



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 February 2011

6210/11

CRS/CRP 6

SUMMARY RECORD

**Subject : Extraordinary meeting of the PERMANENT REPRESENTATIVES
COMMITTEE (Part 1) held in Brussels on 7 February 2011**

SUMMARY

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1. Adoption of the provisional agenda
CM 1505/1/11 REV 1

The above mentioned agenda is approved.

Coreper Part 1

II

- **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**
 - 18115/10 PI 154
 - 5732/11 PI 6

The Committee noted that all delegations but two agreed to recommend the Council to decide:

- a) under the "A" items of its meeting on 14 February 2011, to request the consent of the European Parliament in accordance with Article 329(1) of the TFEU on the basis of the draft Council Decision contained in the Annex to document 5732/11;
- b) to enter in the minutes of the Council adopting the Council Decision authorising the enhanced cooperation the statements set out below.

The Committee noted also that four more delegations announced their decision to join the group of Member States willing to participate in the enhanced cooperation, thus bringing the total number of participating Member States to twenty-five.

Finally, the Committee noted one delegation's request that the adoption of the above mentioned "A" item by the Council on 14 February 2011 be made in public.

A. STATEMENTS BY THE COMMISSION AND BY THE MEMBER STATES PARTICIPATING TO THE ENHANCED COOPERATION IN THE AREA OF THE CREATION OF UNITARY PATENT PROTECTION

Statement 1

The Commission and the Member States participating to the enhanced cooperation confirm that, as far as translation arrangements are concerned, the enhanced cooperation should rely on the existing framework of the EPO and should not be considered, to that extent, as creating a specific EU linguistic regime, or as creating a precedent for a limited language regime in any future EU legal instrument.

The Commission will reflect these elements in the proposals for specific measures implementing enhanced cooperation in the appropriate form.

Statement 2

The place of establishment of an economic operator will be immaterial for the access to unitary patent protection to be created through enhanced cooperation in the area of unitary patent protection.

B. STATEMENT BY THE COMMISSION

Any Member State listed in Article 1 may notify to the Council and the Commission that it is withdrawing from the enhanced cooperation in the area of unitary patent protection as authorized in this Decision, provided that at the time of that notification no acts have yet been adopted within the framework of the enhanced cooperation.

- **Transitional Committee**
= **Nomination of the EU members**

The Presidency informed the Committee about the state of play on the issue relating to the EU nominations for the Transitional Committee. It presented a paper containing key principles for the EU participation in the Transitional Committee as well as the names of the 12 EU members to be nominated. Since no agreement could be found on this approach, it decided to revert to this issue at its meeting on 9 February 2011.
