


The Director General



EUROPEAN COMMITTEE FOR STANDARDIZATION
COMITÉ EUROPÉEN DE NORMALISATION
EUROPÄISCHES KOMITEE FÜR NORMUNG



Czech Office for Standards, Metrology
and Testing
Biskupský dvůr 1148/5
CZ - 110 00 Praha 1
Czech Republic

Brussels, 25 September 2015

Our ref.: 14922

**Subject: Judgment of the Metropolitan Court in Prague regarding free
distribution of European standards in the construction sector by ÚNMZ**

Dear 

I refer to the exchange of information we had regarding the recent judgment of the
Metropolitan Court in Prague of 2015-09-07.

You informed us that this Court has ruled on the obligation for ÚNMZ to make all
those European standards adopted in the Czech Republic that are referred to in the
Czech "Building Act" (law no. 183/2006) and in the related implementing regulations,
available for free within 30 days from the date of the judgment.

I remind you that all European standards developed by CEN, including those
supporting European and national public policies and legislation, are copyright
protected documents.

Distribution of European standards documents is therefore subject to the Exploitation
Agreement signed between CEN and its national members and to the provisions of
CEN-CENELEC Guide 10 on "*Policy on dissemination, sales and copyright of CEN-
CENELEC Publications*".

Any deviation tending to provide free access to standards should therefore first
consider the terms of the CEN Exploitation Agreement and the obligations ensued
from CEN-CENELEC Guide 10.

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Please be advised that by implementing the Court judgment, ÚNMZ will be forced to infringe Article 5.1 of CEN-CENELEC Guide 10 and Article 4.3 of the CEN Exploitation Agreement regarding the fundamental principle against availability of European standards free of charge.

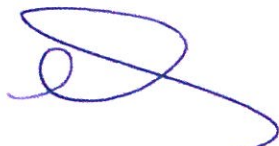
Considering the importance of this principle for the sustainability of the CEN standardization system, I inform you that the infringements of the Exploitation Agreement and of the CEN-CENELEC Guide 10 are regarded as a serious breach of CEN rules and will have consequences for ÚNMZ membership, including exclusion from the organization.

Please be informed that, unless we receive by 31 October 2015 clear information on ÚNMZ fulfilment of its obligations as national member and confirmation that European standards are not made available for free, we will initiate by correspondence the process of exclusion of ÚNMZ at General Assembly level, to be confirmed by the same Assembly at its meeting of 24 November 2015. Should we receive your reply, this will in any case be brought to the attention of the CEN Board and General Assembly.

In case ÚNMZ loses the status of CEN national member, it will no longer have access to any CEN European standard, nor have the license to distribute them. Furthermore, Czech experts will not be able to participate in standardization work at the level of CEN Technical Committees and working groups.

Considering that ÚNMZ membership in ISO is based on the same principles as those of CEN, by this letter I also inform my colleagues in ISO on this matter.

Yours sincerely,



Elena SANTIAGO CID

c.c.: Mr Kevin McKinley, ISO Acting Secretary-General