



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 June 2009

**11183/09
ADD 1**

**JUR 294
PI 58
COUR 57**

ADDENDUM TO THE "I/A" ITEM NOTE

from : Legal Service
to : Permanent Representatives Committee (Part 1)/Council

Subject : Request for an opinion by the European Court of Justice on the compatibility with the EC Treaty of the envisaged Agreement creating a Unified Patent Litigation System

STATEMENT BY CYPRUS DELEGATION

"Cyprus would like to register its continuing serious concern as regards the possibility that the envisaged Agreement on the European and Community Patents Court may confer jurisdiction to the Courts of third countries to interpret and apply Community Law, as reflected in paragraph 51 of the Request for an Opinion by the ECJ.

Cyprus would like to remind of its firm position as repeatedly stated in all the debates on this particular point of jurisdiction in the past, whereby it continues to maintain the aforementioned view.

Cyprus is of the firm opinion that the counter-argument noted at the end of paragraph 51 of the Request, i.e. that safeguards would apply to ensure the autonomy of the Community legal order regardless of the location of the division of the ECPC, is not valid since such safeguards do not in fact exist in the draft proposal of the envisaged Agreement".