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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Intellectual Property (Patents)
N° prev. doc.:	WK 5263/2025
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Subject:	Supplementary Protection Certificates (SPCs) – Member States comments

Delegations will find attached the comments from Czech Republic and Romania to the drafting suggestions presented at the Intellectual Property Working Party meeting of 3 June 2025.

PUBLIC

CZECH REPUBLIC (CZ)

As regards the alternative legal basis for unitary SPCs presented by the Council Legal Service at the working group meeting on June 2, the Czech Republic can provisionally agree to this option. We would only draw attention to a probable error in Article X(2), which should refer to '... Member State defined in accordance with Article Y' (not Article X).

ROMANIA (RO)

WG-IP- SPCs - 3.06.2025

RO maintains a general scrutiny reservation and would rather prefer option 3 or option 4, although there are many aspects to be clarified. We don't believe option 5 could be a good solution because there must be a receiving office that can manage, control, approve etc. all actions/operations, e.g. questions related to tax management. So, in the further comments we will refer only to option 4, and not to option 5.

Point V: With respect to the language regime, the documents could be submitted by the applicant in one of the three languages EN, FR, and DE, because the European patent is also in one of these languages, so there will be no need to translate it. However, for the examination procedure might be necessary translations in the language of examiners. The register should be available in all MS languages.

Point VI. With respect to the fees, a similar mechanism already discussed for option 3 could be applied for option 4. However, since EPO is not subject to EU secondary legislation, there is a need for clarification in the aspects of fees from CONS LS, COM LS and EPO.

Point VII. Regarding the role of EPO as a central authority, EPO could retain the same tasks and competencies as discussed for the EUIPO.

Point VIII. Regarding the pending legal questions concerning EPO's accountability to EU institutions and integration in the EU legal order – we ask guidance and clarification on all these matters from CONS LS.
