



**COUNCIL OF
THE EUROPEAN UNION**

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ADD 1**

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PUBLIC

ADDENDUM TO THE NOTE

from: Presidency

to: Permanent Representatives Committee

No. prev. doc.: 5566/11 PI 4

No. Cion prop.: 18115/10 PI 154

Subject: Preparation for the meeting of the Competitiveness Council (Internal Market, Industry, Research and Space) on 9 - 10 March 2011
- Proposal for a Council Decision authorising enhanced cooperation in the area of the creation of unitary patent protection
= Adoption of the Council Decision

STATEMENTS TO BE ENTERED IN THE COUNCIL MINUTES

"A. STATEMENTS BY THE COMMISSION AND BY THE MEMBER STATES PARTICIPATING IN 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."
