any such ground either. In these circumstances, we have to conclude that there is no evidence of an overriding public interest in disclosure, in the sense of Regulation (EC) No 1049/2001.

5. **Means of redress**

In case you would disagree with this assessment, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

6. **Acknowledgment of receipt**

According to the standard operational procedure, the reply is sent by e-mail only. We would therefore appreciate if you could explicitly confirm receipt of the e-mail within 5 working days by replying to sante-consult-b2@ec.europa.eu.

Yours sincerely,

Sandra GALLINA
Director General