Council of the European Union
General Secretariat

PUBLIC

Brussels, 13 March 2026

WK 4029/2026 INIT

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INFORMATION

From: To:	Presidency Delegations
N° prev. doc.:	CM 1907/26
Subject:	Presidency Flash - Intellectual Property Working Party meeting

Delegations will find attached a Flash note from the Presidency in relation to the meeting of the Working Party on Intellectual Property taking place on 18 March 2026.

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PRESIDENCY FLASH NOTE

4th Working Party on Intellectual Property

Wednesday, 18 March 2026, 10:00

Dear Colleagues,

We would like to warmly invite you to the next full-day meeting of the Working Party on Intellectual Property, which will take place on Wednesday, 18 March at 10:00.

WIPO-related matters

We will begin the meeting in the morning with a short debrief by the Commission on the **52nd Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)**, which took place in Geneva from 4 to 13 March 2026.

In the afternoon, the Commission (DG AGRI) will provide a debrief to delegations on the outcome of the **7th session of the Working Group on the Development of the Lisbon System,** held in Geneva from 17 to 19 February 2026, as well as information on the next steps (doc. 7268/26).

Following this, the Commission (DG AGRI) will present its Proposal for a *REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/1753 as regards amendments adopted by the Assembly of the Lisbon Union on 14 July 2025 to the Common Regulations under the Lisbon Agreement on Appellations of Origin and Geographical Indications* (doc. 6313/26). Member States will have the opportunity to raise any questions and exchange views on the proposal.

Supplementary Protection Certificates (SPCs)

In the morning, after the IGC debrief, we will focus on the SPCs and continue discussions on the issue of the legal basis.

On 18 February 2026, the IP Working Party exchanged views on the structure of the newly envisaged model, which resulted from the exploratory talks with the Council Legal Service (CLS) aimed at addressing the legal feasibility of relying on Article 114 TFEU to achieve certain effects corresponding to the objectives of the unitary SPC proposals. During the meeting, several delegations expressed concerns regarding the newly envisaged model and noted that it could potentially lead to increased complexity, market fragmentation and legal uncertainty.

The Presidency would like to thank Member States for their valuable feedback, both oral and written, on the previous document (doc. 6196/26). After carefully assessing the feedback received, the Presidency has concluded that the newly envisaged model should not be pursued further. Nevertheless, for the sake of completeness and in order to provide further clarification on the questions raised, we would like to briefly return to this model during our meeting on Wednesday, 18 March. All questions

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raised orally and in writing have been shared with the CLS. The CLS will attend the meeting and provide oral clarifications on some topics, such as the grant procedure, validation, appropriateness of legal basis, effects and challenges.

Member States reiterated the need for a solution that ensures legal certainty, reduces fragmentation and enhances the competitiveness of the Single Market. In response to this, the Cyprus Presidency has continued exploring possible avenues to overcome the current deadlock regarding the legal basis and submits for the consideration of delegations two possible approaches, set out in doc 7319/26**, as solution A and solution B.**

- **Solution A** builds on the model outlined in document WK 3721/2025 tabled during the Polish Presidency and draws inspiration from the concept used in Article 18(2) of the Unitary Patent Regulation. It aims to preserve the underlying philosophy of establishing a unitary SPC on the basis of Article 118 TFEU.
- **Solution B** reflects the openness expressed by some Member States to explore potential solutions based on Article 114 TFEU. It examines to what extent the objectives of the SPC reform could be pursued within that legal framework, notably through the harmonisation of procedures and measures aimed at improving the functioning of the Single Market.

Delegations are invited to examine these two solutions and share their views at the next meetings of the IP Working Party.

The Presidency remains committed to advancing discussions on the SPC reform and looks forward to Member States' views, which will determine the next steps.

We look forward to seeing you on 18 March!

We remain at your disposal for any questions or clarifications you may need.

With kind regards,
The IP Cyprus Presidency team