



**COUNCIL OF
THE EUROPEAN UNION**

Strasbourg, 21 January 2011

5635/11

**PE 20
INST 42
PI 5
JUR 27**

NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Summary of the meeting of the Committee on Legal Affairs (JURI) of the European Parliament, held in Strasbourg on 20 January 2011

The meeting was chaired by Mr Lehne (EPP, DE). The beginning of the meeting was held *in camera*.

4. Consumer rights

JURI/7/00126

***I 2008/0196(COD) COM(2008)0614 – C6-0349/2008

Rapporteur for the opinion: Diana Wallis (ALDE)

Responsible: IMCO – Andreas Schwab (PPE)

The opinion was adopted as amended.

5. Proposal for a Council Decision authorising enhanced cooperation in the area of the creation of unitary patent protection

JURI/7/04915

2010/0384(NLE) COM(2010)0790

Rapporteur: Klaus-Heiner Lehne (PPE)

Responsible: JURI –

The Rapporteur briefly introduced the discussion by explaining that following the adoption of political conclusions on the creation of the EU patent by the Council in December 2009 the latter had been unable so far to adopt its position based on the Commission's proposals. The existence of irreconcilable difficulties regarding the linguistic regime in the Council has led 12 Member States to consider the option of establishing the unitary patent within the framework of enhanced cooperation. He pointed out that an enhanced cooperation initiative could only be launched after the Council had authorised it on the basis of a proposal from the Commission and after obtaining the EP's consent on the matter, which was precisely what was currently on the table for discussion. The EP had to give its formal consent for the start of such a procedure and he proposed that JURI adopt his report accepting the proposal for enhanced cooperation with a view to its adoption at the February II 2011 Plenary Session. He also explained that the Hungarian Presidency undertook to provide all the necessary documents one week before the February II Plenary Session and that the deadline for amendments was 21 January 2011 at noon. He stressed that if this timetable was respected, the Council could formally adopt its decision to authorise the launch of the enhanced cooperation procedure as early as the March 10 Competitiveness Council. He recalled that the decision to be taken at present was a purely procedural one and that the EP would be discussing the substantive issues regarding the future unitary patent protection and its linguistic arrangements at a later stage.

In the subsequent discussion Mr Baldassarre (EPP, IT) stressed that the decision to proceed with enhanced cooperation would have a considerable impact on businesses throughout the EU and that in the view of legal complexities that could arise at a later stage, he proposed requesting an opinion of the EP's Legal Service on this matter.

This proposal was supported by several other members, and the Chair explained that such a request had already been raised with the EP's Legal service and that they would need 9 days to produce their opinion. Mr Rapkay (S&D, DE), speaking on behalf of his group, stated that they supported the enhanced cooperation initiative. Ms Lichtenberger (Greens/EFA, AT) thought that enhanced cooperation would bring additional complexity to the patent systems in Europe divided between European Patent Office, national patent offices and the EU, therefore needed to be carefully examined. She warned against the EP giving in to Council's pressure to act quickly, in particular as the question of language arrangements would need to be properly discussed in the EP. Several members were of the opinion that it was necessary to discuss further the issue of linguistic arrangements and expressed disappointment at the Commission proposal, which proposes a system limited to three languages (Mr López-Istúriz White, EPP, ES ; Mr Masip Hidalgo, S&D, ES). On the other hand Mr Manders (ALDE, NL) expressed support for Commission's proposal as it was modelled on the European Patent Organization's linguistic regime and stressed that in practice most patents were drawn up in English. Several members stressed that the regulation of patents in Europe was not satisfactory and that there was a moral need to make progress (Ms Wikström, ALDE, SV; Mr Karim, ECR, UK).

The debate was concluded by the Hungarian Presidency, which reiterated that progress on this issue was one of its priorities and that a working plan had already been established and would be presented to the Member States the same day. He recalled, however, that further discussions in the Council were conditional upon the EP's consent.

6. Right to information in criminal proceedings

JURI/7/03511

***I 2010/0215(COD)

Rapporteur for the opinion: Jan Philipp Albrecht (Verts/ALE)

Responsible: LIBE – Birgit Sippel (S&D)

This item was postponed. The opinion would be discussed and voted upon at the next JURI meeting.

7. Date of next meeting

- 26 January 2011, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)
 - 27 January 2011, 9.00 – 12.30 (Brussels)
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