



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 February 2011

5566/11

**Interinstitutional File:
2010/0384 (NLE)**

PI 4

"A" ITEM NOTE

from: General Secretariat
to: Council

No. prev. doc.: 5732/11 PI 6
No. Cion prop.: 18115/10 PI 154

Subject: Proposal for a Council Decision authorising enhanced cooperation in the area of the creation of unitary patent protection
- Request by the Council for the consent of the European Parliament

1. On 16 December 2010, the Commission submitted to the Council a proposal for a Council Decision authorising enhanced cooperation in the area of the creation of unitary patent protection.
2. At the meeting of the Permanent Representatives Committee on 7 February 2011, all delegations (including the Commission) but two agreed on the text of the draft Council Decision to be transmitted to the European Parliament for its consent¹.

¹ This text, following its revision by the legal/linguistic experts of the Council, appears in 5538/11 PI 3.

3. In the light of the above, the Council is invited to decide, as an "A" item of one of its forthcoming meetings, to transmit the text of the proposed Decision, as set out in 5538/11, to the European Parliament in order to obtain the latter's consent in accordance with Article 329(1) of TFEU, the Italian and Spanish delegations voting against.
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