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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 29 October 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: COM(2025) 661 final

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Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council on compulsory licensing for crisis management and amending Regulation (EC) 816/2006

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Delegations will find attached document COM(2025) 661 final.

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Encl.: COM(2025) 661 final



Brussels, 29.10.2025  
COM(2025) 661 final

2023/0129 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

**concerning the**

**position of the Council on the adoption of a Regulation of the European Parliament and  
of the Council on compulsory licensing for crisis management and amending Regulation  
(EC) 816/2006**

**COMMUNICATION FROM THE COMMISSION  
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**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

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**position of the Council on the adoption of a Regulation of the European Parliament and  
of the Council on compulsory licensing for crisis management and amending Regulation  
(EC) 816/2006**

**1. BACKGROUND**

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2023) 224 final – 2023/0129COD):	27 April 2023.
Date of the opinion of the European Economic and Social Committee:	20 September 2023.
Date of the position of the European Parliament, first reading:	13 March 2024.
Date of transmission of the amended proposal:	N/A.
Date of adoption by the Permanent Representatives Committee of the Council's mandate for interinstitutional negotiations:	26 June 2024.
Date of provisional agreement between the co-legislators:	21 May 2025.
Date of confirmation of the final compromise text of the proposal by the Permanent Representatives Committee:	13 June 2025.
Date of approval of the outcome of the interinstitutional negotiations by the European Parliament's JURI Committee:	24 June 2025.
Date of adoption of the position of the Council, first reading:	27 October 2025.

**2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

The aim of this proposal is to provide the Internal Market with an efficient compulsory licensing scheme for crisis management. The initiative therefore has two main objectives. First, it aims to enable the EU to rely on compulsory licensing during crises under certain EU crisis instruments. Second, it introduces an efficient compulsory licensing scheme, with appropriate features and safeguards, to allow a swift and appropriate response to crises, with a functioning Internal Market, guaranteeing the supply and the free movement of crisis-critical products subject to compulsory licencing in the internal market.

### 3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted at first reading fully reflects the political agreement reached between the European Parliament and the Council on 21 May 2025. The Commission supports this agreement. The main points of this agreement, which is reflected in the position of the Council, are the following:

**On the disclosure of trade secrets:** It is clarified that the proposal does not impose any obligation to disclose trade secrets, while acknowledging the possibility of voluntary conclusion of agreements on trade secrets.

**On the scope:** The list of crisis instruments triggering the compulsory licensing scheme no longer includes the Chips Act and the Gas Supply Security Regulation. Defence-related products<sup>1</sup> are now explicitly excluded from the scope of the proposal. An evaluation clause was included for the list of relevant crisis instruments, with the possibility of assessing new and existing instruments and with a specific reference to semiconductors for medical equipment.

**Addition of conditions to grant a compulsory licence:** The granting of a Union compulsory licence is now subject to four cumulative conditions, namely (i) a crisis or emergency mode has been declared, (ii) the use of a protected invention which concerns crisis-relevant products is required to secure the supply of those products in the Union, (iii) means other than a Union compulsory licence, including voluntary agreements, could not be achieved within a reasonable timeframe and could not ensure access to the products, (iv) the rightsholder concerned was given the opportunity to provide comments to the Commission and the competent advisory body.

**Changes to the procedure for granting a compulsory licence:** The role of the advisory body to assist and advise the Commission largely remains the same, although the tasks have been restructured and further specified. In particular, experts from intellectual property offices and national authorities responsible for granting compulsory licences must now be involved in advisory body discussions on intellectual property. In addition, the EP can also participate, as an observer, in the relevant meetings of the competent advisory body, including the ad hoc advisory body. Changes made to Article 7 include a reference to preliminary information gathered under the relevant Union crisis or emergency mechanism, which the Commission should consider when deciding whether to initiate the procedure for granting a Union compulsory licence. In addition, the procedure is to be formally initiated by publishing a notice on the Commission's website. It is now stated that where the Commission's decision to grant a Union compulsory licence departs from the opinion of the advisory body, it must indicate the reasons for this. Furthermore, where the Commission decides not to grant a Union compulsory licence, a notice must be published in the Official Journal of the European Union to provide information about the end of the procedure. Finally, the possibility of concluding voluntary licensing agreements at any time during or after the procedure for granting a Union compulsory licence is explicitly set out in the text.

**On comitology:** the advisory procedure was replaced by the examination procedure for implementing acts adopting, modifying and terminating a Union compulsory licence. A no-opinion clause was included for the adoption of the implementing act. A recital justifying the use of the examination procedure in light of the spirit of the Comitology Regulation was added.

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<sup>1</sup> As defined in Article 3(1) of Directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community.

#### **4. CONCLUSION**

The Commission supports the outcome of the interinstitutional negotiations and can therefore accept the Council's position at first reading.

#### **5. STATEMENT FROM THE COMMISSION**

The Commission has made one unilateral statement, which can be found in the appendix.

### **APPENDIX**

#### **Statement from the Commission**

Commission statement on Regulation 816/2006:

*The Commission commits to present a report to the European Parliament, the Council, and the European Economic and Social Committee on Regulation 816/2006, in line with Article 19 of this Regulation.*